

**Town of Newtown
Board of Ethics
Special Meeting/Public Hearing
April 18, 2016**

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ETHICS

The Board of Ethics held a special meeting/public hearing on Monday, April 18, 2016 in the lower meeting room at Town Hall South, 3 Main Street, Newtown, CT. Chairman Villa called the meeting to order at 6:45pm.

Present: Jackie Villa, James Stringer, Joyce Murty, Suzanne Copp, Thomas Fuchs, Parker Reardon, Laurie Kilchevsky

Also Present: Attorney Mills, Attorney Sommaruga, Attorney Levesque, BOE Chair Keith Alexander, Kathy Hamilton (7:40pm), 11 members of the public and 1 member of the press.

Public Hearing #CB3-15 – Alleged misconduct of the code of ethics by David Freedman, former Board of Education member. Mrs. Villa explained that under the Board of Ethics confidential investigation they determined that probable cause does exist. Mr. Stringer read the sections in questions (Attachment A).

Motion to Dismiss

Attorney Sommaruga, representing Mr. Freedman, explained the Motion to Dismiss had 3 points. First, those covered by the Code of Ethics states; elected and appointed members and alternates of all boards and commissions. It does not state “including Board of Education” as it does in another section. The Board of Education has its own Code of Ethics and are not covered by the town code of ethics.

Second is discretion. The Board had discretion on this issue. Their belief is at this point in time, there is no practical relief that can be granted since he was not reelected to the Board of Education. The ultimate decision makers were the voters. Attorney Sommaruga presented an article regarding a Board of Ed member from Brookfield who resigned which made the ethics complaint moot. This article was entered as EXHIBIT K.

Third, in this situation, there is one side, but not clear on what the other side is. The Board of Education should not be a party to this. This doesn't stop the complaint but individuals can bring complaints but not the Board of Education.

Attorney Mills –Code of ethics should be construed broadly in favor of maintaining the highest ethical principles for all public officials holding any office in the Town of Newtown. The Board of Education believes that the code of ethics applies to the Board of Education as evidence in EXHIBIT B. The ethics code should be applied and there is no basis for the argument that the code of ethics is beyond the reach of BOE.

Mr. Freedman is no longer in office because he was not re-elected. That would be in the discretion of the Board of Ethics but there is nothing in the law that would compel them to dismiss a complaint based on that ground. If that claim were accepted, the logical conclusion would be that a public official could violate the code of ethics enacted in Newtown and resign from the office as long as the ethics proceedings didn't occur until they were out of office.

Mrs. Villa explained that the Motion to Dismiss will be discussed during executive session and moved on to the actual allegations.

Attorney Mills explained that it is important to note that the Board of Education did not file a complaint in this matter, rather they voted to refer the matters to the Board of Ethics as described in EXHIBIT A. As set forth in EXHIBIT A, it is clear that the Board of Education believes that the January 14, 2014 disclosed by Mr. Freedman had constituted attorney client privilege. Attorney Mills explained that attorney client privilege applies to a municipality and its attorney. Attorney Mills has the actual email from Attorney Dugas and the members of the Board of Education who were functioning as the personnel search committee and has redacted the substance of the communications because they are privileged communications to be submitted. The document was accepted as EXHIBIT L.

With regard to the privileged communication, there is a signature block at the bottom of Attorney Dugas's e-mail that includes a confidentiality notice. It is addressed to the members of the board and Attorney Dugas. It is the full e-mail chain redacted the confidentiality but shows that it was BOE members and their attorney. Finally, the idea that the e-mail constitutes a meeting. The FOI commission in CT enforces, interprets and applies the FOI statute and there has been no determination from them because there was no case filed with them so no one can take the position as to whether a meeting occurred in that email. Whether something constitutes a meeting is a very different question as to whether an attorney client privileged communication has been released properly and if that privilege has been waived.

One of the issues before them is whether there was a breach of confidentiality or use of confidential information for personal or partisan political purposes. Attorney Mills requested to submit to the board a proposed decision issued by the hearing officer on two FOI cases. It is not final and they are subject to approval from the FOI commission which will take place on May 11. They think it is appropriate because the hearing officer made rulings regards to the partisan political nature of activities. Mrs. Villa explained that FOI and the Board of Ethics are two separate rulings and because of that they will not accept the documents.

Attorney Sommaruga articulated that there are issues, is this a privileged communications and is this a confidential communication? They are not disputing that the document was released. Attorney Sommaruga also argued that the signature block with the confidentiality notice, everything that Attorney Sommaruga sends from his computer from his office has that. It is a built in signature. He does not take the position that everything he sends from his office is attorney client privileged.

They take the position that you can have electronic meetings. There is an issue if this was exempt. The search committee is an exception. He explained that it includes reviewing resumes, interviewing and screening candidates, considering and recommending a candidate for the position. What is not included is the issue of negotiating a contract. It is clear as of January 14, the BOE has made a recommendation, and they are negotiating a contract and not engaged in a search. Attorney Sommaruga presented an article that headlines Erardi will be missed if he leaves, which was entered in as EXHIBIT M. This shows by January 9th, this is not a secret. By January 14, the recommendation has already been made. This email in question is just conveying information concerning a contract that is about to be finalized and it is a contract that is a public record.

Mr. Stringer moved to go into executive session at 8:08pm, Mr. Reardon seconded. motion unanimously approved. Executive session ended at 8:50pm

Mrs. Villa apologized for not introducing Attorney Levesque representing the Board of Ethics. And read through the exhibit list:

- A – Letter of complaint dated November 20
- B - Timeline of electronic communications obtained during confidential investigation.
- C – E-mail and Facebook posts obtained during confidential investigation
- D – e-mail communication including full text obtained during confidential investigation
- E – written testimony provided by complainant during confidential investigation
- F – gmail electronic communications provided by respondent during confidential investigation
- G – gmail electronic communication provided by respondent during confidential investigation
- H – BOE meeting minutes dated 11/17/15
- I – BOE meeting minutes dated 11/11/15
- J – BOE meeting minutes dated 11/4/15
- K – Article from Attorney Sommaruga regarding Motion to dismiss
- L – Redacted communications from Attorney Mills.
- M – Newspaper article presented by Attorney Sommaruga

Votes were taken by ballot for the case against David Freedman CB3-15. All votes were taken but only the motion to dismiss was read at this time. The rest of the votes were counted at the end of the meeting.

Votes were as follows:

#CB3-15

Motion to Dismiss – Unanimously Denied

27-2A –Violation - 4 yes, 2 no

27-2B – Violation - 4 yes, 2 no

27-2D – No Violation – 1 yes, 5 no

27-6A – Violation - 6 yes

27-6B – Violation - 4 yes, 2 no

27-10A –No Violation, 2 yes, 4 no

Ms. Murty moved to adjourn the public hearing for #CB3-15 at 8:58pm. Mr. Reardon seconded, motion unanimously approved.

Mrs. Villa called the second hearing, CA3-15 the alleged misconduct of the code of ethics by Kathy Hamilton, Board of Education member (Attachment B). She explained that during a confidential investigation done by the Board of Ethics it was found that probable cause does exist to warrant this hearing.

Motion to Dismiss – Mrs. Villa articulated that they can incorporate by reference since they are almost identical to the previous hearing.

Attorney Sommaruga explained that if you look at the language of the provision. You can see where this is a difference between a BOE employee and a non paid board member. The fact that the BOE has an ethics code doesn't necessarily mean that the town ethics code applies.

Attorney Mills articulated that he incorporates the same as in the previous case and ask that they deny it once again.

Attorney Mills articulated that it is important to note that the BOE did not file the complaint but referred the matter, as indicated in EXHIBIT A, to the Board of Ethics so they can review and determine whether a violation of the code of ethics occurred.

Attorney Sommeruga articulated that as far as the matter involving Ms. Hamilton, he keeps hearing references that this is not a complaint. EXHIBIT B was drafted by the BOE chair which is a timeline which has a letter stating it is a complaint.

In EXHIBIT C, we are not dealing with anything that is privileged; this is clearly a public record. It is communication between board members as to what the rate of pay should be for non-union employees. The communications were during the day on June 24 and a vote took place in the evening of that same day. Attorney Sommeruga entered the minutes from the June 24, 2015 Board of Education meeting as EXHIBIT K.

Attorney Sommeruga pointed out EXHIBIT J, the November 4th BOE meeting, Mr. Alexander took credit for sending the text and apologized for sending. There was a communication of more than a quorum, this was an illegal meeting. No one ever filed a complaint so the FOI won't be filing a ruling on it. It is a public record. Ms. Hamilton doesn't dispute that she shared the message. However, how could there be a violation of 27.6 if the information is not confidential.

There is an exception under FOI for collective bargaining. This is not the case; there is no exception for non-unionized negotiations. There is no indication that a leak took place between 4pm and 8pm of June 24th. For this to be relevant it would have to have been leaked before the BOE took action.

Attorney Mills articulated that it is correct; there is nothing in the record that establishes when it was actually released. The BOE has attempted to find out when it occurred but none of that has been forthcoming. If this text message was leaked after the BOE meeting then it would no longer be confidential.

Ms. Copp moved to go into executive session at 9:41pm.. Mr. Reardon seconded, motion unanimously approved. Executive session ended at 10:21PM

Motion to Dismiss – Unanimously Denied.

27-2A – Violation – 4 yes, 2 no

27-2B – Violation - 5 yes, 1 no

27-2D – No Violation - 6 no

27-6A – No Violation - 3 yes, 3 no

27-6B – No Violation - 3 yes, 3 no

27-10A – No Violation – 2 yes, 4 no

Mr. Stringer moved to adjourn the meeting at 10:34PM. Ms. Murty seconded, motion unanimously approved.

EXHIBITS A-J are the same for both hearing. EXHIBITS K-M are identified by case number.

Public Hearing 4-18-16--CB3-15 Alleged Violations against David Freedman

§ 27-2 Standards of service.

Officials and employees have a special responsibility, by virtue of the trust invested in them by the Town's residents, to discharge their duties conscientiously, impartially, and to the best of their ability, placing the good of the Town above any personal or partisan considerations

- A. Officials and employees have an obligation to act morally and honestly in discharging all assigned responsibilities.
- B. Officials and employees will conduct themselves with propriety, discharge their duties impartially and fairly, and make continuing efforts toward attaining and maintaining high standards of performance.
- D. No official or employee shall use, or attempt to use, either directly or indirectly, his or her Town position to secure any preferential right, benefit, advantage or privilege for himself or herself or for others, including without limitation in relation to his or her occupation or source of income.

§ 27-6 Disclosure of confidential information.

Because of their position in Town administration, officials and employees have access to information that may not be in the public domain. A delicate balance exists between the public's right to know about Town affairs and the actions of elected and appointed officials and officers on the one hand, and the rights of the individual to privacy with respect to matters that are not in the public domain on the other hand. Additionally, during the course of certain preliminary procedures, such as Town negotiations with bargaining groups, the premature disclosure of specific positions would be detrimental to the public interest. Such information as is cited above is confidential. Confidential information is any information not in the public record and which is obtained only by reason of an official's or employee's position. Therefore, the interests of the public, the Town, and the individual must all be preserved and maintained in proper harmony with one another.

- A. No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information or divulge personal matters pertaining to others that do not bear upon the official's or employee's discharge of official duties.
- B. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of confidential information to advance his or her financial or personal interest or to advance or to damage the financial or personal interest of any other person.

§ 27-10 Political activities.

All officials and employees are free to engage in political activity to the widest extent consistent with the proper discharge of their official Town duties and fair and equal treatment of all Town people. The achievement of this objective does, however, require certain limitations.

- A. Officials and employees shall not allow partisan political activities to interfere with the proper discharge of their official duties.

Public Hearing 4-18-16--CA3-15 Alleged Violations against Kathryn Hamilton

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EXHIBIT K - CA3-15 (Hamilton)

Please Note: These minutes are pending Board approval.
Board of Education
Newtown, Connecticut

Minutes of the Board of Education meeting on June 24, 2015 in the Newtown High School Auditorium, 12 Berkshire Road, Sandy Hook, CT.

K. Alexander, Chair	J. Erardi
L. Roche, Vice Chair	L. Gejda
K. Hamilton, Secretary	R. Bienkowski
D. Leidlein	40 Staff
J. Vouros	500 Public
D. Freedman (absent)	3 Press
M. Ku	

Mr. Alexander called the meeting to order at 6:47 p.m.

MOTION: Mrs. Leidlein moved that the Board of Education go into executive session regarding non-union wages for 2015-2016, central office contractual employees and the superintendent's evaluation and invited Dr. Erardi. Mr. Vouros seconded. Motion passes unanimously.

Item 1 – Executive Session

Executive session ended at 7:27 p.m.

Public session began at 7:45 p.m.

Item 3 – Pledge of Allegiance

Item 2 – Possible Vote on Items in Executive Session

MOTION: Mrs. Leidlein moved that the Board of Education approve a 2% increase for non-union employees for the 2015-2016 school year. Mrs. Roche seconded. Motion passes unanimously.

MOTION: Mrs. Leidlein moved that the Board of Education approve the hourly wage increase for Suzanne D'Eramo from \$31.39 per hour to \$34.13 per hour for the 2015-2016 school year. Mr. Vouros seconded. Motion passes unanimously.

MOTION: Mrs. Leidlein moved that the Board of Education approve the Long Term Disability Insurance for Suzanne D'Eramo and Kathy June for the 2015-2016 school year. Mrs. Roche seconded. Motion passes unanimously.

MOTION: Mrs. Leidlein moved that the Board of Education approve a 2% increase and one year contract extension for the Director of Business, Ron Bienkowski, for the 2015-2016 school year. Mrs. Ku seconded. Vote: 5 ayes, 1 nay (Ms. Hamilton) Motion passes.

MOTION: Mrs. Leidlein moved that the Board of Education approve a 3% increase, a one year contract extension for the Superintendent, a vacation payout for 10 days and a performance bonus of \$3,000. Mrs. Roche seconded.

Ms. Hamilton was not in favor because she felt the increase was not something she could support but does appreciate and support Dr. Erardi for the work he is doing in the district. Mrs. Roche feels we are lucky to have Dr. Erardi here and the list since he began has grown tremendously. She is thankful for his service and supports the increase.

Vote: 5 ayes, 1 nay (Ms. Hamilton) Motion passes.

Item 4 – Consent Agenda

MOTION: Mrs. Leidlein moved that the Board of Education approve the consent agenda which includes the minutes of June 2, 2015, the donation of a 1999 Ford Explorer to Newtown High School, the donation of \$100 to the high school yearbook and \$40 to the high school library from Taunton Press, the resignations of Ted Varga, Kimberly Woodard, Vivian Sheen, Elaine Sullivan, Kathleen Erickson and Meghan Trubiano, the child rearing leave of absence for Stephanie Glynn, and the correspondence report. Mr. Vouros seconded. Motion passes unanimously.

Mr. Alexander said that Mr. Freedman was unable to attend but he read his statement which supports the Board continuing discussions and reviewing information to guide us to make an informed decision regarding each child's education in Newtown.

Mrs. Ku thanked everyone for attending and sending emails. The anxiety over this issue has not been good for our community and she wants to put it to rest now. She does not believe we should be closing a school as the benefits don't outweigh the costs. As a group we have not had a full discussion. We need to prepare a report to explain the costs and benefits.

Mr. Vouros does not agree with closing a school. Parents should transfer their passion into their referendum vote. There is nothing more important than a child's education.

Mrs. Leidlein agreed. The recommendation by the committee to close an elementary school shows no enhanced education. It would be a difficult transition for fourth graders to move to the Reed School. Elementary students need consistency. Regarding cost savings, we would save over several years but that money would be used for the cost of redistricting. The stress of closing an elementary school the same time Sandy Hook School will be opening is more than the community can bear. She suggests that the administrators analyze the enrollment and space needs study and include conversations with the community before being brought to the Board. She is in favor of the process continuing after Sandy Hook School opens.

Ms. Hamilton thanked the parents for coming and the facility committee for the report. She continues to believe that we have presented the best option for students. We have been talking about consolidation since before 2010 and this has come down to an emotional question. It's difficult for parents to imagine their child in another place. Change is hard. She and Mrs. Ku were on the committee. It is unfortunate that this discussion moved from a difficult conversation to an untenable one which was facilitated and fueled by an elected official from another board. The Board of Education didn't even leave the gate and was not allowed to even hear the facts behind the decision. There is so much misinformation in the public right now, it is impossible to move forward and she is in favor of delaying a year and involving public and community conversations. She is willing to re-look at the data and spend more time and be more specific about consolidation.

Mrs. Roche feels we need to listen to the community. She has many questions and cannot move this forward at this time. We need to continue the conversation and understand the data and how it will affect teaching and learning.

Mr. Alexander said we will be down 1,000 students from a few years ago. We instructed Dr. Erardi to form a committee to determine the best way to address declining enrollment. They came up with a recommendation for Hawley School based on the original request. We were

going to study that information over the summer but need to make a decision sooner than expected. The committee gave them what they asked for. We need to spend time looking at the data and see where that research will take us.

Item 5 – Public Participation

Kirsten Bonacci, 12 Meridian Ridge, is the Hawley PTA President and leader of the SOS campaign. She is concerned about the impact of closing a school on the community. They will remain SOS to look for solutions and find cost savings for the Newtown schools.

Aaron Carleson, 2 Old Farm Hill Road, asked if closing Hawley was taken off the table to which Mr. Alexander said the Board was not ready to vote.

Laura Brennan, 7 Fallen Leaf Lane, asked the Board to look for saving opportunities. What is the impact on student learning? There is no educational benefit of closing a school. There is a lack of supportive data to close Hawley School.

Aaron Carlson, 2 Old Farm Hill Road, said the report indicated this was a savings of \$1M per year. Last year the town officials said we needed seven schools. Redistricting would increase the time for bus rides. He urged the Board to stand firm by not closing a school. SOS is ready to support solutions and has over 1200 signatures on their petition. Thousands of voters are now happily engaged and ready to help. They will be on a volunteer committee to help support the Board of Education.

Casey Ragan, 12 Meadow Road, is part of the SOS committee. We should redirect closing a school to how to support new solutions and get budgets passed. She suggested using education foundations and grants.

John from Taunton Lake Drive, spoke about this closing lowering property values. A savings of \$1.5 M will put \$50 back into the tax payers' pocket. There will be a tax increase for the non-Hawley residents. Closing a school is the last resort for money saving efforts. He urged the Board of Finance, Board of Selectman and Board of Education to find ways to save.

Jean Klein, Budd Drive, thanked the Board for the excellent education students receive. She is a former reading teacher in Newtown. Changing the school settings will detract from the programs we have. Her granddaughter is in third grade at Hawley. She urged the Board to keep all K-4 elementary schools over the next few years to allow time for thoughtful discussions. We have the opportunity to have smaller classrooms. There is no need to rush to fill Sandy Hook School. Do what is best for the students and keep Hawley School.

Lisa Dietter, 7 Orchard Hill Road, thanked the Board for their hard work, integrity and research. She has done research on enrollment and this happens all over the country. Make an educated decision based on fact, not emotions.

Aaron Cox, Pond Brook Road, feels closing a school puts children's mental well being, academic success and social growth at risk. He cited research studies regarding the importance of the positive effect elementary schools have on students through high school.

Jennifer Kaufman, 42 Grand Place, addressed the historical significance of Hawley School. If it ceases to operate as a school the Board would have to forfeit \$332,474. The Board should not

re-gift something from its history. The State of Connecticut is considering Hawley as a state landmark for its historical significance.

Michael Brennan, 7 Fallen Leaf Lane, appealed that closing a school is not in the best interest for Newtown. It's a small savings. Closing the middle school is twice the savings and requires no redistricting.

Herb Rosenthal, 70 Main Street, commended the passion of the grass roots activity. He urged the Board of Education to not make a decision at this time to close any school before Sandy Hook School opens. Newtown's credibility will be damaged if we close a school before Sandy Hook opens. He trusts the superintendent and the Board to make the right decision at the right time. Now is not that time.

Charles Rio, 18 Brandywine Lane, is concerned about home values being reduced and the building just sitting and becoming an eyesore. We are not really saving. If we proceed cautiously to save a few dollars today we may have to spend more in the future to get back to where we are today.

Chris Spiro, 32 Main Street, asked that the myth and fact sheets be clarified. We are putting in a lot of projections. We were told that replacing owner/operators would save a lot of money. He would like to see a motion to table the Hawley discussion for two years.

Jennifer Padilla, 32 Glen Road, read part of the mission statement regarding inspiring students to excel and grow. We should give Sandy Hook School time in their new location first. We don't know how many students and staff will be affected when they move. She asked to reconsider closing any school next year.

Michael White, 6 Sweerbriar Lane, is a Hawley teacher. This school was a gift of generosity. Hawley is our family. Closing is not a good decision. We should keep the K-4 model.

Andrew Paley, 11 Rose Lane, said this is a Newtown issue. For Newtown to keep healing and moving forward closing an elementary school is ripping the community again. The fluctuation in enrollment is due to changes in the economy.

Lynn Biscoe, Hawleyville Road, has been a paraeducator at Hawley for 11 years. She read a letter from a school psychologist regarding mental health.

Bonnie Voegli, 2 Hitfield Road, asked the Board to close a school that does not include redistricting. She spoke about the importance of the elementary school families.

Judy Destafano, 12 Horseshoe Ridge Road, said transition is difficult for all students. Moving them to the intermediate school for fourth grade is detrimental emotionally and academically.

Nancy Hintze, 3 Old Farm Hill Road, said we must pay attention to the variables before making a decision. Will this guide the district to where we want it to go? She asked if there was evidence that declining enrollment affected test scores.

Christopher Fallon, 6 Hall Lane, was on the PTA for 11 years. Don't close any school. A smaller teacher/student ratio is better.

Susan Chung, 2 Crows Nest Lane, was concerned about the 2014 school climate survey which showed student social and emotional security was the lowest and safety was the second lowest concern. She urged the Board to consider the implications for the current students.

Karen Pierce, 10 Chestnut Hill Road, referred to the many grade configurations and spoke about mentoring kindergarten students with grade four students in the each school.

Laura Haggerty, 1 Smoke Rise Ridge, asked why we were building a new school with declining enrollment. Enrollment dropped off when the Sandy Hook tragedy happened. Enrollment will probably increase. She suggested renaming Sandy Hook School if Hawley closed.

Karyn Holden, 68 Berkshire Road, spoke about the budget process and was concerned about closing and not closing a school and how it will impact the budget. How will we balance declining enrollment and increased costs? What is the town's plan to attract businesses and residents? She asked all boards and residents to make a plan for what is best.

Ava Bermudez Zimmerman, 22 Bankside Trail, feels the right decision will be made looking at the 10 year projections. She is a Legislative Council member and will oppose closing a school in Newtown.

Bill Beasley, 22 Schoolhouse Hill Road, moved here from Florida. He praised Newtown schools by saying the education is like what is received in a private school in Florida.

Kinga Walsh, 21 Horseshoe Ridge Road, agreed with Karyn Holden and asked for public discussions on this issue. It is misleading that taxes will go down if we close a school. Regarding the students discipline code of conduct she asked the Board to include students in afterschool activities for afterschool behavior.

Piper Adolfson (student), 11 Parmalee Hill Road, asked why we are closing a school when making a new one.

Sydney Adolfson (student), 11 Parmalee Hill Road, said she has been at Hawley five years and doesn't want it to go

Nancy White, 14 Butternut Ridge, said not to rush the decision. She lives a distance from the other schools. Longer bus routes can cause a decline in afterschool activities. Due diligence has not been done yet.

Jodie Adolfson, 11 Parmalee Hill Road, said we are not emotionally ready to make this decision. All elementary students have been adequately supported. Focus on mental health first. We needed \$50M for the school to ensure we had seven schools.

Sheri Lerow, 15 Sanford Road, asked how Head O'Meadow and Middle Gate Schools would accommodate extra students. She is concerned about sacrificing rooms for special areas by transferring Hawley students to these schools. Why recommending closing Hawley if it can't be reopened. She urged the Board not to close any school.

Renee Wilson, 82 Hanover Road, said every school will be impacted if we close a school. She said there is revenue in the budget and asked where it went. She called surrounding districts.

Newtown is 118 out of 200 in per pupil expenditures but we are 22 in the amount of money we collect. She spoke about special ed costs and we should look at every line item without increasing taxes. Education has to come first.

Item 6 – Reports

Financial Report:

MOTION: Mrs. Leidlein moved that the Board of Education approve the financial report for the month ending May 31, 2015. Mrs. Roche seconded.

Mr. Bienkowski presented the report. Ms. Hamilton asked about the diesel fuel issue.

Mr. Bienkowski spoke with Fred Hurley and was told the town did not satisfy its contractual obligation. As we are becoming more efficient in the use of fuel our expected quantity has gone down. The town did not reduce the quantity we went down to and they didn't consume as much either. The town is allowing the fuel to be sold back to the company.

Ms. Hamilton asked how that affects us the coming year.

Mr. Bienkowski said the quantities have been reduced for the coming year.

Motion passes unanimously.

Item 7 – Old Business

Enrollment/Facility Study Report:

Dr Erardi thanked the committee and Mr. Moretti for handling this beautifully and the Hawley parents who went out of their way to be respectful. Regarding the study, Dr. Melissa Brymer has been our advisor over these two plus years. She commissioned the study which included focus groups with Hawley staff and parents. She brought recommendations for ongoing safety concerns but most of all the importance that this needs to be a community conversation.

Ms. Hamilton said that in some parts she was struck by suggestions on how to bring two school communities together. We should speak to that in more detail moving forward.

Mrs. Leidlein suggested that the Board resolve that the school administration with the information collected by the facility study committee continue their committee discussions and bring to the Board recommendations with regard to the best way to configure the schools.

Mrs. Roche wanted to consider that we need to make the meetings more public and have minutes.

Ms. Hamilton feels the facility study committee should include members of the community and officials from other boards. There should be substantial plans on reconfiguration and the benefits such as how we will mesh with the PTAs, etc. to reduce the amount of stress in changing schools. Regarding the time frame, we should have some type of decision by the end of September next year to be able to plan. We don't need to have to wait and see what happens with staff and students at Sandy Hook School. We should do the work in this current school year.

Ms. Ku said it would be good to hear what came out of the facility study committee meetings and decide the next step.

Mr. Vouros feels we should discuss the middle school concept and what that looks like. We would have to wait two to three years if that were to occur. If we pursue that avenue it may take that length of time. He doesn't want to just focus on an elementary school.

Mrs. Ku wants to see an equal amount of resources into our decision looking at our space in the high school also for various programs.

Mr. Alexander asked if we want a definite answer by a certain date.

Mrs. Leidlein said when we are ready we should make the suggestion. It will take time to get the information we need and we should have regular reports from the group working on this.

Dr. Erardi said the conversation moving forward is not for 2016-2017. We will engage the community with another year of projected enrollment.

Ms. Hamilton feels we are close to coming up with a future plan. Reporting regularly back to the Board would be helpful and include the community. Timing is the issue.

Mr. Vouros said we may decide that all schools should stay open or if we are working on a way to redistrict children. He doesn't want any confusion.

MOTION: Mrs. Roche resolved that the Board of Education will not make a change to facilities for the 2016-2017 school year. Meanwhile the Board will continue an ongoing conversation with regard to the use of facilities including community discussion and input on town resources.

Mr. Vouros seconded. Motion passes unanimously.

Mrs. Leidlein wants to hear from the town as to what would happen to the space and the long term effects.

Mr. Vouros wants Hawley parents to know that the Board of Education knows what they need to do and the decision will solidify that. We have to go through this process and they will be involved. It's important that we are fiscally responsible. We all need to vote when the budget is presented. That will send a different message to everyone.

Mrs. Ku said we need to have the information at budget time.

Student Discipline:

MOTION: Ms. Hamilton moved that the Board of Education approve the NHS Student Athlete Substance Abuse Code of Conduct. Mrs. Roche seconded.

Ms. Hamilton said the intent of this is due to changes made to the expulsion policy. This should apply to any school activity.

Dr. Erardi said there would be some wording changes brought back to the Board but would go to print with the indication that it was pending Board approval July 30.

Ms. Hamilton moved to table the motion. Mrs. Roche seconded. Motion passes unanimously.

Suspension and Expulsion/Due Process Policy 5114:

MOTION: Ms. Hamilton moved that the Board of Education approve Suspension and Expulsion/Due Process Policy 5114. Mrs. Roche seconded.

Mrs. Ku asked what would happen if you had a law-biding student caught in a situation and whether we should have a scaled version.

Dr. Erardi said it makes no difference if an illegal substance is involved.

Motion passes unanimously.

Technology Grant:

MOTION: Mrs. Roche moved that the Board of Education approve the resubmission of RFP813 District Technology Upgrades to Support Transition to the New Standards Grant. Ms. Hamilton seconded. Motion passes unanimously.

Item 8 – New Business

MOTION: Mrs. Leidlein moved that the Board of Education approve the minutes of June 10, 2015. Mr. Vouros seconded. Vote: 5 ayes, 1 abstained (Mrs. Roche)

Item 9 – Public Participation

Aaron Cox thanked the Board for their decision and spoke about closing the middle school instead.

Dr. Erardi thanked Dr. Gejda for her support and guidance since he began and wished her the best.

MOTION: Mrs. Leidlein moved to adjourn. Ms. Hamilton seconded. Motion passes unanimously.

Item 10 – Adjournment

The meeting adjourned at 11:07 p.m.

Respectfully submitted:

Kathryn Hamilton
Secretary