

**New Milford Board of Education
Special Meeting Minutes
April 4, 2019
Lillis Administration Building – Board Room**

Present:	Mr. David A. Lawson, Chairman Mr. Joseph Failla Mrs. Wendy Faulenbach Mrs. Tammy McInerney Mrs. Eileen P. Monaghan Mr. J.T. Schemm
Absent:	Mrs. Angela C. Chastain Mr. Bill Dahl Mr. Brian McCauley

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NEW MILFORD, CT

Also Present:	Dr. Stephen Tracy, Interim Superintendent of Schools Mr. Anthony Giovannone, Director of Operations and Fiscal Services Mr. Kevin Munrett, Facilities Director
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1.	Call to Order	Call to Order
A.	Pledge of Allegiance The special meeting of the New Milford Board of Education was called to order at 7:00 p.m. by Mr. Lawson. The Pledge of Allegiance immediately followed the call to order.	A. Pledge of Allegiance
2.	Public Comment • There was none.	Public Comment
3.	Discussion and Possible Action	Discussion and Possible Action
A.	Rescission of Board action from March 19, 2019 meeting regarding Lillis Oil Tank Mrs. Faulenbach moved to rescind the motions and Board actions taken at the March 19, 2019 meeting regarding the Lillis Oil Tank, seconded by Mr. Failla. • Mr. Lawson said the actions are being rescinded because additional funds are needed over what was requested.	A. Rescission of Board action from March 19, 2019 meeting regarding Lillis Oil Tank Motion made and passed unanimously to rescind the motions and Board actions taken at the March 19, 2019 meeting regarding the Lillis Oil Tank.

	The motion passed unanimously. B. Lillis Oil Tank funding Mr. Lawson moved to request that the Town Council and Board of Finance approve \$135,280.39 from the capital reserve account to meet additional costs relating to the Lillis oil tank project, seconded by Mrs. Monaghan. • Mr. Lawson said he, Mrs. Faulenbach, Dr. Tracy, Mr. Munrett, the ETT Environmental contractor, and a neutral contractor met with the Mayor, two Town Council members, Board of Finance Chair and Town Finance Director yesterday to review the change orders and final cost figures. He said it was determined that everything is in line. He said prevailing wage costs came in lower than expected because it is for workers only and the owner/operator did some of the work himself. A spreadsheet summarizes the charges. • Mrs. Faulenbach said the Town had expressed a desire some time ago to check whether or not prevailing wage was necessary for this project. She asked if the Town ever got an answer. Dr. Tracy said not to his knowledge. • Mr. Lawson said both contractors agreed that even if the Board had paid for expensive engineering and radar up front, at an estimated cost of between \$20,000-\$50,000, the issues encountered with the clay pipe and ledge would not have been detected. Both contractors said these types of issues are not uncommon in New England. • Dr. Tracy said even if the problems had somehow been known ahead of time, the result would have been higher initial bids to cover the anticipated expenses. He said, contrary to some public comments, the project has been well handled and at a reasonable cost given the issues. • Mr. Schemm asked if there will be a public record of yesterday's meeting with the Mayor and others and Mr. Lawson said no.	B. Lillis Oil Tank funding Motion made and passed unanimously to request that the Town Council and Board of Finance approve \$135,280.39 from the capital reserve account to meet additional costs relating to the Lillis oil tank project.
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- Mr. Schemm said he thinks it is highly disingenuous to have this type of meeting out of public light. Mr. Lawson said his concern was with putting contractors out in the public eye where perhaps someone might make slanderous comments.
- Mrs. Faulenbach said there were time constraints as well. Based on the previous “no” answer at Town Council, they thought it was important to do whatever they could to keep the project moving along.
- Mrs. McInerney said she is concerned that not all Town Council members who had complaints were present.
- Mr. Lawson reviewed the spreadsheet. He said some estimates are on the high side to make sure sufficient funds are requested.
- Mrs. Faulenbach said the spreadsheet was put together with the data at hand. She said they heard clearly at yesterday’s meeting not to come back for more funds. She asked if administration is comfortable that the project will not exceed this amount.
- Dr. Tracy said the contractor understands and agrees that this is the last chance to price out costs and that he cannot exceed the total.
- Mrs. McInerney asked if this is on top of the \$105,000 from the Town. Mr. Munrett said that is correct.
- Mr. Failla said that the total cost then is roughly \$240,000 and Dr. Tracy agreed.
- Mr. Failla said his opinion is that the replacement tank should have been kept above ground; it would be safer and easier down the road. Mr. Munrett said that would have required additional lead time and added cost.
- Mr. Schemm said he was aware that this all started because the state was requiring replacement due to age of existing tank. He asked for a reminder of what the fine would have been. Mr. Munrett said it was a possible \$10,000 per day if the state so chose.
- Mr. Failla said he doesn’t believe the state would have done that. He thinks they could have worked with them.

- Mr. Schemm said he wished the Board offices weren't still at East Street so we wouldn't have these costs.
- Mrs. Faulenbach said we also don't know what costs would have been involved in a move.
- Dr. Tracy reiterated that the increased costs were not a matter of mismanagement, but ill fortune. He said the Board chose to deal with the issues, and not just cover over them for the next person to deal with. He said ultimately the successful completion of the project will enhance a community asset for the Town, protect the environment and comply with law. He said that at this point there is urgency to complete the project, because right now the tank is unstable and subject to the elements. If it shifts, or cracks, and leaks, there will be a much bigger issue.

The motion passed unanimously.

C. School Security Competitive Grant Reimbursement

Mrs. Faulenbach moved to request that the Town Council and Board of Finance deposit the School Security Competitive Grant reimbursement funds, as received by the Town of New Milford on March 28, 2019 in the amount of \$210,477.26, into the capital reserve account, seconded by Mrs. McInerney.

- Mr. Lawson said he was proud of the proactive stance of the district regarding security measures. He said New Milford was ahead of many districts in taking action. Enhancements were funded out of capital reserve and the operating budget over several years. Later on, the state provided a grant. The Finance department had to retroactively apply for reimbursement. He commended Mr. Giovannone and his predecessor for their diligence in tracking eligible expenses. He said the reimbursement total came in much higher than anticipated, as a result of their efforts. He said the reimbursement went to the Town, so

C. School Security Competitive Grant Reimbursement

Motion made and passed unanimously to request that the Town Council and Board of Finance deposit the School Security Competitive Grant reimbursement funds, as received by the Town of New Milford on March 28, 2019 in the amount of \$210,477.26, into the capital reserve account.

now a request must be made to move it to the Board's capital reserve.

- Mrs. Faulenbach said it should go to capital reserve, since it was all Board of Education funds to begin with.
- Mr. Failla said it has been quite a while since the last full evaluation of security was done and he asked if there has been any thought given to a re-evaluation in conjunction with the new Chief of Police.
- Mr. Lawson said he had invited Board members to join him a few months ago to give the Chief a cursory tour of a couple of the schools, and discussion about further collaboration is in the works for once the Chief is settled into his new position.
- Mrs. Faulenbach asked how the grant formula was calculated. Mr. Giovannone said the reimbursement was 45% of eligible expenses.
- Mrs. Faulenbach said that the overall investment in security was actually much higher then.
- Mr. Giovannone said a total of \$588,578 was spent from the operating budget over a period of several years. He said Mr. Munrett and his staff were very helpful with the checklist for reimbursement. He said he spoke to the auditors in December, and again this week, and shared with them his memo to the Board regarding the reimbursement. They agreed that the Board should be afforded the normal process of requesting that this money go to capital reserve.
- Mrs. Faulenbach said this should be no surprise to the Town. The Board discussed their intention to make this request at both the sub-committee and full Board level more than once.
- Mr. Failla said at the time that security updates were being done, the Town added school resources officers, so someone may mention that as a funding source.
- Mr. Lawson said the Board had paid for SROs prior to that time.
- Mrs. Faulenbach said the Town increased their numbers and moved funding to the Town side.

	• Mr. Giovannone said the grant reimbursement is specific to equipment and monitoring services as well as training for the like, and personnel is not an eligible expense. The motion passed unanimously.	
D. Roofs	• Mr. Lawson said this topic is more for discussion since it will be on the Town agenda. The topic has been ongoing for months. As it has been explained to him, the Town will be bonding a total of \$19 million, with \$4,875,000 dedicated to Board of Education roofs. He is told SNIS roof replacement will be given top priority, at an estimate of \$3,570,000, leaving approximately \$1,305,000 to be allotted towards fixing the high school roof. As such, it appears the Town is choosing the option of re-shingling the high school roof versus a metal roof and/or solar options. This is not in the Board's control. • Mrs. Faulenbach said the Board had given the Town all they asked for regarding the high school options. • Mr. Munrett said he has been told that removing shingles and placing a new layer is more likely to cost \$1,600,000 or more. He said the Garland Company which has been involved in previous roof work would not even bid on this option, because they do not support the choice being made. • Mr. Lawson asked what the district has been averaging annually in shingle replacement. Mr. Munrett said between \$10-\$20,000 in a normal year. He said this had come up in conversation and the district was criticized for wasting money, however the Town is looking to stick with shingles. • Mrs. McInerney asked if the Town has agreed to pick up that cost in the future. Mr. Munrett said they have not. • Mrs. Faulenbach said they have been advised that this is all the money the Town has.	D. Roofs

- Mrs. Monaghan said she was glad that the Town was not choosing the shingle over shingle option which would add weight, but she is concerned they are not doing anything about the venting issue. Mr. Munrett said adding venting would bring the project closer to \$3,000,000.
- Mr. Lawson said he personally believes a metal roof would be a better, longer lasting option.
- Mr. Failla said he is frustrated with the amount the Town has chosen to bond, as it effectively limits what can be done about the high school roof. He said the auditors have actually recommended that the Town bond more than it does. He said a shingle roof is not appropriate for the location. When shingles come off in the wind, as they will, leaking and rotting will continue.
- Mr. Lawson mentioned the option of presenting a non-binding resolution to the Town expressing the Board's preference for a metal roof and the reasons behind it.
- Mrs. Faulenbach said timing is an issue since the bonding request is being made next week.
- Mrs. Monaghan said that a high school facilities committee is due to be formed next week and she expects to be on it.
- Mr. Failla said he feels the Board is between a rock and a hard place. The Board is ultimately responsible to oversee the assets but are hamstrung in what is being done.
- Dr. Tracy said there are three projects still in the pipeline: the SNIS oil tank, the SNIS roof and the NMHS roof. Based on past experience, he said it will be important to have all people at the table at the beginning for discussion.
- Mr. Lawson said the Town's roof process has not been transparent in spite of months of public discussion on the Board's side at both sub-committee and full Board meetings.
- Mr. Schemm said he worked at the high school beginning in 2001 and there were leaks then. May 2018 brought a major issue and the SNIS roof was a priority even before that. The Board provided information to the Town to get into the December bonding cycle. As of this month,

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	there is still not even a plan in front of the Board to mediate. He said he finds it totally frustrating, especially since the Board will ultimately be held accountable. • Mrs. Faulenbach wanted to note for clarity that the roof projects going forward will be done by the Town without Board input. She said it is her opinion that both roofs should be replaced. • Mr. Lawson said many valid points have been raised but the projects are no longer under the Board's purview. They do not have the funds.	
4.	Adjourn Mrs. Faulenbach moved to adjourn the meeting at 8:03 p.m., seconded by Mr. Schemm and passed unanimously.	Adjourn Motion made and passed unanimously to adjourn the meeting at 8:03 p.m.

Respectfully submitted:



Eileen P. Monaghan
Assistant Secretary
New Milford Board of Education