

Minutes: Special Town Meeting April 3, 2008

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TOWN OF WASHINGTON, CT Special Town Meeting

Bryan Memorial Town Hall

April 3, 2008

Moderator: Hank Martin

Clerk: Sheila Silvernail

The meeting was called to order by First Selectman Mark E. Lyon at 7:36 p.m. welcoming everyone and requesting nominations for moderator. Hank Martin was duly nominated, seconded, and elected. Clerk of the meeting read the warning.

SYNOPSIS AND MEETING MINUTES

RESOLVED ITEM #1: Shall the Town of Washington present as its preference to the Region 12 Board of Education option 1) renovate the existing Washington Primary School; or option 2) construction of a new Washington Primary School; to be included in the Regions' Three Elementary School Plan.

Primary Motion: Per resolution of Item #1 on agenda.

Proposed by: Mark E. Lyon

Seconded by: Audience response

Moderator: Opened the motion to public discussion.

Discussion: Summarized by Mark Lyon.

Various comments and questions regarding details, feasibility, legality, effect on consolidated issue, true costs, and general vagueness of resolution as presented.

Secondary motion proposed.

Secondary Motion: To postpone indefinitely the primary resolution.

Proposed by: Allen Grunberg

Seconded by: Wayne Hileman

Moderator: Moderator noted motion was debatable requiring 51%+ majority.

Discussion: Comments and clarification on correct process.

Tertiary motion proposed.

Tertiary Motion: To end debate of secondary motion.

Proposed by: Jim Kelly

Seconded by: Mary Weber

Moderator: Moderator noted motion was not debatable requiring 2/3 majority.

Vote: Verbal vote unclear. Moderator requested a show of hands.

More than 73% of votes in favor (60+ of 82 votes cast).

Motion carries. Debate on secondary motion ended.

Secondary Motion: Continued.

Vote: Overwhelming majority in favor by verbal response.

Motion carries.

Primary Motion: Continued.

No Vote: Closed by secondary motion to postpone indefinitely.

RESOLVED ITEM #2: Move that the Board of Selectmen be authorized to inform the Region 12 Board of Education that the Town of Washington will oppose any new referendum on Primary School facilities until any and all appeals of the Superior Court decision regarding the legality of the Consolidated

School option have bee resolved; so that the choice of the Consolidated option and Three School option or neither may be presented in a single referendum.

Primary Motion: Per resolution of Item #2 on agenda.

Proposed by: Mark E. Lyon

Seconded by: Mary Weber

Moderator: Opened the motion to public discussion.

Discussion: Various opinions, questions, and comments for clarification

Vote: Clear majority in favor by verbal response.

One opposed. Motion carries.

ADJOURNMENT: Per due process the meeting adjourned at 8:49 p.m.

End of Minutes

I, Sheila R. Silvernail, do certify that the foregoing pages are a true and accurate summary of the Special Town Meeting of the Town of Washington, CT held on April 3, 2008, to the best of my ability. Said minutes were proofread for accuracy by Hank Martin as Moderator of the meeting.

_____ Dated at Washington, CT this 8th day of April 2008.

Note: Copies of minutes, transcript, and audio recording of said meeting are available in the Office of the Washington Town Clerk.

Town of Washington

Bryan Memorial Town Hall

April 3, 2008

Special Town Meeting

Moderator: Hank Martin

Clerk: Sheila Silvernail

TRANSCRIPT OF AUDIO RECORDING

(An ellipsis as indicated by ... indicates an omission due to an inaudible portion.)

The meeting was called to order at 7:36 by First Selectman, Mark E. Lyon, welcoming everyone and requesting nominations for Moderator. Hank Martin was selected as Moderator.

Moderator: Requested that the clerk read the warning regarding the issues presented.

Clerk: Town of Washington, Warning, Special Town Meeting

The voters and electors of the Town of Washington are hereby warned that a Special Town Meeting will be held on Thursday, April 3, 2008 at 7:30 p.m. at Bryan Memorial Town Hall, Washington Depot, CT to consider and act upon the following:

To determine the preference of Washington voters and taxpayers for: 1) renovation of the existing Washington Primary School; or 2) construction of a Region 12 Board of Education for inclusion in the Three-School option. A future referendum will be held to give Region 12 voters the choice between the Three-School option and the Consolidated Primary School plan.

To authorize the Board of Selectmen to inform the Region 12 Board of Education that the Town of Washington objects to **any** new referendum on Primary School facilities until the CT Appellate Courts have confirmed the legality of a consolidation strategy.

Dated at Washington, CT this 26th day of March, 2008.

Signed by Mark E. Lyon, James L. Brinton, Nicholas N. Solley Board of Selectmen

Moderator: The rules for tonight are going to be the same as always. If I could just take a minute to go over them, basically we have a style or way of doing things here in Washington. We try to recognize everybody that wants to be heard. We'll keep the meeting going as long as necessary to achieve that goal. To help us with that, we'd really appreciate that you would raise your hand and be recognized first. Then start by mentioning the street that you live on and then go ahead and say whatever you wanted to say. Do that, please, even if you know that we know you because Sheila has her head facing down into her computer and she's not looking seeing the people that are raising their hands. This is really all being done to help her with the minutes. With that, let's go right into the first question and before we get into opening it to the

public, I'd like to basically get us all a little bit educated about the pros and cons of this question and ask Mark Lyon to step up and help us summarize the issue.

Mark Lyon: Thank you Hank. There's a little ... I think most all of us are fairly familiar with what we're going to be discussing this evening. Item on your handout is proposing a question. Our Registrar of Voters and Town Clerk are prepared to do a paper ballot if we feel that would be necessary. On the ballot, you would indicate renovate or new.

A little bit of background, we had a renovation committee that put together a very good plan to renovate the existing school. They did their cost estimation and that was presented to the Board of Ed. Due to the amount of money that was involved there, the Board of Selectmen felt that it would be prudent to get an estimation of what it would cost to build a new Washington Primary School if that was the scenario that was chosen by the Region. We hired SLAM Collaborative to do a study on that ... use current Regional middle/high school's site as the location so it would give us something to base our estimation on. Kevin Herrick from SLAM Collaborative is here today/tonight so if we have questions specific to that plan, he can help us with those answers.

The renovation plan was generated by Peter Bowman of ... Architect as well as estimated by Turner Construction who have done a lot of estimations for the region in the past. Unfortunately, Peter had to cancel this evening because he has an ill family member. Between myself and members of the committee that are here, hopefully we would be able to give you satisfactory answers to any questions on that plan.

In your handout on the second page is a short comparison of costs between the two plans.

Moderator: Does everybody have this?

Mark Lyon: There's a few more up here as well as in some empty chairs. Anybody that needs one, should be able to find one.

Mark Lyon: Just briefly, the top chart compares the renovation plan listed under Bowman/Turner. That's the estimations of what was done in our renovation committee. The column under CREC is the organization that was hired by the regional Board of Ed to review all the plans that were submitted by the three towns for renovation. The last column is the new Washington Primary School plan that was generated by the SLAM Collaborative. It's ... been presented to the regional Board of Ed, but it has not been reviewed by CREC, their consultant.

So, it's pretty self-explanatory: the program area, classroom area, the total area is the total area of the building that's renovated, the total project cost. State reimbursement of ... our Washington renovation committee to work with Peter Bowman didn't feel it would be reasonable to assume that there would be any state reimbursement for our plan based on floodplain issues. CREC in their study just did the total project cost numbers as well as they estimated there would be some reimbursement available from the state. We found through our research that you don't know if you're going to get any reimbursement until you've spent several hundreds of thousands of dollars to come up with construction drawings and plans and submitted them to the state for their review. None of the plans that are before the Board of Education have gone that far at this point.

So the net cost to the region is listed for all three options. As well, there's an additional cost to the region for relocation of the central offices because the renovation plan for the Washington Primary School is going to occupy that's currently used by the Superintendent and the region administration. That \$564,000 is an estimation of what it would cost to renovate and move those offices to the second floor of what is the old high-school building at the Primary School location. That involves making that second floor ... accessible as well as fully outfitting it for a central office. That's a cost that's estimated in that scenario, but it's also a cost that's going have to be born by the region irregardless if they chose that second floor or if they rented space in Woodbury. It's not in any of the construction estimates because it wasn't estimated.

Down here we have made several considerations. These are questions or considerations that the public has brought to us in our public hearings and our informational meetings. I'm sure that they are questions that will probably be asked again. I'm not long-winded enough to go through them point by point. There are, so far we've been able to come up with what we feel are acceptable solutions to anticipate the problems.

The next page, or actually two pages, I modified my handout about half the way through because I was getting cheap on copier paper. So, some of them have a little map there. Some of them have a picture of a conceptual location of the new Washington Primary School at the Regional Middle/High School. That picture is in all the handouts. It just might not be in the same order. Then there's a quick breakdown of the estimated costs put together by the SLAM Collaborative. There has been a minor change in the net cost to the region in that the state has changed their reimbursement rate by a part of a percentage. So, that bottom line figure lowers by about \$100,000. There's another page that explains the soft costs and then there's the conceptual picture of the renovated Washington Primary School. Then there's a breakdown of the costs that were presented to the regional building committee by

Bowman and Turner. The CREC committee in turn modified those. That modification, I believe, the numbers that the regional Board of Ed would be using in their estimation and that's listed on the front page.

So that's a real quick thumbnail approach.

Moderator: Thank you Mark. One thing I want to emphasize about what the scope of this question is. Ultimately, but not tonight, we are all going to have to make a decision on a consolidated school option or a three-school option. That's not what we're here to talk about tonight. We're here to talk about, tonight, only within the parameter of the three-school option, what is the best option, or sub-option if you will, within that. Is it better to renovate the existing primary school or to build a new primary school as part of the three-school overall option? Any confusion about that? OK, and as Mark said, once we finish discussing this, we're going to vote on it. We'll do a voice vote. If it's at all unclear to me which way it's going, we will go to a ballot vote. There ballot boxes in each corner of this auditorium to help us to accommodate that. So with that I will open it up to questions. Peter?

Peter: Yes, do you want questions or, the nature of this ...

Moderator: We're prepared to take any input from the public, no matter what form it is in. It could be in the form of a question, a statement, an opinion, whatever. But if you could, please stand and state your name and your street.

Peter Tagley: New Preston, 96 Quarry Ridge. I've spent ten years on the Board of Education from 1986 to 1996 ... my back to the people ... I've spent ten years on the Board of Education from 1986 to 1996. Was on the Board for the first renovation project which was ... million dollars, ... with interest. And we're back here again discussing the same issue. I'm not a proponent of moving the school off to the high school grounds. There has been no support, my ten years on the Board. I also attend all the Board meetings. I attend all the building committee meetings. There are very few meetings that I miss. I can tell you that there has never been support for moving any building from any of the towns ... up on the high school grounds by any town. ... So this is a first.

Second of all, I would like to say, and I realize Hank and Mark do want us to focus on the issue at hand. I think it's very, very difficult to focus solely on these two items without having in the back of our minds what any of us believe is the best solution. And I won't mention what it is because you don't want us to mention it. It's in the back of all of our minds. What you're asking us to do ...

Moderator: I feel like I'm getting played here ...

Audience: Laughter.

Peter Tagley: What the town is asking us ...

Audience: Peter, would you please use the other mic? Just put it closer.

Moderator: You have to hold it close to your mouth, Peter.

Peter Tagley: And what we're asking to do is to choose between what I believe are two very difficult choices. Because, I don't think either one is a good choice. But since I have to choose, what do I do? Well ... twenty-five years. I don't see the reason why we would put a building without approval from the Board of Education or any of the other towns. I'm not sure what the legal situation, what the laws are regarding what we would have to do to put a building up there. I don't know if it's been researched. Neither the building committee nor the other towns have voiced their opinion on this proposal. So we're going in pretty cold. And, if we're at the end of the game, so to speak, because supposedly if Bridgewater does not pursue litigation, we'll be voting on two referendums in supposedly June, this comes pretty much at the end of the cycle. I'm not sure where we'll go at Board level or with the other towns. I don't see the benefit of producing an \$18 million dollar structure up on the school grounds. I don't think there's enough in it that we would spend \$3, \$4, or \$5 million more to go up on high school grounds. What do we really gain if we pump \$13 or \$14 or \$15 million dollars into the building downtown? What is really the significant difference? Although there were problems, many issues with the wetness of the area, I'm not sure how we benefit by doing that? And ... the building ... for some of the other options. But, if we're going to have three buildings, we might as well have it down here. You might as well put all the money into the town that you are because you're going to have to spend \$18 million up at the high school and you're going to have to do something with the area downtown. So it's not just \$18 million. No matter what proposal you ... the one I can't mention, you will be faced with the same situation. ... before you build it. You might as well fix up the depot. I think that's the direction that we should head in.

Moderator: Thank you Pete. Two points that he breached that I would like to respond to. Number one, this vote would not clash with anything the Board of Education is doing. They would take this vote on as an advisory kind of thing. This would not be binding on the Board of Education. They have the prerogative to do what they want to do. And, as I understand it, they would appreciate getting some input from our town regarding which of these sub-options we like better to help them with their planning. So, I don't see this as being clashing with the Board of Ed, but rather it's rather in symmetry and harmony with the Board of Ed that we give them this advisory input. The gentleman over here had been standing earlier. Yes?

Wayne Hileman: I'm Wayne Hileman of River Road. I have a much broader issue with this topic that's before us in that I think that a vote on this is really inappropriate at this time. We're being asked to decide about either having the existing school renovated or having a new school built. We don't even know for sure where the new school is going to be. And, we don't know for sure how much the new school is going to cost. We're told, well, we have a conceptual plan here to put it up at Shepaug. Well, personally, I don't like that idea. I like the idea of a new school a lot. I just don't like it there. I don't like the idea of the middle and high school students having several athletic fields taken away from them. I don't like the idea of basically shoe-horning another school onto that campus. And, I really don't like the idea of having our entire student body of the town of Washington, K through 12, basically put onto a big ... campus on the outskirts of town. That's not rural character folks. That's the most suburban move we can possibly make. I left suburbia to come here to get away from just that sort of mentality. Even so, and if you do like that idea, it's, we still don't have any information on any other options for a new school. What about a new Washington Primary School on its own site somewhere in town? Maybe somewhere near the village center, maybe on a main artery? Just because we can say there's enough money in this proposal to do that if we want, that's not enough for me. What about the notion of maybe building a new Washington Primary School next to the old one. Now I know there are issues there with floodplain and all that and maybe the cost would just be through the roof. But, we don't the answer to that yet. And I'm uncomfortable with being asked to make a choice and vote on whether I want to renovate the old one or build a new one when I don't even ... the new one's going to be or where it's going to be. This is premature in my opinion. It's like when we're asked to vote on something like this I feel like I'm buying a pig in a poke. It's like, and in order to get something I really like, which is a new school somewhere else in town, I have to vote something that I hate, which is a new school up at Shepaug. It's counterintuitive and I'm sorry, but if it comes to a vote, I'm going to stamp my feet and try to stop it because I don't think it's appropriate to vote on this issue at this time. We need more information on what a new school would really entail. Where is it going to be for sure? How much is it going to cost for sure? We already know what it's going to renovate this school over here. And whether you like that or whether you don't like that, at least that's known. You're being asked to vote tonight on something that is known versus something that is unknown. And no matter what people say about, "Well we put enough money in there to cover any contingency." Is that good enough for you? It's not good enough for me. And I don't think we should be asked to vote on this tonight.

Moderator: Thank you Wayne. Wayne, you mentioned that you would stamp your feet and I don't think you need to do that. I think you contributed already sufficiently for that. Yes?

Female Participant: I may not have this quite straight, but it is my understanding, and I think that we need to know this, that if we choose to build a new primary school, by state law the education cannot be better than any other primary schools in our district, which would mean better than the one in Roxbury, better than the one Bridgewater. This will make a difference in how this new school is built. We may have dreams if we build a new school that the rooms will be bigger and we'll have this and that. But, that may not be possible. So, I think you need to consider that. It really is going to depend, we have to provide equal, but not better than education for our children with the other schools in mind.

Moderator: Thank you. Yes, in the front.

Mary Weber ... Road. I had a question more than a comment. Did we ever figure out how we're going to have to pay for this by population or by each individual school? Was that ever ...

Audience: Yes.

Mary Weber: Was that ever discussed and formally given an answer?

Mark Lyon: The formula would follow the region cost division no matter which of these options one through four are chosen. It'll be a regional project and it'll be divided by percentage of the population just like it always has been.

Mary Weber: So therefore ... but if we choose the renovation project we're still going to spend millions of dollars to renovate Bridgewater school.

Mark Lyon: Correct, if that, you're getting to the next question. If the choice was made by the region's voters to do three schools instead of one school. Irregardless, at the end of the day when we start digging dirt and paying contractors, it'll be done by the regional formula.

Couple of quick comments on comments that have been made. I don't have any bold statements to repudiate anything that anybody has said. But, one of the points about equitable facilities, if we were to renovate the current primary school and renovate the other two primary schools, the current plans do not have separate gymnasiums and cafeterias at the other primary schools. The classroom sizes vary based on however their renovation plan has come out. So, I think that we're probably not going to get involved in that. I don't think there'll be any big court battle over that, although I'm not sure. There've been court battles over many things I thought there wouldn't be.

Another thing, we're talking about estimated costs of conceptual plans. I'm not very familiar with the other two renovation plans, but I know both of our plans are conceptual. Nobody has done any engineering studies on the current WPS as to what we're planning to do there as to whether it can be done without additional cost. Nobody knows if we're going to end up with a DEP review and end up putting in a septic system. Nobody knows for sure that air handlers can be placed on the roof which is the way it's been planned and the additional weight of those and ductwork can be carried by the current structure. So, all four or five plans, whatever there is out there, they are all conceptual estimates. New construction is easier to estimate than renovating construction. Anybody who has done any work on old buildings or old houses and tried to compare that estimation with what it would take to build a new one, I mean, you tend to be more accurate. Are you always going to be more accurate? Perhaps not, but I haven't seen any plan yet that is any more than conceptual estimate which is why all of them should have very big contingencies built into them.

Moderator: You might as well stay up here. Have a seat. Ok, more questions? In the front?

Valerie Friedman: West Morris Road, Washington. I see the new WPS as a loose/loose actually for the town on two ... One is, as ... said, we get no educational benefits. We get no efficiencies of operations. We get all the problems of any three-school plan. In addition, and I did sit in on meetings about what to do in the depot, we take on the unknown issue of ... the depot. Now you've heard there are lots of options there and some may cost us and some may not. At this point, we've come up with some wonderful ideas, but they're all very conceptual. So the taxpayers in Washington who already ... \$20,000 to educate each child, one of the highest in the highest in the State of CT, would be burdened with higher costs from the construction of any ... plan ... renovation would do, and the potential costs of making the depot, whatever the future holds. I see this as risks that are really great to great to take on at this time. Given that we're already putting lots of money into educating our children. We're not supposed to talk about consolidation, but it's the only opportunity to get the educational costs under control so that if we need to do something in the depot, we have some town monies to work with. ... cost for education and potential cost in the depot are really risks that are too great, I believe, at this time. Thank you.

Moderator: One of the things that comes to mind listening to some of the comments that have come forth so far, as I understand it from listening tonight, there are concerns about the degree of the completion of the analysis of the project with the cost lined up ... Where it's going to be and all of that kind of thing. I guess in my own mind, I've been thinking of this as sort of, more appropriately preliminary than that. We're simply giving direction, giving input to the Board of Education to do the analysis. Before this option would actually come to you for a binding referendum type

of decision, all the homework would be done. I guess the question that we all need to be asking ourselves tonight is do we want to ... with the Board of Ed? Give them input in terms of which option we would like them to do more work on within the three-school option overall. I suppose, you know, if we choose, we don't have to give them any input, but the purpose of this vote was to try to give them some direction based upon what we wish. Ok, I saw some hands back there. Yes, way in the back.

Kelly Boling: New Preston. I share Wayne's concern that this vote may be premature. I'm personally a proponent of a consolidated school, but I'm concerned that if we make this decision now, it's going to interfere with our ability to consider that, to consider the option of a consolidated school. I would vote that we wait and make that decision before we decide what the best choice is if we do have to put the two schools, the three schools rather.

Moderator: Thank you. More hands? First time ... Carlos in the corner. I'll get you in a bit.

Carlos Canal: Sabbaday Lane. At the last meeting we had on this, which was a ... meeting, I was under the impression that we had a deadline that we have to meet for the Board of Ed. By that date we have to tell them for their consideration whether we prefer to do the renovation or the new school in the three-school approach. ... Later date when that ... take place. The other was that I asked a question specifically that night as to whether having made that decision, if we either wanted to renovate or ... wanted a new school, whether the Board of Ed or the region could deny us that way to go and tell us, "You can't have a new school, you have to renovate." I was told that they could not do that if we submit the new school. That's what they have to consider. That's what they have to devote their resources to ... Can we clarify those two points? Is there a deadline? And is it our decision basically?

Mark Lyon: My understanding is if the region has an opportunity to have a referendum pending settlement of current court cases, then you do get a deadline. My understanding is that at this point there is not an opportunity for a referendum in that there are cases in the appellate court in regards to the consolidated question. I'm not a lawyer and I haven't read a legal opinion on that, but if they're going to go forward and have a referendum by the end of June, there are deadlines that have to be met. I don't know exactly what they are. But, they aren't very far in the future. The other question had to do with whether ... ultimately the decision on what can be done rests with the Board of Education and what they want to present to the region. I don't know if there is a legal obstacle to having the Board of Ed build a primary school on the high school grounds. My personal opinion it would be a regional project. It would be on regional land. And, it would be a regional building, but I have no legal opinion on that.

Moderator: Ok, is there anybody that hasn't been heard a first time before people are heard a second time? John?

John Millington: Lower Churchill Road. I'm not really sure I see what is going to be accomplished tonight. I happen to be personally for a consolidated school ... and to give some kind of an indication to the school board that we're for or against renovation or new is saying something in my mind. It's just before the fact. I agree with Wayne, Kelly. So sure, a vote to put a new school in because I think that's the best for our students. If I really had to vote for something I truly ... most assuredly be for a consolidated school.

Moderator: Thank you. John Quist?

John Quist: Christian Street, New Preston. I know we've talked about this school was going to be a green school, this new school. ... talk green for a minute. We have probably eight or ten school busses that go from the bus depot to the primary school. If we move the school another five miles that way, that's going to just about double the run for each school bus. That most of the kids are down this way and all over. Now what's our fuel consumption going to be after that. The cost in fuel each day is well over \$100. In the cost estimates I don't see anything about replacing the field-hockey field up there that would be disrupted. In the conceptual diagram of the whole property up there where they show the school busses going down through the parking lot. Well that roadway for school busses for the new school would take up thirty-two parking places. I was up there on Wednesday, mid-morning. There were eight parking places empty in that whole parking lot. Where are we going to put those thirty-two parking spaces that we're going to be taking up with a roadway for the busses? I realize, well, we'll have to do it this way. We might end up taking it out across another field. It's just that we're asking to vote on something that we're almost pretty blind on. We don't really know what we're getting into. So, down here we do know what we're getting into. Sure, we might encounter a little bit, have to put in an extra beam here or there, but I think we have a pretty good idea of what's going on. Thank you.

Moderator: Thank you. All the way in the front?

Allen Grunberg: Depot. I just agree with the other speakers. I think this vote is premature. I think we need to do more due diligence, particularly with the two options. Also, in addition, what are we going to do with the school in the depot if we move to another site. I think we've just begun that process. So basically what I'd like to do is move that the motion under consideration be postponed indefinitely. I ask for a second.

Audience: I'll second.

Moderator: Ok, we have a motion to postpone this matter indefinitely. And we have a second? Wayne?

Wayne Hileman: Second.

Moderator: Let me explain what that means. This is a secondary motion to the primary question at hand. What it calls for and it is debatable, let me just check that out. Yes it is debatable and basically and if we vote to approve this motion to discontinue, postpone indefinitely I should say, the matter is off our agenda tonight and there will be no vote. So now, before we get back to the bigger question that we have been talking about, we need to talk about this subordinate motion to postpone indefinitely and the plusses and minuses of doing that. So we are now into discussion of the secondary motion to postpone indefinitely. Peter?

Peter Tagley: Well, first of all, I didn't hear a motion in the first place to propose a motion that you want to postpone indefinitely. Doesn't it have to be a motion on the floor?

Moderator: Well ...

Peter Tagley: And secondly, in order to postpone, and we use the word postpone which I believe is incorrect, you would table a motion.

Moderator: No, postpone indefinitely has a specific legal meaning and is different from tabling. It means that the matter would not be taken up any further this evening.

Peter Tagley: And ... check that out?

Moderator: Oh yes. Yes and I can see that ... the gentleman that made the motion is shaking his head in agreement. It looks like he's done his homework. Yes, Jim?

Jim ?: I move to close the discussion on the question so that we can vote on the motion.

Mary Weber: Second.

Moderator: Ok, now we have a second, seconded motion that is non-debatable, to close off discussion on this matter and vote on it. So, we, I'm bound by the process that we're involved here tonight, CT General Statutes as well as Robert's Rules to go directly into a vote to postpone this matter indefinitely.

Audience: Various inaudible comments.

Moderator: Pardon? I'm hearing noise, but I can't hear ...

Audience: You're bound to have a vote on the motion to close discussion and then a vote to ...

Moderator: Yes, I'm sorry. That's right, that's right, that's right.

Audience: Inaudible.

Moderator: There are a lot of people that have comments on the motion, but that matter has been cut off by a motion to move the question that Jim just made and that was seconded. Who seconded it?

Mary Weber: Me.

Audience: Inaudible.

Moderator: Ok, so we can't debate unless it's a matter of clarification.

Audience: Point of order ... inaudible.

Moderator: Yes. So all in favor of agreeing with the motion to stop debate on the motion to postpone indefinitely, please say aye.

Audience: Ayes.

Moderator: All opposed?

Audience: Ayes.

Moderator: Let's do it again. It requires a 2/3 majority and the result to the chairman is not 100% clear. Clearly it prevailed, but I'm not sure if it prevailed by 2/3. So let's do it again.

Audience: Hands, hands.

Moderator: Ok, if ... would you raise your hand at the appropriate time. All in favor of the motion to move the question and stop debate on the matter of indefinite postponement please say aye and raise your hands.

Audience: Aye, aye.

Moderator: Keep them up there.

Moderator: While he's counting, let me thank you all for your cooperation. Did you get it?

Response: Sixty approximately.

Moderator: All against the motion please say no and raise your hand.

Response: Inaudible.

Moderator: ... here, so we have about 3/4. 60 out of 82? So that's enough to carry a motion. All right, we have about 60 that were in favor of the motion and about 22 that were against so my math tells me that the motion carries.

Audience: Excuse me, is it of the members present or is it everybody voted?

Mark Lyon: Votes cast.

Moderator: Of votes cast. All right, so now we are going directly to the motion that this was in relation to, the motion to postpone indefinitely which would mean that this town meeting would give no input to the Board of Ed and in fact would not render an opinion. There would be no vote on the renovate versus new options.

Mary Weber: For Washington Primary.

Moderator: For Washington Primary, that's right. Are we ready? Ok, all in favor of postponing indefinitely please say aye and raise your hands.

Audience: Aye.

Moderator: Ok, and all against, please say nay and raise your hands.

Audience: Nay.

Moderator: All right, the ayes clearly have it. This one only needs to be by a bare 51% majority and so it clearly carried. So based upon the preferences of this town meeting, we're finished with Item #1 on the agenda.

Moderator: I'd like to go to Item #2 on the agenda and again we do have a motion. Mark would you make the motion please?

Mark Lyon: I move that the Board of Selectmen be authorized to inform the Region 12 Board of Education that the Town of Washington will oppose any new referendum on Primary School facilities until any and all appeals of the Superior Court decision

regarding the legality of the Consolidated School option have been resolved; so that the choice of the Consolidated Option or Three-School Option or neither may be presented in a single referendum.

Mary Weber: Second.

Moderator: Ok, we have a seconded motion. Any questions on the motion? Any wish to have discussion on this motion? Raise your hands. Ok, way in the back.

Irene Allen: I'm Irene Allen and I'm a former Chairman of the Board of Ed and was actually chairman at the time that the original law suit was brought to ... require that the Board of Education be allowed to proceed with referendum vote to bring a single consolidated school to fruition and allowed that question to be decided by a complete majority, a plurality of the voters of the three towns of Region 12. That's really the issue that's being discussed during the law suit and that we have already been found in favor of and the appellate process that's now before us. I don't know if I made that very clear or not. But, basically Bridgewater has filed an appeal to counter the court's decision which we were awarded on all three counts to allow us to use the three-town regional plurality for an ordinary building project in a different location. Whereas Bridgewater argues that this is a fundamental change to the original educational plan of the region. We of course argue that it's not. So, so far the court has found in our favor. If in fact a three-school project were to be brought forward alone, as the request here that it not be, it's conceivable that Bridgewater would pull its appeal. The question would be decided to its end point, if the Supreme Court of the State of CT gives us that go ahead. It's a very important, fundamental question. It's very similar to the question that's being discussed in Region 14 in Bethlehem and Woodbury. It's the same issue, the same statute. So, it's really, really important that if an appeal goes forward, that we know the results of that and not precipitate any action to reverse this progress we've made. We need a decision on this issue and so I strongly support and ask you to support this particular motion. In addition, I'd also like to state that if you know anyone in Bridgewater that to please request as a town member in Washington that they do withdraw their appeal and let us go to a referendum this spring. Still, it'll cost us at least 5 to 6% more for any construction because a year will be lost, not to mention everything else that's been going on and the economic situation is amiss. And then in addition if they do proceed with the appeal, we as town folks and taxpayers in Washington and also Roxbury, as contributors to the Board of Education's budget would be paying for Bridgewater's, for the defense against the appeal of Bridgewater's, the court action. I'm tripping over my words at this point. We taxpayers would be paying Bridgewater's, without consent, the legal defense through our tax dollars that the Board of Education would have to undertake. So its coming at us from both directions and this really really has to be allowed to go to its conclusion. Thank you.

Moderator: Thank you very much Irene. Valerie in the back?

Valerie Anderson: Valerie Anderson, Blackville Road. Just a quick clarification. You're asking us to vote on two issues here. One of which is, of course, not to proceed with any referendum while we're under appeal as Irene explained. We've already been informed by the Board attorney we can't. So we're dead in the water whether agree with that Board or not. So that's rather superfluous. I think the main issue here is the last two words "single referendum" and I applaud our First Selectman for supporting a single, binding referendum. Some of us on the Board are pursuing that even though we can't actually put anything out there, unfortunately, to the taxpayers right now because of that appeal. But I just wanted to direct your attention to that. Is this going to be a single referendum at some future date, not now? Or, is it going to be for instance a two-step referendum which has been debated. I just want you to be aware of that and that's what you're implying here. I personally believe the best, easiest, convenient, most conclusive thing we can do is one single referendum.

Moderator: Yes, ... I'll refer to Mark, then Pete, then in the front.

Mark Lyon: We put that word in there because that's what we feel would be the best way to proceed. Our overall goal from the Board of Selectmen is that there be a referendum of choice. A two-step referendum is like a backward referendum of choice, but theoretically it could be construed as one. We put that wording in there because that would be our preference to be able to do it in one trip to the ballot box.

Moderator: For those of you who may not be aware and there's probably not very many, but the last two people that were heard are members of the Board of Education from Washington, Irene and Valerie. I just wanted to make sure that people were aware of that. Pete?

Peter Tagley: I had a question for Mark. Are you prepared to legally challenge the Board of Education if they were to violate this motion?

Mark Lyon: We had a draft of this question that mentioned that, but we did not mention that in the call to the meeting so we felt it would be improper to include that in the motion. If we were, if the Board of Selectmen decided we wanted to go that route, we would probably be back here again.

Peter Tagley: The other question I have is you use the two words "single referendum". The Board was informed that, by their attorney, the only way you can have a single referendum, that is with both question or both options, on the referendum is you would need legislative relief in order to do that. The chances of that happening would be pretty nil. So, from my vantage point it seems to me that presented in a single

referendum is really not necessary because the chances of having that aren't going to be so. The chances are we'll have two referendums, one on one issue, one on the other. So therefore the question for you is, I presume you knew this? Or, you had some inkling of it?

Mark Lyon: Yes.

Peter Tabley: So by having the words "single referendum" in there, does that distort anything in any way, shape, or form.

Mark Lyon: Like I said, we would prefer, the Board of Selectmen, this could be prefaced. We, the Board of Selectmen, at their March 16, by unanimous vote endorsed this concept. And, this is the next step. I felt before myself or the Board of Selectmen presents the position representing the Town of Washington on something like this, I wanted to have more input. And you're right. Like I said, our preference would be to be able to do it in one trip to the ballot box. If that cannot be done, we would not be opposed to any referendum that did not in some way, shape, or form present it twice.

Moderator: Yes, in the front.

Mary Weber: I'm still Mary Weber. I was also member of Board of Education and there's one thing I wanted to get if Irene could answer this or Mark answer this if Irene can't answer it. The legal fees that we've incurred since this whole thing began. Can you tell me how much that has cost us?

Multiple Voices: Inaudible.

Moderator: Ma'am, Would you please present all questions to the chair. And then I'll, thank you.

Mary Weber: Sorry about that ...

Moderator: All right, ... your question?

Mary Weber: Yes, I do. ... that, I just would like to say that I would like people to support this and so that when we vote, we can put it to bed once and for all.

Moderator: Thank you. Irene, I didn't see your body language at that. Do you have a helpful answer to that at all? Is there a helpful answer back there? I'd be happy to hear the answer if you chose to make it.

Irene Allen: The kind gentleman next to me is the Superintendent of Schools, Dr. Storm, and he tells me that it's approximately \$50,000.

Moderator: \$50,000 thus far.

Audience: Is that our share?

Moderator: Is that the total or our share?

Irene Allen: Total.

Moderator: Total, ok. Wayne?

Wayne Hileman: Yes, I'm still Wayne Hileman. Concerning this issue at the end of this motion about the single referendum, I'm actually pretty comfortable with this language because it says "may be presented as a single referendum". It is ... implies that it is clearly the preference of the Board of Selectmen to seek that. It is not implying that it is a requirement or that we insist on a single referendum. The words maybe as opposed to must are sufficient for me and I support this.

Moderator: Thank you. Yes, in the front.

Allen Grunberg: Allen Grunberg again. The thing I quite don't understand is from legal opinions and lawyers said we can't have a vote until due process is done. Region 14 went ahead and did the reconfiguration even before any of the law suits were settled. I think, legal opinion aside, we have lawyers, but I think I'm going to vote no on this. And, I think we should have the sense of the town that we should put it to a vote. I mean Bridgewater's had their case and they lost. If they want to appeal, my understanding is they are going to go and have a town meeting in April and decide. But as the Town of Washington we should decide. Let's, our ... let's put it to the vote. Let the voters decide, the lawyers have spoken. Let the voters have their say. And if the three-school option wins, so be it. Then Bridgewater will drop their appeal. But if they don't, if Washington consensus wins the consolidated school, let Bridgewater go ahead and appeal. They'll do it anyway. So I feel we have nothing to lose. I think we should have a vote as soon as possible. Let the voters decide. The lawyers have had their say.

Moderator: Ok, the only thing I'm saying is that ultimately that question rests with the Board of Ed. Not with us.

Allen Grunberg: Yes, we're saying what we want as a town. I think we should, let's put it to a vote. The vote's been delayed long enough.

Moderator: Thank you. Jack?

Jack ? Lower Churchill Road. Two points to address ... single binding referendum versus a succession of referendums. The Steering Committee two years ago went through the same thing and we came to the same conclusion. If you try to put three questions on the same ballot, option A, option B, or neither, you ... and you're probably going to lose to the no votes because all the others who are against doing anything ... the other options and ... The same thing will happen if you have two referendums. I don't care if they're a week apart or a month apart. Same thing is going to happen. Everybody ... will be subject to those who don't want to do anything and the ones who want the other option. ... really want to get a project I say the same thing we did two years ago. The only way you ... is to give the ... choice. The ... choice has to be first of all that you have option A and option B ... First question ... and then you go on to the second question. ... I don't think we should give up on that ... Valerie Anderson is working trying to get some legislative support for this sort of thing. And, that's really the way you put this thing to rest. ...So, the other thing is ... defer to Dr. Storm on this one, but my understanding is that the reason that you cannot or should not ... referendum while litigation on appeal is still in process is that ... bonding. And, when you bond the cost of these things you ... litigation. So whether it's a referendum on one school or three schools, the same applies. ... still under litigation. ... back there? ...

Audience: Inaudible.

Moderator: Wait a minute, wait a minute! Wait! Jack still has the floor. Are you giving floor to Dr. Storm?

Jack: No ...

Moderator: Thank you. As I would see it, Dr. Storm has raised his hand. If you would like to, I would recognize you.

Jack: ... I was asked to repeat the question. The point was that whether you're ... referendum for one school or three schools, you still ... issue and ... When you're under litigation, then the ... unable to go out and fund those projects. You're asking the public to ... project and estimates and ... financing capability.

Moderator: Thank you. Thank you. More hands? Are we ready to vote? Jim?

Jim ?: I'd like to ask Mark, our First Selectman, a quick question and then just a comment. Is the intent of this item to authorize the Board of Selectmen to actually

oppose any referendums? Or, is it simply to give you authority and discretion about what you might do.

Mark Lyon: It would to oppose any referendum that was not a referendum of choice.

Jim ?: Ok, it would appear to me that there's a concern that you haven't actually written that. I think if you intended to, you could have easily eliminated the entire second line and just said that the Board of Selectmen be authorized to oppose any new referendum. I fear that you've actually written something here which is just authorizing you to say something to the Board and hasn't actually authorized you to do anything, "A". "B", that's part of the comment. The other is I hear and I respect the idea about litigation and time spent and money spent. At the same time, \$50,000 in the big scheme of things, if that's what it took to try this case, is relatively a small amount of money, "A". "B", if I understand correctly, the fee sharing that was done was a voluntary decision of the Board who didn't want to incite the riot a little bit when there was initial discussion at the Board level of potentially going after Bridgewater for fees caused by this. I thought the Board voted not to do that which I applaud them. I don't know that we are obligated in an appeal to pay for Bridgewater's defense. I worry that that's a misstatement. I'm not giving you a legal opinion. I'm telling you what my concerns are. The other comment is that appeals are supposed to ratchet up the stakes. They are supposed to make people think long and hard. They are supposed to have some direness to what can happen. The reason for that is to move everybody to really consider what they want to do. I also believe most appeals or appellants have the opportunity in the court system to seek status of things while appeals are in progress. I worry about the fact that we're not leaving that to the people who know best whether to pursue that in the relevant courts. The other issue, I totally support the idea of us having a single referendum to choose between the two choices, but I'm just not sure this is the right way to get to it. What this basically does, and you may be shocked by this, but you're putting an arrow in the quiver of the Town of Bridgewater because what you're essentially telling them is they now control the time at which point we can start to have a decision about how we want to best educate our children in the future. Whether that be a consolidated school or a renovation to me in this issue is not relevant. What we're just guaranteeing is what we all agree is completely unwanted and insufficient now. We are agreeing to make sure that we put it off for as long as we possibly can. I think that's a poor position to take on behalf of the kids, on behalf of the education. I think there are educated attorneys who if they think the stay is appropriate, they should seek it in the courts. If it's denied in the courts, it's denied for good reasons. If it's granted, it's granted for good reasons. The other thing I just have to comment on is that you're giving the person who lost the case an advantage they would not have otherwise in the appeal because they control the time. The final

thing is this comment if you know Bridgewater residents and urge them to withdraw it, if you really believe that, you don't know Bill.

Audience: (Laughing.)

Moderator: Valerie Anderson, your name is ... here. Do you have something relevant to what Jim has just said? You're not recognized ...

Valerie Anderson: Hi, as everyone knows we are stopped by our legal counsel. We cannot do anything on the Board of Ed. We agreed to that. I mean from your lips to God's hear that we could proceed, but we can't. I'd love to see Washington take control, but we can't. Therefore, the Board of Ed won't. And back to the single question. We are seeking legislative relief on wording that will allow this kind of actual democratic choice in one setting at one time. There's no guarantee. Mark and I went and for the first time we were in a room with all three First Selectmen. It took a lot of wrangling, but all three First Selectmen agreed that we should pursue legislative relief for this one referendum of choice. So, that's, as I read this motion, getting back to the motion, is merely an endorsement, my word, endorsement of pursuing that as much as we humanly can. So we respect the rights ... That's how I see that motion and I would like us to proceed with the vote.

Moderator: I want to recognize Mark, but let me just ask a question of my own from a common sense standpoint to see if I understand this. The Board of Ed is not going to pursue a consolidated question until the legal matter is resolved? Period? That's a given?

Valerie Anderson: No question.

Moderator: So what this question that's in front of us tonight helps at least our town to ... is that no other option is pursued separately and beforehand, before the consolidated option can be put on a referendum. Is that basically the idea here?

Mark Lyon: Yes, (audience laughing) what he said. Jim's point, I understand what you're saying and about putting the ball in Bridgewater's court and that as long as they're appealing a court decision, we don't want to have a referendum. Our goal, and myself not being a lawyer, and we did the best we could with input of a number of people here, was to make it clear that the Town of Washington does not want the Board of Education to have a referendum until we can have a referendum of choice. Period! When I wrote it, it sounded like I was doing it backwards.

Audience: (Laughing) We get it.

Moderator: Are we ready to vote? John?

John ? I move the question.

Mary Weber: Second!

Moderator: Ok, no more debate. We're right back where we were with the first question. We have a motion which has been seconded. Move the question which means to end debate on this matter. It must pass by a 2/3 vote. All in favor of ending debate and moving the question, please say aye and raise your hands?

Audience: Aye.

Moderator Ok, I'm not going to count them. I think we have it. All against please say nay and raise your hands.

Audience: Silence then laughing.

Moderator: This one's a lot easier than the first one. The motion carries. And now that debate is ended, we are ready to take up the primary motion which I will read one more time.

"The motion has been made and seconded that the Board of Selectmen be authorized to inform the Region 12 Board of Education that the Town of Washington will oppose any new referendum on Primary School facilities until any and all appeals of the Superior Court decision regarding the legality of the Consolidated School option have been resolved; so that the choice of the Consolidated option and Three School option or neither may be presented in a single referendum."

Moderator: This motion has been made and seconded. All in favor please say aye.

Audience: Aye.

Moderator: All opposed please say nay.

Audience: Inaudible.

Moderator: Is that one? We have one vote. Ok. The motion carries and we have finished with the business of the evening. May I have a motion to adjourn.

Audience: So moved ...

Moderator: Great, thank you very much for your cooperation.

Meeting adjourned at 8:49 p.m.

I, Sheila R. Silvernail, do hereby certify that the foregoing pages are a true and accurate transcript of the Town Meeting of the Town of Washington held on April 3, 2008, to the best of my ability.

_____ Dated at Washington, CT this 1st day of
May 2008.

Note: Copies of minutes, transcript, and audio recording of said meeting are available in the Office of the Washington Town Clerk.