

March 5, 2009

Minutes are subject to the approval of the Board of Selectmen.

Present: First Selectman Mark E. Lyon, Selectmen James L. Brinton and Nicholas N. Solley.

Press: Ann Compton – VOICES, Jack Coraggio – Litchfield County Times, Rick Harrison – Waterbury Republican.

Public: Tony Bedini, Irene Allan, Matt Franjola, Valerie Friedman, Valerie Andersen, Jack Field, Barbara and Charles Boucher, Jack and Jane Boyer, Peter Tagley. Superintendent of Schools Dr. Bruce Storm.

Call to Order: First Selectman Lyon called the meeting to order at 5:30 p.m. Motion: To include subsequent business not already on the Agenda. By Mark Lyon, seconded by Nick Solley. Discussion: to adjourn into Executive Session at the conclusion of the regular meeting to discuss a real estate matter. The motion passed unanimously.

Minutes:

Motion: To approve the minutes of the February 19, 2009 Regular Meeting of the Board of Selectmen by Mark Lyon, seconded by Jim Brinton and unanimously approved.

Motion: To approve the minutes of the February 19, 2009 Special Meeting of the Board of Selectmen by Mark Lyon, seconded by Nick Solley. Discussion: The Selectmen asked that it be noted that Mary Anne Greene be commended for “a job well done”. The motion passed unanimously.

Communications: None.

Appointments/Resignations:

Appointment of Roger A. Bohan as a full member of the Inland Wetlands Commission.

Motion: To appoint Roger A. Bohan as a full member of the Inland Wetlands Commission (moving up from an alternate member) until 6/30/10. By Mark Lyon, seconded by Jim Brinton. Discussion: Mark has spoken with Roger – he is willing to serve in this capacity. There are now 3 alternate vacancies on this commission. The motion passed unanimously.

First Selectman’s Report: Mark reported on the following:

National Girl Scout Week:

The Board of Selectmen, on behalf of the Town of Washington, would like to thank and commend the local Girl Scouts for the fine work they do with the young girls of our Town!

Revaluation:

Barbara Johnson, Assessor, will be filing the Grand List with the Town Clerk on Friday – meeting the deadline. Total Valuation is continuing to hold informal hearings this week and if changes are to be made to someone’s assessment, they will be done through the Assessor. Barbara has also requested Total Valuation to provide the list of qualified and unqualified sales that were used. Mark has spoken with Mr. DeNicola of Total Valuation regarding payment and has advised him that further payment(s) will be withheld until the Town is satisfied with the work that has been done.

Town Budget:

The Selectmen are continuing to work on the budget for 2009-2010. The goal is for “0” increase although realizing this is difficult to do in this economy. The State of Connecticut has significantly cut the amount

the Towns will receive in grant monies. Aid to the Northwest Council of Governments has been cut completely which will mean a decrease in hours and service or an increase in dues. Local legislators are working to have the State budget figures completed by May but this may be overly optimistic on their part.

OLD BUSINESS:

Awarding of Bid for sale of F450:

Motion: To award the sale of the Highway Department's F450 to Mr. Ken Antonacci of Seymour, CT for \$10,000.00. By Mark Lyon, seconded by Nick Solley. Discussion: the new truck will hopefully be ready for delivery by the end of next week; Mr. Antonacci would be able to take delivery once that occurs. The motion passed unanimously.

NEW BUSINESS:

WPS Lease discussion with Superintendent of Region #12, Dr. Bruce Storm:

Mark Lyon thanked Dr. Storm for attending this evening's meeting and explained that members of the Board of Education and the Town's Board of Finance had also been invited to attend to join in the discussion. Mark explained that when costs estimates were done for the original list of work that needed to be done at the Washington Primary School, more issues were found that needed to be addressed. The current lease "draft" does not address the fact of what would be done if there is a shortfall of funding for all the repairs needed to the primary school building.

The Board of Selectmen and the Board of Finance have many concerns. Jack Field, Vice Chair of the Board of Finance has submitted a memo (*attached to these minutes*) stating that these "two Boards will not support any new lease agreement with the Region until such time as the Region has restored these buildings (WPS and the old WHS building) to our satisfaction and has demonstrated credibly to us that it has the commitment, management system and personnel in place to sustain this level of repair through the term of any proposed new lease. The Washington Board of Selectmen and Board of Finance believe the Proposed Lease Agreement, Draft #7, does not adequately deal with this issue, and in this case, we are not willing to accept good-faith intent and promises. Instead, we insist on demonstrated Region performance in this matter as requisite condition for a new Lease Agreement."

Dr. Storm thanked those present for the opportunity to be present this evening and explained that although he has publicly supported a consolidated school, he does not feel at the present time it can be contemplated economically. His major concern is the children of the Region and providing them with the best education in the best environments possible. He feels the state of the buildings cannot be ignored and that it makes the most sense to fix them up with the potential of returning them to the respective towns. There are a number of factors that have contributed to the state of the buildings – but Dr. Storm feels we should look to the future and move forward. Mark Lyon stated that he and the Board need to have confidence that the issues that have been brought to the attention of the Region be addressed.

Dr. Storm thanked the project team of Tony Bedini, Charles Boucher and Andy Engel – key points will be enumerated that will get the facilities up to safe standards and educationally sound. A professional estimator will be hired to come up with the costs involved. Dr. Storm will then speak with each Town and then present to the voters with a target of early April. A "Repair and Maintenance Plan for Elementary Schools" was distributed by Dr. Storm (*attached to these minutes*). Dr. Storm also explained that in order to be eligible for reimbursement from the State, a 20-year lease needs to be in place. There is a formula that determines just how much, and for what work, reimbursement will be received. As far as long-term maintenance concerns, Dr. Storm is looking at different mechanisms, i.e. reorganized facilities department that will be held accountable.

Jim Brinton reiterated the concern of many that there be assurances that once repairs are done, the

buildings will be maintained. Dr. Storm said there was a legal obligation to educate the children. As far as the building projects are concerned there is a certain amount of “playing catch up in old buildings”. He feels there are two phases – getting the work done and then making sure mistakes are not repeated to the best ability with these old buildings.

Mark Lyon asked if there was any advantage, or disadvantage, to having a shorter than 20 year lease (other than the reimbursement issue). If the Town locks into a 20-year lease, and it does not see an improvement in the maintenance, what course of action would we have? Dr. Storm was not aware of the exact statute, but suggested that wording could be put into the lease that would address this concern.

Board of Education Chairman, Matt Franjola, stated he believed the Board of Ed has an excellent team in place and all should begin to look forward. They are committed and dedicated to the repair of the buildings. The Lease Committee has committed funds and he feels this shows the intent to repair the buildings. Valerie Anderson spoke of the present lease and the need to have all parties involved and committed. The Town also has an obligation (according to the lease) to review the condition of the building and the work required. Irene Allan spoke of the need to consider what the buildings would be used for in the future if/when they are turned back to the Towns. No one would want to do unnecessary work. Irene distributed a statement (*attached to these minutes*) that states that, in her opinion, the proposed leases contain completely unacceptable concessions by the Regional Board of Education...”

Irene suggests that the Region make repair decisions independent of leases and that “a periodic review of building conditions done by building professionals from the RSD 12 staff and towns might be an approach. The entire thing needs to be de-politicized, neutral, based strictly on technical conditions and educational priorities.” Matt Franjola spoke about bonding to do the repairs, stated the work would be managed by personnel, perhaps hiring an outside manager to make sure the work is done correctly, who would work closely with the Superintendent and Board of Education. Charles Boucher suggested hiring a construction manager, instead of a professional estimator, that has the knowledge to sign off on work. Nick Solley asked if it was required by the State Board of Education to have a professional estimator, as opposed to construction manager or clerk of the works. Dr. Storm did not feel it made a difference who did it but that the figures have to be precise to go out to bond.

Tony Bedini suggested with four buildings in the region needing to be repaired and maintained, a plant engineer be hired to see problems, present options as to how they can be fixed and follow through to make sure work is done. Peter Tagley charged the Board of Selectmen with the responsibility of setting the standards of what it wants from the Board of Education. If large sums of money are approved to do the repairs necessary, it is also important to have enough money in the budget to make certain the work is kept up and maintained. Nick Solley spoke of the need to identify issue and to include the annual maintenance costs in the budget (not capital expenses).

Discussion continued as to what the Town wants from the Board of Education and Superintendent in order to proceed with the lease agreement. Jack Field expressed the need to know how money is going to be spent and managed. He suggested the buildings, particularly WPS for this discussion, be restored to an acceptable condition, support Dr. Storm’s plan, consider a 5-year lease and have the building repaired and sustained. He feels the Town wants a commitment from the Board of Ed that the work will be done. A cost should be arrived at, determine how to fund it and get the work done – thinking of the future. Mark Lyon reiterated the need to convince the Town that work will be sustained. The current facilities will always have problems because of the facilities themselves. He would be more in favor of a 5-year lease if assurance of work being maintained were given as he and others feel this has not occurred in the past. Dr. Storm concluded that however the lease is structured, it needs to prove to the Commissioner of Education that the students of Region #12 are the first priority. He thanked those present, and the community, for their reasonableness, civility and thoughtfulness.

Visitors: See above.

Motion: To adjourn the Regular Meeting of the Board of Selectmen at 7:20 p.m. and enter into Executive Session. By Mark Lyon, seconded by Jim Brinton and unanimously approved.

Executive Session was adjourned at 7:27 p.m. and the Selectmen re-entered their Regular Meeting.

Motion: The Board of Selectmen supports the purchase of the property discussed in Executive Session, using Conservation Commission Open Space Funds, and recommends that a Town Meeting be scheduled to consider said purchase. By Mark Lyon, seconded by Nick Solley and unanimously approved.

Adjournment:

Motion: To adjourn the Regular Meeting of the Board of Selectmen at 7:32 p.m. as there was no further business for discussion. By Jim Brinton, seconded by Mark Lyon and unanimously approved.

Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary

The Wash BOS and BOF met together at the regularly scheduled BOF meeting on 2/23/09. After seeing Tony Bedini's library of photos showing the physical condition of the WPS and old WHS buildings, and hearing his descriptions, there was unanimous consensus that these two Boards will not support any new lease agreement with the Region until such time as the Region has restored these buildings to our satisfaction and has demonstrated credibly to us that it has the commitment, management system and personnel in place to sustain this level of repair through the term of any proposed new lease. The Wash BOS and BOF believe the Proposed Lease Agreement, Draft #7, does not adequately deal with this issue, and in this case, we are not willing to accept good-faith intent and promises. Instead, we insist on demonstrated Region performance in this matter as requisite condition for a new Lease Agreement.

Board of Finance, J. H. Field, Vice Chair
3/5/09

Background Summary

The leases now proposed contain concepts that brought us to an impasse in 2006. At that time, the lease committee then constituted during my BOE chairmanship and with the prior superintendent, came to the conclusion that it could not cede financial control and control of its responsibility to set educational priorities in the maintenance of buildings by agreeing to the lease concepts being suggested. Note that at that time, a large rental amount was also being suggested, but much of what we are discussing here was then rejected.

My Present Opinion

I presently believe that the proposed leases contain completely unacceptable concessions by the Regional Board of Education. A regional board is given financial power not given to individual town boards. The prime reason is to allow a regional board to function in the event of discord among member towns. Several RSD12 board members say “this isn’t really a large annual sum to be committed to repairs”. That may be true, but codifying this in a lease is a financial concession the board must not make, simply on principle.

There is no mechanism in these documents should the region find itself unable to fund the agreed to repairs. There is no maximum expenditure. The only way to get more funding is to return to the towns. Here’s where disaster hits. The repair is in town C, but the region rejects the added money. A listed repair must be done. In the end, the students are impacted once again.

What happens when the listed repair is complex beyond what was anticipated? The costs of listed repairs are not sufficiently specific. Estimates are too vague and actual costs are likely to greatly exceed them. See the above paragraph about not enough money. To agree to such a structure for 5 years out is totally irresponsible.

Suggestion

The region must make repair decisions independent of leases. Do we get evicted if we refuse to make a repair, for whatever reason? The original leases made excellent sense. That the oversight set up in those was lost track of and not acted on, is unfortunate. I suggest a more robust, formal version of that. A periodic (quarterly, semi-annual?) review of building conditions done by building professionals from the RSD12 staff and towns might be an approach. The entire thing needs to be de-politicized, neutral, based strictly on technical conditions and educational priorities.

It may make sense to some right now, but writing this into a lease likely to later haunt us in “unforeseen consequences” shows a frightening lack of caution.

Irene Allan, RSD 12 Board of Education
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