

WEST HAVEN BOARD OF EDUCATION MINUTES
October 6, 2008
Regular Board Meeting

The Regularly Scheduled Meeting of the Board of Education was held at the Blake Building, 25 Ogden Street, West Haven on September 15, 2008. The meeting was called to order by Mark Palmieri, Chairman of the Board of Education at 7:05 p.m. The meeting opened with a pledge to the flag.

**BOARD MEMBERS
IN ATTENDANCE:**

Mark Palmieri, Chairman
Gerald A. Calabritto
Eric Murillo
Robert Saley
M. Toni Paine
Patrick Egolum
Howard Horvath Jr.
Andrew R. DePalma
T. Sean Maher

BOARD MEMBERS ABSENT:

ADMINISTRATORS PRESENT: Neil Cavallaro, Superintendent of Schools
Dave Cappetta, Director of Finance

CITY OFFICIALS PRESENT:

STUDENT REPRESENTATIVES

PRESENT: Faraz Sabir

B. Public Portion

Chairman Palmieri welcomed everyone and stated we would begin the Public Portion and asked if anyone would like to address the board.

Nancy Rossi, 12 Robin Road stated that a letter from the Office of the City Council was sent to the Superintendent of Schools on August 27, 2008 Re: Budget Review. This letter stated that Councilman Rossi, Chairman of the Finance Council as a Whole Committee was inviting him and anyone else he felt necessary to attend a committee meeting on October 15th at 7:00 PM in City Council Chambers, 3rd Floor, City Hall. The purpose of this meeting is a discussion of the above and asked him to confirm. Superintendent Cavallaro responded to the letter thanking the Clerk of the Council, Sharon Spaziani for inviting him to come before the City Council and review our department's budget. As you know I serve as the agent for the Board of Education and it is clear according to Connecticut General Statute 10-222 that once a municipality has made its appropriation to the Board of Education it may expend those funds at its discretion; therefore I will not

be in attendance when the Council convenes on October 15th. Should you or any councilman have any questions relative to this matter I suggest you contact the Corporation Counsel to further explain this statute. Sincerely, Neil Cavallaro, Superintendent of Schools.

Mrs. Rossi said she wanted to be very clear that she speaks on her own behalf here not anyone else's. She was not pleased when she received this letter. She stated she totally understands Connecticut Statute 10-222. If she could have chosen a way the board spends its money we would not have a new science coordinator. She is aware of how the city works and money is appropriated and has been here longer than most board members except Jerry. I really do understand what is going on. The meaning of the first letter was in the spirit of cooperation and good open communication. Nowhere in this letter does it say we are going to try to tell you how to spend your money; this was for a review. 10-222 doesn't say that we are not allowed to ever ask any questions. All the department heads were coming and we were getting together to discuss budgetary items for this year and next year. When the audit was late the Board of Ed was one of the people that we blamed for this repeatedly. She felt we would want to come to the meeting just to clarify this.

This meeting has been changed to October 22nd at 7:00 PM and I am still extending an invitation to anyone who wants to come as an elected official. This letter was sent in a spirit of cooperation. A further discussion ensued.

She is also waiting to hear more about the request for the 6 paras that is on the agenda tonight.

The board gave thanks.

Jim McMahon, stated he is an independent contractor for a company called Income Inc., the servicing agency for the West Haven Board of Education's Anthem Plan. Jim resides at 29 Ward Place in West Haven.

Jim thanked the Board for their support over the last seven months. The West Haven Board of Education voted unanimously with one abstention to disavow the actions of the Finance Director for the City of West Haven, Robert Barron's removal of Income Inc. as the Agent of Record for the West Haven Board of Education's group insurance benefit plan and to reaffirm the appointment of Income Inc. Since this took place Attorney Dugas has sent a six page written opinion regarding the City of West Haven's interpretation of the charter and who has the ability to appoint the servicing agency for the group health plans for the City of West Haven. Numerous attorneys have reviewed the West Haven City Charter to determine the authority to appoint the servicing agent for the West Haven Board of Education. After thorough review the only thing conclusive in the matter is the fact that there is nothing conclusive in the charter regarding this. It is open. Is it in one corner's favor over the other corner's favor? It might lean to the City's opinion a little more than to the Board of Education's opinion.

Mr. McMahon stated that the fact is the whole purpose of electing the Board of Education is to advance the integrity of our school system. To the detriment of the West Haven Board of Education the City has mismanaged the huge medical group plan for the better part of a decade. The Board of Ed stood up and unanimously supported Income Inc as the servicing agency with Mr. Horvath abstaining as he was not here for the opening review of this.

When appointed servicing agent for the City of West Haven Income Inc. came in with a 38 point scope of work. This was a critical element in order to implement financial and fiscal responsibility improvements and implement service that goes beyond what was given which we believe is necessary to properly operate the health insurance plans that the City has. A further discussion ensued about agencies over a two year period that were put on and taken off. For five years prior to the appointment of Mayor Picard Anthem wanted to do an eligibility report in order to determine who belongs on the insurance program and who does not belong. They were told to wait on this report. Every time we waited we were hurting the Board of Education. There is a 22 million dollar line item we have for the Health Insurance for the City of West and roughly 68% of this is for the Board of Education. We completed our eligibility audit and we saved the Board of Education tens of thousands of dollars by doing this audit. We also saved millions of dollars of potential risk for the board of education. For eight years this was not done. Right now the City has close to 100 dependents that should no longer be insured and the City of West Haven is paying the bill for it. When Anthem's monthly bill comes in it goes to the City and the City pays the totality of the bill and sends the 68% cost to the Board of Education and the Board pays that particular dollar amount. Mr. McMahon stated in doing the Board's eligibility audit they found people who were deceased on the role, people who were divorced and were no longer eligible, and we found children who should no longer be on the role. The question is how many claims did these people have over the years and how did this impact the Board of Education's budget. Would this ever have been addressed if Income Inc. didn't come in and say enough is enough and this has to be taken care of?

Seven months ago Mr. Barron came in here and said Income Inc. is unqualified and inexperienced. Mr. McMahon stated that individuals of Income Inc. have over 70 years of experience in insurance. Mr. Barron had said to this board we must do an eligibility audit immediately; everyday we do not do an eligibility audit the City of West Haven and the taxpayers are losing money. Seven months have passed and the City still has not begun the eligibility audit and there are 100 people who do not belong that we know of and there may be more and each month the Board gets billed 68% for those people that don't belong.

The question is that the municipality or the board of education has to make a proper decision as to who their agent of record is and what type of service will they bring to the table. A further discussion ensued.

Mr. McMahon thanked the Board for their support and knows the Board does not want to litigate. The bottom line is this how much money has the board of education lost? He

knows how much money they have recouped. On the other hand does Mayor Picard want to sue the Board of Education because the charter says they should not be allowed to appoint their servicing agent? A further discussion ensued.

Mr. McMahon asked who will be the Watch Dog for the Board of Education if Income Inc. is not appointed for the Board of Education. Who will understand the complexities of the plans? The Sterling Health Plan is applicable to retired teachers who are eligible for Medicare Benefits. It doesn't apply to the City of West Haven there is no interest in the City of West Haven to be involved in this. In most cases as it applies to your retirees that are eligible they save money by being on the Sterling Plan. Part of my job and part of what we have been doing with the great help of Susan Jayne who is a tremendous asset is to explain the pros and cons of the Sterling Plan. Why; because if we can get them off the City of West Haven's plan to the Sterling plan it is more money in the Board of Education's pocket. What is the incentive for the City of West Haven to do this? He offered to go over many things that should be done and haven't been done if the Board would like to set up a meeting with him.

The board gave thanks.

Patricia Robles, 229 Branford Rd., North Branford, CT. Patricia works at the high school and is here on behalf of the PTSA and is selling West Haven decals to put on your car window or your home window. The cost is 1 for \$3.00 or 2 for \$5.00. The proceeds benefit the senior scholarship. You may contact Patricia or anyone from the PTSA. Neil will keep some here if anyone wishes to purchase any.

There were no other speakers

Public Session closed at 7:30 PM

C. REPORTS

C.1. Administration

Neil said as part of his report today he invited Attorney Floyd Dugas to talk about the Agent of Record issue tonight. Neil doesn't question the work the McMahon's have done and would not dispute one thing that Jim McMahon said here tonight; but you must keep in mind the question that comes up in the letter from Attorney Barrett to Attorney Dugas which is who has the right to appoint the agent of record? Neil stated he was turning the meeting over to Floyd who would be very general but if you feel the need to go into an executive session you will have to add that to the agenda.

Attorney Dugas said that Neil has asked him to come to give an update on where we are with the Agent of Record. In January Mr. Barron had notified Hartford Life that he was changing the Agent of Record to Segal Company and similar letters went out to Blue Cross and Blue Shield. This board was understandably concerned about the fact that Mr. Barron as the Finance Director would presume to speak or act on behalf of the Board of Education in dealing with any relationship of this type. On March 3, 2008 the board took an action to disavow the action on the part of Mr. Barron and reaffirm the McMahon's as

agent of record. Following that Mr. Barrett as Corporation Counsel issued a short letter saying that he thought Mr. Barron had the authority to do that. Floyd did some research and shared his viewpoints and feels it is at best a murky issue and would say that it probably leans a little bit in favor of the City on the precise issue of the appointment of the agent of record but it is clearly a murky area and there are no court decisions you can point to. Frankly the language on the City Charter, like much of the language on this and other City Charters, could be a lot clearer on this issue. You can't say one way or the other who is right or wrong on this particular issue. Mr. Barrett issued another letter and at this time we respectfully disagree with one another. Again this is a murky issue and if one were to go to court to litigate this issue I don't think you can clearly say who would win and there would be a lot of money spent in my opinion on what probably isn't good money spent by the Board of Education fighting this issue.

Anthem Blue Cross and Blue Shield has not paid out the money to either broker - Segal or Income Inc. so right now the only one benefiting is Anthem as the money is sitting in their bank account receiving interest. Peter Barrett and I attempted some informal dialog and based upon those conversations we informally agreed that I would approach the McMahan's and say to them how about we slice up the pie and everyone do some work and you end up with a slice of the pie. Mr. McMahan told Floyd this afternoon that this was not in their best interest. Floyd had hoped that some sort of agreement could have been reached as the issue is murky and there could be taxpayer's money spent fighting over which agent of record is entitled to receive the commissions on this. This is a brief update on where we are and there is nothing you need to do at this time. He stated he certainly would not recommend taking any course of action that would require you to spend any money to fight this issue as there is no up side to the board we would just be spending money we would be spending in other areas.

Howie Horvath did not attend the meeting where Mr. Barron spoke and asked if Mr. Barron had laid out his reasoning for what he was trying to promote. Yes was the response.

Rob Saley asked if this could be addressed through Charter Revision. Attorney Dugas agreed that it should. A further discussion ensued.

Neil asked if a face to face meeting with Mr. Barron to see why he feels he has the right to name the Agent of Record for the Board of Ed should be requested. Floyd said he could request a meeting but he stated arguments can be made both ways and he is not looking at it blindly from the Board of Education's side.

Patrick Egolum stated by Mr. Barron doing what he did is this usurping the Board's power. Attorney Dugas said that is the concern that was expressed by the board. But when it comes down to a few words in the Charter there is an argument on this question.

Toni Paine doesn't think that usurping the Board's power is the question. Her opinion is that Peter Barrett's interpretation of the law is that we don't have that power. So if you don't have the power someone isn't usurping your power. The question is whether or not

you have the power but not whether you are usurping the power and there is a difference. Well, there would be a difference if you went to court. The first question to be decided is who has the power and if the Board does then it doesn't go any farther.

Howie asked if Mr. Barron clarified why he wanted to use Segal Company. Floyd said among the things I heard him say that night is that Segal Company is a national organization and he was of the opinion they had more resources than Income Inc. Howie asked if he quantified this at all. Not that Floyd recalled.

Andy DePalma asked if we don't act on this in any way shape or form it just sits, nobody gets paid, Anthem gets richer and Charter Revision will end up straightening it all out. Floyd said that is one of the things that could happen but the receiver for Income Inc. and Segal will still want their money. The thing that troubles me is that for the last six months Income Inc. has done a substantial amount of work and frankly one point of concern I have is if they lose the legal argument I don't want them turning around and suing the board. A further discussion ensued and it was decided to add an Executive Session to tonight's agenda for further discussion of this after Student Representatives. Jerry Calabritto made the motion to add an Executive Session to tonight's agenda and Eric Murillo seconded the motion. All members were in favor. Motion is passed.

The board gave thanks.

Gary Palermo gave information from a report received from the State of Connecticut with regard to our annual performance with regard to Special Ed. Every year we receive this report from the State and for the 06-07 data the West Haven Pupil Services Department the Special Education Department was rated meets requirements. We received the highest rating looking at the data. It really looks at Performance Rate for CT Master, Mastery Performance, Placement in class, disproportionality, transition IEP by age 3 - children in programs by age 3; develop transition services for high school age students. We have worked on all the areas and as a department we have done a good job in supporting our special ed students. Some areas still need growth. A further discussion ensued and some questions that were asked follow.

Toni Paine asked if a child is not integrated into a regular classroom who makes this decision. Gary said the decision is made by the PPT Team.

Howie Horvath asked if we have been preparing the teachers for this challenging role of integrating students by doing professional development. Gary stated they have done district wide instruction and have brought in local experts to work with the team. We look at each case individually.

Gary discussed the need for the six paras at this time. The principal of the school usually will make the first request for a paraprofessional and we try to exhaust all resources in the building and typically try to put a substitute in with the child to see if this will improve the situation. The six para requests they are for safety concerns for the child or staff. The

money for the paras will come from this year's IDA grant 07-09 and next year the Superintendent and Board will determine where it will be taken from. A further discussion ensued and Gary invited the board to visit some of the classes.

The board gave thanks

Jon Capone, Coordinator Health/PE/Athletics, brought some of the high school students with him who participated and did a great job in discussing the high school with the seventh and eighth graders at the Carrigan and Bailey. The presentation was made at the Middle Schools on September 23rd and 24th.

Mr. Pedvillano had a DVD of the above which he was unable to show because of a problem with the equipment. The students Jon brought with him then gave a brief description of what they spoke about. The students talked about the Peer Advocate Program, Athletics and the variety of sports offered, Marching in Concert Band – the Art requirement you need to graduate, Jazz Band, Christmas and Spring Concert, Field Trips to California and Chicago, Theatre Workshop which has three shows a year and acting classes, Take a Seat Program and Study abroad, Nursing Program which is offered and is open to boys and girls, and Freshman Academy which has 4 teams A-D with all classes in the same hall, unlike the magnet school if you don't like the courses you can switch and try something different.

Neil Cavallaro thanked the students and was very proud of them and the way they represented the high school. Due to the glitch in equipment the board members will each receive a copy of the video.

Jon Capone returned and had already passed out materials to board members. He talked about a CIAC Handbook. Jon was asked last year by CIAC if West Haven would be willing to go through on a volunteer basis the athletic evaluation. They are piloting this program throughout the state and come in and see what you are doing wrong and right. They are there to help you. He saw that our athletic handbook needed to be updated and revised it during the summer as it would be an important part of the evaluation. Neil Cavallaro and Mark Palmieri discussed this with Jon and advised him that board member Andy DePalma oversees the athletic committee and Andy will oversee the committee and be in constant communication with Jon. Jon had handed out a piece of paper with the people on the committee. Joe Lucibello, Ron Stancil and the CIAC Team made the presentation in early September. This is similar to NEASC on a smaller scale. The timeline that this has to be finished by and handed to CIAC is by mid February or March we will have it completed and they will look at it and plan a 2 day visit to West Haven and evaluate our athletic program. A survey is an important part of the evaluation and will be completed by every athlete in the building, every coach and as many parents as he can get to take the survey. It is done on line through CIAC and when complete we will receive the results. The person assigned to the students who will be taking the survey will be Burt Sinclari he will oversee this and this will be done during the school day. Mark Consorte will help write the final copy. The committee is made up of coaches, student athletes, parents and teachers.

The board gave thanks.

Mike McGrath, Supervisor of Custodians discussed the use of the sub list when hiring custodians. He said there is one position open and possibly more coming. He feels the sub list should be used when hiring but should not be the only component used. We have six or seven people on the sub list now.

Mike stated that in looking back at the sub list we were afraid we might be tied down to the seniority factor. Toni Paine said she didn't feel that was part of what was voted on. The only way we would have looked at it is if there were two equally qualified people then you would go to seniority. We were going to evaluate the people three times a year and everything needed to be documented. If you are on a sub list and are being evaluated it should be pretty clear cut as to who is qualified.

Mike said there is a really good group of people on the list right now some who have been on since February 04. Unfortunately some of the people who have been there would not be our top choice right now. We are concerned about the caliber of people we hire and some of the people can benefit the system with mechanical backgrounds. Toni asked if these people have been evaluated and if so they should be evaluated higher than the other people. When we hired Henry Banks who had not been the senior person on the list but had surpassed everyone else in his rankings so this wasn't an issue. Now we have a 5 hour custodian at Thompson School. Toni asked if the people who are there have been evaluated. Yes. Neil said when we give you the applicants you will have the evaluations in the packet. Howie Horvath said to answer her question completely you could show the list now by rankings based on those components. Then you can add to that the specific recommendations. Jerry Calabritto asked if you are saying we exclusively go off the sub list. What do we do with the candidate we might have who can't work on the sub list who may be of exceptional quality? No, I think what we are saying is that we want to comply with whatever rules are made. That is what I am asking. Are you saying that the only way you hire is off the sub list? If you are not on that sub list don't look for a job you aren't going to get it. Howie said you can have their name added to the list you can not preclude anyone from getting their name on the list but it would be hard to evaluate him. Jerry said so you are saying put them on the list but they never are available to work so they never come but that makes them available to be hired? They also won't be evaluated because they never work. Neil said let's say there is a tradesman with a license who is not on the list but has a good record and we know down the road a person will retire. If we want to get this person into the system we would have to come to you and explain. Jerry said so we are all on the same page that the sub list is the guiding factor but not necessarily by seniority. Neil said no, what I'm saying is there are circumstances where it is difficult for a person to commit to being on the sub list. Eric said if you go on the list for three years how do you rate that person if there is no opportunity for him to work? Mike said there is a provision on the form that if you are not active for 90 days you should be dropped from the list but then they can come back on the list. A further discussion ensued with various members speaking. Neil said if they come in through Food Service they are in the union and can bid on a custodial position. We want to make

sure we understand your rule and will make recommendations based on who we think the best people are.

Mark said his personal opinion is that Neil and Mr. McGrath make the recommendation and put their rankings and evaluation sheet in our packet and we go from there.

The board gave thanks.

C.1.b. Student Representatives

Faraz Sabir said the One World Organization had a 90 minute TV Show on minority students succeeding in high school and how they feel about politics and economy. Both Faraz and Shamsi Aysha were participants. We were the first to represent West Haven in five years. This opened up opportunities to WHHS and now they will extend their award, grants and essay contest to the elementary and middle schools and this will provide some type of scholarship money to the younger students.

Executive Session

M. Toni Paine made the motion to go into Executive Session at 8:50 p.m. and T. Sean Maher seconded the motion.

Andy DePalma made the motion to end Executive Session and M. Toni Paine seconded the motion. Executive Session ended at 9:21 p.m.

The board meeting resumed at 9:22 p.m.

C.1.a Status of Schools

C.1.c. Board

T. Sean Maher said the Washington Family Fiesta night was a great success Tim Van Winkle and all the parents should be commended. The homecoming festival was fantastic and the student art show showcased a lot of talent.

Eric Murillo thought that the art show produced a lot of talent and was phenomenal but didn't understand what it was not open to the high school. Neil said next year we will look into this for the high school.

Patrick Egolum stated again that we must be careful to not relinquish our authority to City Hall. We must be careful not to let the City Hall make decisions for us. This is why we should support the company from the City of West Haven not an outside company.

Howie Horvath saw the Art Show as well and thought it was outstanding.

Robert Saley said there is a meeting tomorrow of the Oversight Committee at 6:00 at council chamber and will present a preliminary report of the Board of Ed moving over to the old police station. Howie said doesn't this sound a little problematic. Neil said it

does but we made it clear that the board must be in agreement so we are starting a discussion. Howie asked that for those who can't make it like himself he would like to be kept informed. Neil will get minutes for him and other board members.

Mark Palmieri said he spoke to Mrs. Rossi after the public portion of today's meeting. Homecoming was great and the singing was great. The young ladies this evening did a nice job.

C.1.d. Committee

D.1. Approval of Minutes:

D.1.a. West Haven Board of Education Regular Meeting, September 15, 2008
7:00 p.m. at the Blake Building (enclosure)

D.2. Resignations: (Certified)

08-202 **Kyle Bowerman**, Social Studies Teacher, Stiles
Effective: Immediately
Reason: Personal

08-203 **Sandra Mackowski**, Library Media Specialist, Carrigan
Effective: September 22, 2008
Reason: Personal

D.3. Resignations: (Non-Certified)

D.4. New Hire: (Certified)

08-204 **Mark T. Hansen**, 10 Theodore Road, Shelton, CT 06484
Full Time Special Ed Teacher – Forest School
Effective: October 27, 2008
Salary: \$54,315.32 (Step 8 – BS + 60)

08-205 **Patricia Robles**, 229 Branford Rd., #474, North Branford, CT
06471
Science Department Head – WHHS
Effective: October 7, 2008
Salary: \$4,800.00 + Stipend

D.5. New Hire: (Non-Certified)

Jerry Calabritto made a motion to approve D.1. – D.5 inclusive

Toni Paine seconded the motion

No discussion

All in favor

D.1. – D. 5 were approved

D.6. New Business:

**08-206 Elementary Unit Leaders 2008-09 School Year
Middle School Team Leaders & Freshman Academy 2008-09
School Year**

T. Sean Maher made a motion to approve D.6. 08-206

M. Toni Paine seconded the motion

No discussion

All in favor

D.6. 08-206 was approved

**08-207 Correspondence from Gary Palermo to Superintendent
Cavallaro requesting six new paraprofessional positions for the
2008 – 2009 school year.**

M. Toni Paine made a motion to approve D.6. 08-207

Patrick Egolum seconded the motion

Discussion: Eric Murillo asked if a child should leave the district would we end up with an extra paraprofessional. No we follow this closely. Neil said your question is a valid one and if the child leaves the para should be displaced.

No further discussion

All in favor

D.6. 08-207 was approved

F. Informational:

Eric Murillo stated it bothers him that people can keep coming back and getting on the list and not work. Is this something we really want to happen? Neil said let's say there is a sub job open and Mike exhausts the list and we are short. We have two options don't fill the job and the place doesn't get clean – sometimes you are better with an OK person than none at all. Now I have to fill the job with one of our employees and pay them an overtime rate. So for example is it better to have an OK sub in the job than to not have anybody or to have a tradesman that is being paid at time in a half to sweep a room. This is one of the dilemmas. It is not the easiest thing in the world to find people to come in. Mike has cleaned up the process and we will try not to fill the job and has done an exceptional job.

Mark Palmieri asked for a motion to adjourn the meeting

M. Toni Paine made a motion to adjourn the meeting

T. Sean Maher seconded the motion

All in favor

The meeting adjourned at 9:40 PM

Respectfully submitted,

Marylou Amendola
Board Secretary