

NEW MILFORD BOARD OF EDUCATION
New Milford Public Schools
50 East Street
New Milford, Connecticut 06776

FACILITIES SUB-COMMITTEE
SPECIAL MEETING NOTICE

RECEIVED
TOWN CLERK
2015 OCT -2 P 12:55
MHP

NEW MILFORD, CT

DATE: October 6, 2015
TIME: 6:30 P.M.
PLACE: Lillis Administration Building—Room 2

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

1. Call to Order
2. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

- A. Legal Opinion re SNIS Fields
- B. Mayor's Request for JPS Budget Transfer
- C. New Milford High School Chiller

4. Items of Information

- A. Update on Overtime
- B. Update on Schaghticoke Roof Replacement Project
- C. Update on Turf Fields
- D. Corrective Action Plan – Office of Civil Rights

5. Public Comment

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accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

6. Adjourn

Sub-Committee Members: Dave Littlefield, Chairperson
Wendy Faulenbach
David A. Lawson
John W. Spatola

Alternates: Angela C. Chastain
Theresa Volinski

William R. Connon
90 State House Square
Hartford, CT 06103-3702
p 860 424 4385
f 860 424 4370
wconnon@pullcom.com
www.pullcom.com

October 2, 2015

Dr. JeanAnn Paddyfote
Superintendent
New Milford Public Schools
50 East Street
New Milford, CT 06776

Re: Use of School Facilities by the New Milford Youth Baseball and Softball League

Dear Dr. Paddyfote:

This letter is in response to your request for an opinion concerning an offer made by the New Milford Youth Baseball and Softball League to donate approximately \$30,000 to make improvements to two fields at Sarah Noble Intermediate School. In exchange for their donation, the League is looking for preferential use of the fields. Additionally, the League has expressed a willingness to take over the maintenance responsibilities for the two fields in question.

Connecticut General Statutes §10-239 authorizes any local board of education to provide for the use of "school grounds or other school facility within its jurisdiction for non-profit educational or community purposes." Pursuant to this statutory authorization, the School District has adopted Policy 1330(a)-(e) which puts the use of school facilities under the control and supervision of the Facilities Manager who "shall be responsible to assure the use of school facilities shall be limited to those activities that do not infringe upon or in any way interfere with the operation of the schools and the best interests of the Board of Education." I do not know what other community groups also have expressed an interest in using the two fields at Sarah Noble Intermediate School. Your policy permits an organization to request use of a particular facility for a period of time "not to exceed six (6) months." It also sets forth a procedure to be followed in the event "more than one organization requests the use of a particular facility at the same time." See 1330(b), paragraph 2. Among the criteria to be considered by the Superintendent of Schools are: the organization that will make the best use of the facility in terms of the number of people to be served, and/or the lack of an equivalent program in the community, the organizations currently using the facilities and the organization wishing to expand existing activities. Those criteria are to be considered by the Superintendent of Schools only if a mutually satisfactory compromise among the organizations involved, cannot be achieved. It would appear, therefore, that

**PULLMAN
& COMLEY, L.L.C.**
ATTORNEYS

Ms. JeanAnn C. Paddyfote
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according to the Board's policy, the New Milford Youth Baseball and Softball League may already be eligible to receive preferential authorization to use the two fields, regardless of whether they make a donation.

The Board of Education has a policy number 3280 that allows it to accept gifts valued at more than \$1,000. Should the donor restrict the use of the gift, or donation, the Board shall either honor the restriction or return the property to the donor, pursuant that policy (3280(a)). Is it the intention of the New Milford Youth Baseball and Softball League to restrict the use of the \$30,000 donation in any way other than that it be used to improve the two fields at Sarah Noble Intermediate School? If there are other restrictions intended, the Board will have to decide whether they are acceptable.

Pursuant to Connecticut General Statutes §10-220 the New Milford Board of Education, at all times, maintains control over its school property. The Board of Education can retain outside vendors or subcontractors to make the necessary improvements to the two fields but it cannot turn over ultimate control of the maintenance responsibility to an outside entity, public or private. While any outside group may recommend a vendor, subcontractor or volunteers, all decisions on behalf of the Board are made by the Facilities Manager or other designee, and all contracts are between the school district and such parties. It should also be pointed out that some of the "maintenance" of the two fields may involve bargaining unit work within the domain of one of the Board's collective bargaining units. To the extent services traditionally have been provided by the Board's custodial staff, for example, lining a field or mowing the grass, it may need to be done by Board of Education employees. Finally, should the Board through its policy or regulations charge fees, the Board could amend its policy or regulation to give it express authority to waive the fees when it is in the best interests of the district to do so.

If you should have any further questions with respect to this matter, please feel free to call.

Very truly yours,



William R. Connon

WRC:cag
Enclosures



TOWN OF NEW MILFORD

Town Hall
10 Main Street
New Milford, Connecticut 06776
Telephone (860) 355-6010 • Fax (860) 355-6002

Office of Patricia Murphy, Mayor

September 23, 2015

Dr. JeanAnn Paddyfote, Superintendent of Schools
Angela Chastain, Board of Education Chairwoman
50 East Street
New Milford, CT 06776

RE: John Pettibone School Building

Dear Superintendent Paddyfote and Chairwoman Chastain,

I am in receipt of John Calhoun, Facilities Manager's letter dated September, 18, 2015 relinquishing statutory rights to the John Pettibone School Building and Property effective September 30, 2015.

Upon receipt of the property, I request that the dollar amount in the John Pettibone School Building Property and Maintenance 2015/2016 Budget also be transferred to the Town for the continued general maintenance of the property.

Sincerely,

Patricia Murphy
Mayor

RECEIVED

SEP 24 2015

NEW MILFORD SCHOOLS
SUPERINTENDENTS OFFICE



NEW MILFORD PUBLIC SCHOOLS

FACILITIES DEPARTMENT

386 Danbury Road
NEW MILFORD, CT. 06776

John E. Calhoun
Facilities Manager

Telephone : (860) 354-6265
Fax : (860) 210-2233

September 18, 2015

Honorable Patricia M. Murphy
Mayor, Town of New Milford
10 Main Street
New Milford, CT 06776

Dear Mayor Murphy:

This letter confirms the intention of the New Milford Board of Education to relinquish the statutory rights to the John Pettibone School building and property effective September 30, 2015. At that time, the building and property and all subsequent related expenses will become the responsibility of the Town of New Milford.

Respectfully,

A handwritten signature in black ink, appearing to read "John E. Calhoun", with a long, sweeping flourish extending to the right.

John E. Calhoun
Facilities Manager

NEW MILFORD PUBLIC SCHOOLS

Office of the Superintendent
50 East Street
New Milford, Connecticut 06776
(860-355-8406 FAX (860) 210-4132



JeanAnn C. Paddyfote, Ph.D.
Superintendent of Schools

September 30, 2015

Ellen E. Cohn
Deputy Commissioner of Education
CT State Department of Education
Box 2219
Hartford, CT 06145

Dear Ms. Cohn,

I am writing in response to your letter of August 31, 2015 regarding the New Milford Public Schools voluntary corrective action plan (VCP) for New Milford High School dated July 9, 2015.

The District takes seriously its responsibilities to provide a school building that is in compliance with all appropriate regulations. We have been reviewing your August 31, 2015 letter regarding the VCP report and we are committed to addressing those items we can in a timely fashion. In that regard, we have updated our VCP and it is included here.

The Town of New Milford has recently approved the installation of two turf fields at New Milford High School. The plan will include providing handicapped accessibility to all fields. The work will begin this fall and we anticipate completion by August 2016.

There are a number of items on the list that will require review and a timeframe for corrective action cannot be identified at this time. Our Facilities Manager has recently resigned and we are working with our current staff and an architect to determine what needs to be done to comply with your directives. Specifically we are addressing:

- Access to the seating area in the auditorium
- Locker/Shower room access
- Bleachers at the athletic fields
- Stairs and Stairwells

Following the consultation with our architects, we will be able to provide you with steps to address these noted areas. We anticipate submitting this updated report by the end of December 2015.

Very truly yours,

A handwritten signature in cursive script that reads "JeanAnn C. Paddyfote".

JeanAnn C. Paddyfote, Ph.D.
Superintendent of Schools

JACP:ps

cc: Dr. Dianna R. Wentzell, Commissioner of Education
Dr. Adrian R. Wood, Education Consultant

Voluntary Correction Action Plan

School District: New Milford

School Name: New Milford High School

ACTION ITEMS

Signature:

A handwritten signature in cursive script, appearing to read "Jeanine C. Paddy".

Updated September 30, 2015
*(Updates in **Bold**)*

<u>Noncompliance Issues</u>	<u>Corrective Action Plan</u>	<u>Completion Date</u>
<p>The recipient does not provide an annual public notification in the local newspaper, posters advertising programs or any other publications. Legal Requirements: Title IX: 34 C.F.R., Section 106.8 (b), Section 504: 34 C.F.R., Section 104.7 (a), Title II: 28 C.F.R., Section 35.107 (a) and Guidelines IV-O requires that the recipient prior to the beginning of each school year, advise students, parents, employees and general public that all vocational opportunities are offered regardless of race, color, national origin, sex or disability. The notice must also include a brief summary of program offerings and admission criteria and the name, office address and phone number of persons designated to coordinate compliance under Title IX and Section 504. In determining whether the recipient complies with the annual public notification requirement, the review team reviewed the program announcements and brochures that were submitted by the recipient. After reviewing all of the materials that were submitted, the recipient did not provide enough evidence to indicate its compliance with the annual public notification requirement, for example, advertising in the local newspaper that all vocational opportunities are offered regardless of race, color, national origin, sex or disability.</p>	<p>The newspaper notification will be in an August issue of our local newspaper.</p>	<p>August, 2012</p>

<u>Noncompliance Issues</u>	<u>Corrective Action Plan</u>	<u>Completion Date</u>
<p>The recipient does not provide the contact information for the Title IX and Section 504 coordinator in its annual public notification in the local newspaper, posters advertising programs or any other publications. The contact information should include the name, office address and phone number of the Title IX and Section 504 coordinator. Legal Requirements: Title IX 34 C.F.R., Section 106.8(b), Title II: 28 C.F.R. Section 35.107(a) and Section 504: 34 C.F.R., Section 104.7(a) indicates that a recipient must notify students and employees of the name, office address and phone number of the designated employee. In determining whether the recipient complies with the notification requirement, the review team reviewed the program announcements and brochures that were submitted by the recipient. After reviewing the materials that were submitted, the recipient did not provide enough evidence to indicate its compliance with the notification requirement for the Title IX and Section 504 Coordinator, for example, publishing this information in the local newspaper.</p>	<p>The newspaper notification will be in an August issue of our local newspaper.</p>	<p>August, 2012</p>

<u>Noncompliance Issues</u>	<u>Corrective Action Plan</u>	<u>Completion Date</u>
<p>Auditorium</p> <p>Does the auditorium have more than one remote and a separate exit for persons with disabilities? [UFAS: 4.3.10] No</p>	<p>Install two push-button exit doors on the east and west sides of the theatre.</p>	<p>Spring, 2016</p>
<p>Auditorium</p> <p>Is there a listening system to assist at least two people with severe hearing loss? [4.1] Yes</p>	<p>Install a wireless FM system.</p>	<p>August, 2012</p>
<p>Auditorium</p> <p>Is the auditorium accessible to, and functional for the physically, handicapped to, through and within their doors, without loss of function, space or facility, and/or is the auditorium usable under Section 504 of the Rehabilitation Act of 1973 (Section 104.23), or under the ADA (Section 35.151)? [ANSI: 1.2, 5.12] No</p> <p>Note: Although there is a wheel chair lift that accesses the control room level, there is no clear unobstructed route for lift to control room. No handicap seating on upper tiered seating area (no access from lift).</p>	<p>Handicapped seating cannot be installed in upper tier.</p>	<p>Cost Prohibitive</p>

<u>Noncompliance Issues</u>	<u>Corrective Action Plan</u>	<u>Completion Date</u>
<p>Cafeteria</p> <p>Is the cafeteria accessible to, and functional for the physically, handicapped to, through and within their doors, without loss of function, space or facility, and/or is the cafeteria usable under Section 504 of the Rehabilitation Act of 1973 (Section 104.23), or under the ADA (Section 35.151)? [ANSI: 1.2, 5.12] Yes</p> <p>Note: Food prep sink and hand sink</p>	<p>Purchase new food prep sink.</p>	<p>August, 2012</p>
<p>Culinary</p> <p>Are washing machines and clothes dryers front loading? [UFAS: 4.34.7.2] Yes</p> <p>Note: In loading dock area, room 1307d</p>	<p>Purchase new front-loading washing machine.</p>	<p>June, 2012</p>
<p>Elevators and Platform Lifts (Elevators)</p> <p>Is the elevator not locked allowing unassisted access? [4.3, 4.27.4] No</p>	<p>Install proximity readers on all elevators.</p>	<p>Spring, 2016</p>
<p>Elevators and Platform Lifts (Elevators)</p> <p>Can the elevator be operated with one hand and without tight grasping, pinching, or twisting of the wrist? [4.27.4] No</p>	<p>Same as above. ↑</p>	<p>Spring, 2016</p>

<u>Noncompliance Issues</u>	<u>Corrective Action Plan</u>	<u>Completion Date</u>
<p>Entrances</p> <p>Is the entrance accessible to, and functional for the physically, handicapped to, through, and within their doors, without loss of function, space or facility, and/or is the entrance usable under Section 504 of the Rehabilitation Act of 1973 (Section 104.23), or under the ADA (Section 35.151)? [ANSI: 1.2, 5.2] No</p>	<p>Install push-button exit doors on front and rear entrances.</p>	<p>Spring, 2016</p>
<p>Floors and Exits</p> <p>Is the floor and/or exit accessible to, and functional for the physically, handicapped to, through, and within their doors, without loss of function, space or facility, and/or is the floor and/or exit usable under Section 504 of the Rehabilitation Act of 1973 (Section 104.23), or under the ADA (Section 35.151)? [ANSI: 1.2, 5.5,5.11,5.12,5.13] No</p>	<p>Install push button access controls.</p>	<p>Spring, 2016</p>
<p>Gymnasium</p> <p>Is the gymnasium accessible to, and functional for the physically, handicapped to, through, and within their doors, without loss of function, space or facility, and/or is the gymnasium usable under Section 504 of the Rehabilitation Act of 1973 (Section 104.23), or under the ADA (Section 35.151)? [ANSI: 1.2, 5.12] No</p>	<p>Install push-button exit doors.</p>	<p>Spring, 2016</p>

<u>Noncompliance Issues</u>	<u>Corrective Action Plan</u>	<u>Completion Date</u>
<p>Kitchen (General)</p> <p>Does the room have a fire alarm? [4.28] Yes</p> <p>Note: Room 1307c</p>	<p>Install fire alarm.</p>	<p>March, 2012</p>
<p>Library (Check-Out Area)</p> <p>Is the check-out counter 28-34 inches above the floor? [8.3; 4.32.4] Yes</p> <p>Note: No knee space</p>	<p>New check-out counter needs to be purchased and installed.</p>	<p>August, 2012</p>
<p>Library (General)</p> <p>Is the library accessible to, and functional for the physically, handicapped to, through, and within their doors, without loss of function, space or facility, and/or is the library usable under Section 504 of the Rehabilitation Act of 1973 (Section 104.23), or under the ADA (Section 35.151)? [ANSI: 1.2, 5.12] Yes</p>	<p>Install push-button exit doors at the main entrance.</p>	<p>August, 2012</p>
<p>Locker/Shower (General)</p> <p>Is the locker/shower accessible to, and functional for the physically handicapped to go through, and within their doors, without loss of function, space or facility, and/or is the locker/shower usable under Section 504 of the Rehabilitation Act of 1973 (Section 104.23), or under the ADA (Section 35.151)? [ANSI: 1.2, 5.6, 5.12] No</p>	<p>Seek architectural advice to remediate.</p>	<p>Cost Prohibitive</p>

<u>Noncompliance Issues</u>	<u>Corrective Action Plan</u>	<u>Completion Date</u>
<p>Site</p> <p>Are the walks a minimum of 36 inches wide? [4.3.3] No</p> <p>Note: Bleachers and team benches</p>	<p>Asphalt walk-ways and pads need to be installed.</p>	<p>August, 2016</p>
<p>Site</p> <p>Are the curb ramps flared sides 1:10 (or 1:12 if the ramp is less than 48 inches from an obstruction)? [4.7] Yes</p> <p>Note: At the crosswalk near ticket booth.</p>	<p>Curb ramps will be modified to meet standard.</p>	<p>August, 2012</p>
<p>Site</p> <p>Is there an accessible route to the athletic fields, dugouts bleachers, playgrounds, and accessible playground apparatus from the gymnasium? [4.3] No</p> <p>Note: To the bleachers at perimeter. Connector required to the field (JV Soccer/Softball).</p>	<p>Same as page 18, Item #2. Asphalt walk-ways and pads need to be installed.</p>	<p>August, 2016</p>
<p>Site</p> <p>Are there accessible wheelchair locations at the bleachers, dugouts, and viewing areas (both sides for ball fields)? [4.33.3] No</p>	<p>Same as page 18, Item #2. Asphalt walk-ways and pads need to be installed.</p>	<p>August, 2016</p>

<u>Noncompliance Issues</u>	<u>Corrective Action Plan</u>	<u>Completion Date</u>
<p>Site</p> <p>If the bleachers are raised, is there more than one accessible means of egress? [UFAS: 4.3.10] No</p>	<p>Same as Page 18, Item #2. Asphalt walk-ways and pads need to be installed.</p>	<p>August, 2016</p>
<p>Stairs and Stairwells</p> <p>Do the steps avoid abrupt nosing? [4.9.3] No</p>	<p>Seek architectural advice to remediate.</p>	<p>Cost Prohibitive</p>
<p>Stairs and Stairwells</p> <p>Are the stairs accessible to, and functional for the physically, handicapped to, through, and within their doors, without loss of function, space or facility, and/or are the stairs usable under Section 504 of the Rehabilitation Act of 1973 (Section 104.23), or under the ADA (Section 35.151)? [ANSI: 1.2, 5.4, 5.12] No</p>	<p>Seek architectural advice to remediate.</p>	<p>Cost Prohibitive</p>
<p>Toilets (Single User and Gang Toilet Room)</p> <p>Is the toilet room accessible to, and functional for the physically, handicapped to, through and within their doors, without loss of function, space or facility, and/or is the toilet room usable under Section 504 of the Rehabilitation Act of 1973 (Section 104.23), or under the ADA (Section 35.151)? [ANSI: 1.2, 5.6, 5.12]. No</p>	<p>Install push button access controls.</p>	<p>Spring, 2016</p>