

**New Milford Board of Education
Special Meeting Minutes
December 14, 2015
Sarah Noble Intermediate School Library Media Center**

RECEIVED
TOWN CLERK
2015 DEC 15 P 1:46

NEW MILFORD, CT

Present:	Mr. David A. Lawson, Chairperson Mr. Robert Coppola Mr. Bill Dahl Mrs. Wendy Faulenbach at 6:35 p.m. Mr. Brian McCauley Mrs. Tammy McInerney Mr. J.T. Schemm
Absent:	Mrs. Angela C. Chastain Mr. Dave Littlefield

Also Present:	Mr. Joshua Smith, Deputy Superintendent of Schools Ms. Ellamae Baldelli, Director of Human Resources Attorney Michael P. McKeon, Pullman Comley, LLC
---------------	--

1. A.	Call to Order Pledge of Allegiance The Board workshop special meeting of the New Milford Board of Education was called to order at 6:30 p.m. The Pledge of Allegiance and a moment of silence immediately followed the call to order.	Call to Order A. Pledge of Allegiance
2.	PRESENTATION The Board's legal counsel will conduct a workshop pertaining to various issues confronting Board members, including the legal contours of Board member speech as well as the Board-Central Office dynamic, such as hiring and working with Superintendents. <ul style="list-style-type: none"> • Attorney Michael P. McKeon presented information on Board responsibilities and communications, its role in the public eye, and its relationship to the Superintendent as the chief executive officer of the Board. • Mrs. McInerney asked for confirmation that a Board member should not use "reply all" to an email sent to the Board and Attorney McKeon said that is correct as the response could be considered a meeting of the Board. • Mr. Coppola asked if any topic could be brought up by a Board member at a meeting 	PRESENTATION The Board's legal counsel will conduct a workshop pertaining to various issues confronting Board members, including the legal contours of Board member speech as well as the Board-Central Office dynamic, such as hiring and working with Superintendents.

and Attorney McKeon said discussion should be only about items on the agenda.

- Attorney McKeon discussed the procedure to follow regarding parent/community complaints and cautioned Board members to keep a proper distance in case the complaints lead to hearings down the road in which the Board member would be called to rule.
- Mr. Coppola asked what recourse the Board had if a member is not following proper procedure. Attorney McKeon said in a serious case the Board could look to censure or reprimand the individual but the individual cannot be removed by the Board since he/she is an elected official.
- Mrs. Faulenbach said it was her understanding that even with a censure the Board member could vote and Attorney McKeon said that is correct.
- Mr. Lawson asked about a member of the public naming specific individuals when speaking during public comment. Attorney McKeon said the Board could instruct the public not to do that and should not respond if it should happen. He said the Board was free to limit speech without regard to content, e.g. set time limits, limit to items on the agenda etc.
- Mr. Coppola asked if questions for the attorneys needed to go through the chair. Attorney McKeon said typically questions would go to the Superintendent and the Chair who "embodies" the Board.
- Mr. Lawson said questions should go to the Superintendent who will involve the Chair if needed.
- Mr. Dahl asked if he should keep copies of Board related emails. Attorney McKeon said yes, that they are public records and suggested that members try to segregate these items from their personal correspondence, perhaps having a separate BOE email address.

Mrs. McNerney left the meeting at 6:59 p.m.

- Mr. Coppola said sub-committees are made up

of four voting members and said that other Board members who attend are not allowed to participate in discussion. Attorney McKeon asked if there was public comment and said that, if so, the Board member would be able to speak then. To allow otherwise could result in an illegal meeting of the Board.

- Mrs. Faulenbach asked if it was within the Chair's purview to call on a person sitting in public and Attorney McKeon said he would advise against that.
- Mr. Coppola said he disagreed and that he would continue to investigate.
- Mr. Lawson asked what a Board member should do when an anonymous letter is received. Attorney McKeon said the Superintendent should be advised and a copy of the letter provided.
- Mrs. Faulenbach said she appreciates this advice as she has received anonymous letters in the past that she has turned over to the superintendent. She said she gives no credence to anonymous letters.
- Mr. Dahl asked if he needed to keep a copy if it was turned over to the superintendent and Attorney McKeon said no as long as someone has a copy.

- Mr. Lawson asked Attorney McKeon his thoughts regarding the superintendent search process since the Board will be interviewing and possibly selecting a firm this week.
- Attorney McKeon suggested that the Board might look at where the firm draws its candidate pool from, what qualifications they look for and how well that matches with the criteria that the Board sees as important. The Board might want to look at other districts in which the firm has placed a superintendent and how long that individual has stayed.
- Mr. Lawson asked Attorney McKeon to explain the evergreen clause. Attorney McKeon said under state law a superintendent could only be retained for three years maximum. Salary and benefits are typically

**New Milford Board of Education
 Special Meeting Minutes
 December 14, 2015
 Sarah Noble Intermediate School Library Media Center**

	<p>negotiated the first year then each year after at which time a new three year contract is also considered.</p> <ul style="list-style-type: none"> • Mr. Coppola asked if the Board had to give a three year contract and Attorney McKeon said no, that was the maximum. • Mr. Schemm asked if the position has tenure protection and Attorney McKeon said it does not. • Mr. Coppola asked if the Board could use an interim superintendent for multiple years and Attorney McKeon said yes, if negotiated. 	
<p>3.</p>	<p>Adjourn</p> <p>Mrs. Faulenbach moved to adjourn the meeting at 7:43 p.m., seconded by Mr. Coppola and passed unanimously.</p>	<p>Adjourn</p> <p>Motion made and passed unanimously to adjourn the meeting at 7:43 p.m.</p>

Respectfully submitted:



Wendy Faulenbach
 Secretary
 New Milford Board of Education