

Board of Education  
Newtown, Connecticut

Minutes of the Board of Education meeting on Tuesday, September 6, 2011 at 7:30 p.m. in the library at Reed Intermediate School.

W. Hart, Chair	J. Robinson
D. Leidlein, Vice Chair	L. Gejda
A. Buzzi, Secretary	50 Public
D. Nanavaty	3 Press
L. Bittman (absent)	
R. Gaines	
K. Alexander	

Mr. Hart called the meeting to order at 7:35 p.m.

Mrs. Bittman was unable to attend due to a family funeral out of state.

Item 1 – Consent Agenda

MOTION: Mr. Nanavaty moved to approve the consent agenda which included the minutes of August 16, 20 and 30, 2011, the fall coaches for Newtown High School, the resignation of Oona Mulligan, teacher at Newtown High School, and the donation of cheerleading mats to the Newtown High School Athletic Department. Vote: 6 ayes

Item 2 – Public Participation

Dan Shea, 44 Queen Street, spoke in favor of the owner/operators and asked the Board to consider another way to cut costs.

Joe Borst, 10 Beechwood Drive, spoke in favor of the owner/operators. We should take care of our own as those bus drivers do.

Barbara Brimmer, 8 Hattertown Road, spoke in favor of the owner/operators. It's more than just dollars.

Karen Viska, 30 Mile Hill Road South, went to the August 20 meeting and was not impressed with the All Star presentation. Larger buses with more seats could mean a longer riding time.

Beth Koshel, 20 Evergreen Road, said First Student and Datco came in closer to the owner/operator bid. Look at the bids with an open mind.

Robin Fitzgerald, 24 Old Farm Hill Road, said we have sustained hurtful cuts over the years and it may not change if we keep the owner/operators. We need to keep every dollar in the classrooms. She's not happy to see them go but wants to keep most of the dollars for the students.

Christine Hermes, 29 Brushy Hill Road, has five children in the schools. Other things can be cut back to save money.

Herb Rosenthal, 17 Main Street, said making the right decision is tough. What is popular is the right thing to do which is to retain the owner/operators.

Item 3 – Reports

Correspondence: Mr. Buzzi stated the Board received correspondence from George Ferguson, Jean Walter, Jim Gaston, Joeline Wruck, Kinga Walsh, Lisa Pruner, Maggie Conway, Paul Crowell, Warren Hoppmeyer, Bruce Walczak, Carla Kron, and Dan Shea.  
Chair Report: nothing to report

Superintendent's Report:

Dr. Robinson spoke about the effects of the power outages and shared her appreciation of the hard work of our custodians and the town to help the community. She met with Representative Hovey, Dr. Regan, Mr. Hart, and two state department officials,

Ann Louise Thompson and Gail Mangs. The state officials will meet with the PPT chairs and parent groups and come to the Board's special education subcommittee in October. Mrs. Leidlein asked to be on the subcommittee along with Mr. Hart and Mr. Gaines.

MOTION: Mr. Nanavaty moved to approve the Year-end Financial Report and Transfers for the year ending June 30, 2011. Mr. Buzzi seconded.

Mr. Bienkowski spoke about the year-end financial report and transfers. This was a difficult year because of an increased number of out of district students and snow removal costs. Accounts in deficit were professional services and purchased services. We ended the year with a positive balance of \$58,670 to be returned to the Town.

Mrs. Leidlein asked if the \$74,159 of unliquidated encumbrances from the 09-10 school year that was not being returned to the Town was in addition to the over \$200,000 spent on computers for Reed School and the \$155,000 returned to the Town at the end of the 09-10 school year. Mr. Bienkowski indicated it was.

Vote: 6 ayes

MOTION: Mr. Gaines moved that the Board of Education approve the Financial Report for the month ending July 31, 2011. Mr. Nanavaty seconded.

Mr. Bienkowski said this report correlates with the final approved budget. There are three negatives in the non-certified area which are clerical salaries, educational assistants and special education service salaries.

Mrs. Leidlein had asked for a report as to how the educational assistant cuts impacted the schools.

Dr. Robinson stated a number resigned and we needed eight more at the high school. The changes have not been completed but she would have a report at the next meeting.

Vote: 6 ayes

#### Item 4 – Old Business

Middle School Roof Update:

Dr. Robinson said the kitchen was able to be completed for today. The work is substantially done and we are very pleased with it.

Economics Curriculum:

MOTION: Mr. Nanavaty moved that the Board of Education approve the Economics curriculum. Mr. Gaines seconded. Vote: 6 ayes

Strategic Plan:

MOTION: Mr. Nanavaty moved that the Board of Education approve the revisions to the Strategic Plan Objectives. Mr. Alexander seconded. Vote: 6 ayes

Transportation Bid:

MOTION: Mr. Nanavaty moved that the Board of Education award the School to Home Transportation bid to All Star Transportation as the lowest responsible bidder for the contract years 2012-2017, which award is conditional upon the administration and representatives of All Star Transportation reaching agreement on a contract which is acceptable to and approved by the Newtown Board of Education. Mr. Buzzi seconded. (Mr. Nanavaty had moved to add the contract years 2012 to 2017. Mr. Buzzi seconded.)

Mr. Nanavaty said the majority of people he has heard from have wanted us to do the right thing economically. If the owner/operators bid were a little more competitive it

might be worth staying with them. We don't want to pay more than our neighbors pay to transport students. Everyone knew where they had to be. Having All Star Transportation will benefit the Town of Newtown.

Mr. Buzzi stated that currently about half of our bus transportation needs are provided by bus companies. MTM transportation provides specialty buses, transportation to outlying schools and some runs as needed. McCutchan Transportation provides services for field trips and athletic events. The remaining half of the District's transportation needs are provided by individual owner/operators over 34 routes through town. It is interesting to note that one owner/operator has two contracts and necessarily hires a full time substitute to accommodate the other. Therefore we have 33 owner/operators providing roughly half of the bus services required in this town. This means the other half of the bus services have been provided by drivers who are not owner/operators and have been provided by them for years. We have never bid this half of the bus services. We have sat with a committee of owner/operators and negotiated a contract for these routes about every five years for quite some time. However, over the last two years, this Board has been under heightened scrutiny from members of other Boards and the Council with regard to our adherence to our policies. The Board's policy (3-300) requires that expenditures over \$13,000 will require bids and for any contracted work exceeding \$30,000, the award must be approved by the Board. This policy has been in effect since 1983 and last revised in 1995. Bidding this contract is not the result of a decision by the Superintendent or the administration to eliminate the owner/operators. Bidding this contract is a result of the heightened scrutiny the Board has been under to follow its policies.

Regarding the bidding process, the Board and the owner/operators have had a continuous relationship for a number of years. In order for this, or any relationship to endure over time, mutual cooperation, flexibility and respect for the responsibilities of the parties is necessary. In this case, it is critical that the owner/operators recognize the responsibilities of the Board in its duties to the District and the taxpayers. The Board undertook an investigation of the manner in which the current transportation system is structured. This includes the TAS report and meetings with various professionals designed to identify weaknesses and provide measures to improve our system efficiency and operate within current law. This is consistent with the Board's continuing duty of the oversight of all operations within the District. The result of this investigation and the necessary required changes to our system are contained in the Request for Bid documents. Some individuals have claimed that the Request for Bid was designed to terminate the District's relationship with the owner/operators. That statement could not be farther from the truth. That statement assumes that the owner/operators are a rigid, inflexible partner in this relationship and that they are unable to perceive the necessity for some changes to our contractual relationship in order to continue. I reject that characterization of the owner/operators. The Request for Bid document was a signal for change for the owner/operators and a roadmap to arrive at a destination where the owner/operators and the Board could continue our relationship. By submitting this Request for Bid, this Board made a statement that we would have to procure the new transportation contract under a different design in order to be consistent with current law. The Board invested its time and resources to carefully construct a Request for Bid to include those items necessary to protect this District from liability and to run the transportation system more efficiently and economically. The Board knew that it would take an investment of time and some resources for the owner/operators to reorganize

their system and make a competitive bid. This is the type of mutual investment necessary to sustain a continuing relationship. Unfortunately, the owner/operators chose not to follow the roadmap and proceed along their own path. In critical areas of the bid document; the owner/operators refused to alter their past practice or provide requested information: 1) Bid Bond Waiver 2) Performance Bond Waiver 3) Insurance Coverage No information - To be negotiated 4) Operating Program No Information - To be negotiated 5) Bid Document Unsigned 6) Reduction of Buses No? 7) Aides No rate provided. More importantly....The Request for Bid requires One (1) Contract (section 2.1.5). Attorney Dugas addressed this Board at a public meeting and cited the significant exposure this District will incur if we were to continue under separate contracts. Yet, the owner/operators bid is submitted by the chair of the Contract Committee and contains an organizational chart which identifies a contract committee and each individual owner/operator. There is no indication of a single organizational entity to contract with. The owner/operators failure to follow the roadmap the Board provided in the Request for Bid has resulted in a fatal deficiency in their submitted bid. This Board knows that the owner/operators know that This Board has made available to the public all of the information necessary to understand the truth of that statement. This Board addressed this critical issue by making it a requirement in the Request for Bid and yet....there are some who have argued, quite publicly, that the owner/operators could not comply with the requirements in the Request for Bid. Not True.....The truth lies with a bus company located in this town and run by owner/operators. I was on the Board eight years ago when MTM (originally MLM) was formed. They also put a bid in on this contract and managed to meet all of the requirements laid out in the Request for Bid. Their bid was subsequently withdrawn and not up for consideration but they continue to provide nearly 2 of the transportation services we use now. If MTM could do this, our owner/operators could have done this. Our owner/operators could have worked with the Board, invest the time and resources to reorganize, and give this Board a real chance to consider their bid. By refusing to follow a clear and achievable roadmap provided by the Request for Bid, the owner/operators have taken the ability of this Board to reach the question of whether their long service and dedication to the Town warrants consideration of accepting their higher bid. Under these circumstances, we do not even reach the question of money.

Difficult Decision. This is the most difficult decision in my twenty (20) years of serving on various Boards and Commissions. Not because of its complexity, but because this town is a part of me and my family. I have been coming to Newtown my entire life....I grew up a few towns away from here, but came here regularly competing in sports and participating in other activities. When it came time to find a place to settle and raise a family.....I chose Newtown. My wife and I have been active in the community from the 1st day we moved here over 15 years ago. We moved within town five years ago and of the main issues we discussed was moving off of Beth Koschel's bus route. Despite our disappointment in losing Beth, Bill Henckel has done a fine job taking care of our kids since then. And that's the rub - I don't look at the owner operators as vendors, nor do I look to vendors to take care of my kids. It was my hope and desire that the owner/operators would choose to cooperate with Board and submit a bid that allows us to meet our fiscal and fiduciary responsibilities to the District. This decision has placed me in an impossibly difficult situation and will affect me long after this meeting is over. I want to express how deeply disappointed I am in not being able to consider a bid from the owner/operators.

Mrs. Leidlein indicated that she was not happy with how information was being shared with the entire Board and that certain information was not given to the Board until recently. She was not comfortable making this decision. We need to address the issues we currently have and she was not in favor of awarding a contract tonight.

Mr. Alexander said he also had concerns but feels we have to choose.

Mr. Gaines believes we have to follow our policies. Of the four bids certain conditions were and were not met but we followed our policies. We need to move forward on selecting a transportation provider for the next five years. He is also disappointed that we could not move forward with the owner/operators but there was not the depth of response we expected for the bid that was put out. We have to make the decision tonight.

Mr. Buzzi said with the state complaint the owner/operators need to be heard. Whatever the state decision is we will meet the requirements of that decision.

Mr. Hart said the owner/operators have been doing a fine job. Individually they are struggling to run a business and we've had to terminate three owner/operators due to safety violations. After careful analysis the structure of the system is not what it should be and puts the district at risk. The owner/operators had a chance to respond appropriately. Our policy gives the Board discretion to disqualify a bidder but there is no legal reason to do so which could also cause legal action against us. All Star hires local drivers and stations their bus locally. They plan to be a part of this community. Our transportation service needs to be on a sound, business-like footing.

Vote: Mr. Alexander – aye	Mr. Gaines – aye
Mr. Nanavaty – aye	Mr. Buzzi – aye
Mrs. Leidlein – nay	Mr. Hart – aye

The motion passed 5 to 1.

#### Item 5 – New Business

##### Make-up Days for Delayed Start of School:

Dr. Robinson said we average four snow days per year and asked the Board to make an early decision to take the four days off the February or April break or to add them to the end of the year.

The Board discussed various options including reducing the February break to long weekends or to go by the wording on the calendar to take days from the April break. The concern was not knowing the number of snow days we may need. They decided to continue the discussion at the next meeting.

MOTION: Mr. Buzzi moved to go into executive session to discuss a personnel leave request and invited Dr. Robinson. Mr. Gaines seconded. Vote: 6 ayes

#### Item 6 – Executive Session

##### Item 7 – Possible Vote

MOTION: Mr. Gaines moved to deny the leave request for Kristina Tartaglia. Mr. Nanavaty seconded. Vote: 6 ayes

MOTION: Mr. Gaines moved to adjourn. Mr. Nanavaty seconded. Vote: 6 ayes

Item 8 – Adjournment

The meeting adjourned at 9:45 p.m.

Respectfully submitted:

---

Andrew Buzzi, Jr.  
Secretary