

**TORRINGTON BOARD OF EDUCATION
SPECIAL MEETING
Monday November 5, 2012
355 Migeon Avenue**

CALL TO ORDER

The meeting was called to order at 6:04 pm.

ROLL CALL

Present: Mr. Brady (left at 6:55 pm), Mrs. Cappabianca, Mr. Cavagnero, Mrs. Hoehne, Mr. Kissko, Mr. Merola, Mr. Nargi, Mr. Rovero, Mr. Thibault (left at 6:25 pm), Mr. Traub, Mrs. Batchelder, Mrs. Domanico, Mr. Joslyn, Mrs. Kloczko

Absent: Mayor Bingham, Austin Kelson, Kevin Finn, Sorceres Rivera-Tamarez

RESPONSE TO ALLEGATIONS

Mr. Traub informed the Board of the allegations made by a local newspaper against the Torrington Board of Education. He stated that it is the job of the Chairman to follow the rules. He also stated that the students are the responsibility of the Board.

Mr. Nargi questioned why the Board should have a formal response by calling a special meeting when these allegations are coming from newspaper articles. He stated that for a formal response such as this, allegations brought against the BOE should be done in the manner in which the BOE meetings are conducted. The person bringing up any allegations should do so by speaking in the public participation section or by getting an item on the agenda.

Mr. Traub said that if three (3) or more Board members want to call a special meeting the chairman has to call a special meeting. The BOE has been repeatedly asked for a response in regards to these allegations and the Chairman has to communicate whatever response the full Board chooses.

Mr. Nargi asked that the person making these allegations make themselves known to the Board and voice the allegations in a formal matter. Then minutes can be taken of these allegations and the Board can respond in a formal way. Mr. Nargi then stated that he is not comfortable responding to newspaper articles in this way.

Mrs. Cappabianca made a motion to discuss sending a letter to the editor in response to these allegations. Mr. Rovero seconded the motion. The vote passed with Mr. Merola and Mr. Nargi opposed.

Mr. Nargi stated there has to be some procedure. He asked what actual document we are responding to. The BOE has to formally receive a document before they can respond.

Mrs. Cappabianca offered to have the newspaper articles printed out.

At this point an unidentified person went to print out the newspaper articles being discussed.

Mr. Nargi agreed to printing the articles out and having them submitted during the meeting.

Mr. Cavagnero asked for the public attendees to identify themselves so the Board members know who they are talking to.

Mr. Traub asked the public attendees if they would like to identify themselves. The people stated their names.

Mr. Traub stated they are having this formal meeting because FOI regulations say they have to have a public, posted meeting. They cannot have an informal group discussion.

Mr. Cavagnero stated that he thinks having this formal meeting is appropriate to address these newspaper articles. He said that he has never seen such a personal attack against a BOE member in all his years serving on the TBOE. He believes it is in the best interest of the BOE to have a common response to these charges. Mr. Cavagnero also stated that they need to frame this discussion in what the members perceive to be the best way to approach the business of running the Torrington public school system.

Mr. Thibault stated that he had a chance to look over the articles and based on what he has seen, he believes that the journalist has taken an internal matter of the Board, in a discussion that should have happened between ten (10) elected officials representing the population and turned it into a witch hunt. He stated that he supports the Board in whatever the majority decision is. He then had to leave the meeting due to a prior engagement.

Mr. Brady said he had read the articles and agrees with Mr. Thibault's sentiment. He thinks this meeting is appropriate. He also stated that each Board member is entitled to their opinion, but the ability of the BOE to have one (1) voice is vital. On a personal note he said that publishing an opinion piece on the front page of the newspaper was inappropriate.

Mr. Kissko said he shares Mr. Nargi's concerns that by having this meeting they are dignifying what are essentially rants, but these rants have been elevated to require a response.

Mrs. Hoehne stated that she is in agreement with Mr. Kissko, that a response is required and it is the obligation of the Board to give a response.

At this point the printed articles were passed out among the Board members.

Mr. Rovero stated that he has never felt bullied by this Board and to throw that phrase around is irresponsible. He agrees with the general consensus of the Board and thinks they need to get back to the business of the school system.

Mr. Merola said it is important to move forward as a Board. He then stated that he would not vote in favor of a response letter because he would like more time to view the articles. He asked what specific allegations the Board is addressing.

Mrs. Cappabianca said the specific allegations they are responding to are the procedural aspects of how the Board of Education operates and the specific responsibilities of the chairman.

Mr. Nargi read from a page of the bylaws concerning integrity and the voice of the Board. He does not believe this means each individual Board member should lose his/her right to voice their opinion on any issue pertinent to the BOE. He believes the statement of integrity mandates that when you have an issue you think is important, that you be allowed to express your opinion without having to put it before the Chairman.

Mr. Kissko stated that all Board members have the chance to express their opinions at Board meetings.

Mrs. Cappabianca said any Board member can bring a revision to the bylaws at any time. This meeting is to decide if they want to put a response to these allegations in the newspaper by way of a letter to the editor. Bylaw issues are not part of this meeting.

Mr. Merola stated that this letter does address a bylaw issue.

Mr. Traub said that he doesn't think anybody on the Board would argue that the bylaws have conflicting views. The bylaws have conflicting views because things have been added to them over a period of time. The policy committee has this "on their radar" to review. He said Mrs. Cappabianca is saying that we should not get bogged down in a discussion of the bylaws at this meeting.

Mr. Nargi stated that he had a problem with the comments section being included in the printouts of the newspaper articles in question.

Mr. Kissko said these comments are what these kinds of articles engender.

Mr. Cavagnero stated that he agrees with Mr. Rovero. He also said that during his time as Chairman he was "slammed" in the papers several times. He feels the current Chairman has always acted honorably in meeting the expectations of his position, and has dealt fairly with all Board members. Mr. Cavagnero said the Board needs a statement of their position relative to how they go about their business. He said we have to run a very public enterprise while keeping confidential certain information that drives the Board's decision making.

Mr. Traub said what differs this Board from any other Board in the city is the amount of confidential information they have to deal with. The reason that the bylaw, read by Mr.

Nargi, was written was to reduce the potential of a breach of confidentiality, not to impede anyone's first amendment rights.

Mr. Nargi stated he would refuse to vote in favor of this letter because he does not agree with some of the statements. He began to read a few lines of text and mentioned Mr. Merola's name.

Mr. Traub stopped Mr. Nargi and told him he could not discuss what happens in an Executive Session in public. Mr. Merola's name is not mentioned anywhere in the letter. He stated that their response is not about a person or something that happened in Executive Session.

Mr. Nargi then asked how the Register Citizen knew they were discussing Mr. Merola.

Mr. Traub stated that somebody from the Board told the Register Citizen they were discussing Mr. Merola. He then said that he spoke to the attorney before this special meeting and was told they cannot speak about what was discussed in that Executive Session and any response must be a benign response not identifying any one (1) person or conduct of any person.

Mr. Nargi stated that they did not do anything as a Board because they were in Executive Session. In order for the Board to do anything they have to vote in open session and make a motion to act as a Board. The Chairman has no right to do anything without the Board's prior vote, telling the Chairman what the Board wants to do.

Mr. Traub said that is exactly right but the author of the articles does not understand that.

Mr. Nargi read a sentence from the proposed response letter. He then asked who is making the determination that the newspaper is wrong in stating that the Chairman is trying to silence individual Board members.

Mr. Traub asked Mr. Nargi if the Board voted to silence any Board member. Mr. Nargi replied no they did not. Mr. Traub said then it is a false accusation.

Mr. Nargi said that if an individual wants to discuss anything from an Executive Session that pertains to that individual, he/she should be allowed to do so. He said that just because they go into Executive Session that does not mean that the person discussed in Executive Session cannot talk about what took place.

Mr. Traub stated that according to legal counsel, that is not true. Anything discussed in Executive Session stays in Executive Session. If the person discussed in Executive Session talks about the Executive Session discussion in public, that still does not give the Board the right to speak about the Executive Session.

Mr. Nargi said he would have liked the attorney to be present.

Mr. Traub said he was being accused of spending too much money on this matter already. He then went on to say he had discussed the rules of the meeting with the attorney on the telephone.

Mr. Nargi stated that the substance of this meeting is whether or not the Chairman in particular and the Board in general are trying to silence an individual Board member. If they cannot discuss if this took place, why are they having a meeting at all. He said they cannot pick and choose which part of this issue to talk about and stand behind the wall of what happens in Executive Session stays in Executive Session.

Mr. Traub said that legal counsel gave each Board member the exemption to go into Executive Session.

Mr. Nargi read a few lines from one (1) of the articles concerning bylaws and statutes.

Mr. Traub said he distributed the Connecticut State statute to the press and each Board member. Mr. Kissko then read the specific statute aloud.

Mrs. Cappabianca called a point of order. Mr. Traub said the point of order is, how is Mr. Nargi tying this into what they are discussing.

Mr. Nargi spoke about Mr. Merola. Mr. Traub told him they are not going to discuss Mr. Merola; if the newspaper assumed Mr. Merola was discussed in Executive Session it was their place.

Mr. Merola stated that the last letter he wrote to the editor was not in reference to the Executive Session but in reference to the Executive committee meeting.

Mrs. Cappabianca called a point of order and stated that this is a special meeting and they are only there to discuss a response against allegations brought against their Chairman.

Mr. Traub said they are there to discuss allegations in newspaper articles, not the Board meeting from October.

Mr. Merola quoted from one of the articles and said that line was true and did not happen in Executive Session.

Mr. Nargi read from one (1) of the articles about a quote Mr. Traub made. He said he would not approve this response letter because he believes the Chairman did try to silence a Board member and he can discuss it because he is getting his information from what was published in the newspaper.

Mr. Traub said he did meet with Mr. Merola after some other Board members requested he do so to bring a bylaw violation to his attention. He said they discussed the bylaws and concerns the members had.

Mr. Nargi clarified that the discussion they had was not in Executive Session.

Mr. Brady stated that he had to leave due to a prior engagement. He said he would stand behind the Board on the response letter.

Mr. Rovero said he felt the allegation was that the Chairman as an individual was being "heavy-handed, and acting outside the scope of being the figurehead of the Board". Mr.

Rovero felt that Mr. Traub was saying that Board members brought concerns to him and it is his job to address those concerns. Therefore it is not him personally trying to silence anyone. He said it was important they all stand together and cannot understand where Mr. Nargi is coming from.

Mr. Merola asked the Board "Does the Board object to the individual Board members right to exercise their first amendment right?"

Mrs. Cappabianca stated they are just discussing allegations made against the Board and the Chairman.

Mr. Traub said officially the Board does not object to anyone's rights. Mr. Merola said he knows that and he knows how Mr. Traub feels about the subject; he was just curious about how other Board members felt. He asked Mr. Merola if he could make that an agenda item at an upcoming meeting.

Mr. Merola said that was fair, but he also wants to know how each Board member feels about making threats or berating other Board members concerning their first amendment rights.

Mr. Traub spoke about the personal allegations against him, and said they are unfounded. He thanked the Board members who are standing up for him. He stated that Mr. Merola "took the high road in his letter to the editor." He felt the newspaper and its readers misconstrued Mr. Merola's intention.

Mr. Cavagnero stated that it would behoove the Board to look at this problem in a broader context, being the press's right to know what is going on in the school system. He thinks the BOE meeting should be as transparent as possible, and as many lines of communication that can be opened should be, particularly being on Cablevision. He said that when a Board member says he/she cannot talk about something the public has to know that it is because they are trying to protect the children and the taxpayers from a lawsuit. The public has to trust the Board.

Mr. Kissko stated that one (1) of the reasons this Board is accused of secrecy is because none of the reporters show up at the sub-committee meetings where everything happens. He thinks Mr. Traub is a good Chairman and is being punished for it.

ADJOURNMENT

Mr. Kissko made a motion to adjourn the meeting at 8:10 pm. Mr. Cavagnero seconded the motion. The vote was unanimous.