

APPROVED DEC 2, 2014

Dover-Sherborn Regional School Committee
Meeting of November 4, 2014

Members Present: Dana White, Chair
Michael Lee, Vice Chair
Carolyn Ringel, Secretary
Richard Robinson
Clare Graham
Lori Krusell

Also Present: Steve Bliss, Superintendent
Karen LeDuc, Assistant Superintendent
Christine Tague, Business Administrator
John Smith, Headmaster, DS Regional High School
Brian Meringer, Headmaster, DS Regional Middle School
Ms. Boland and Mr. Shue, Student Council Representatives

1) Call to Order

Mr. Bliss called the meeting to order at 6:36 pm in the Middle School Library.

2) Community Comments – None

3) State of the District

- a) Middle School Updates - Mr. Merringer spoke of recent and upcoming events at the middle school.
- b) High School Updates - Ms. Boland and Mr. Smith spoke of recent and upcoming events at the high school.
- c) Superintendent
 - Enrollment data - Mr. Bliss provided analysis of the historical by-town capital and operating assessment ratios as well as a draft operating assessment ratio for FY16. The anticipated enrollment shift of 0.43% from Dover to Sherborn translates to an approximately \$90,000 cost shift to Sherborn based on the FY15 budget.
 - Scheduling Committee - the Committee is drafting an executive summary to Mr. Bliss that will be shared with the School Committee when completed.
 - The DSHS Class of 2013 Alumni Survey - the results were provided. There was a 44.8% response rate.
- d) Assistant Superintendent - Dr. LeDuc provided the agenda for the December 1st Professional Development day as well as an example of the UbD (Understanding by Design) for 7th grade music.
- e) Business Manager
 - WWTF - The DEP has released the Regional School Committee from the ACOP (Administrative Consent Order with Penalty).
 - Status of Appropriations - Ms. Tague provided the report.
 - Bond Refunding - the outstanding General Obligation bonds of \$8,700,000 have a call provision on May 15, 2015. Margaret MacLean, Vice President of UniBank, has provided an estimated cost benefit analysis for a bond refunding in 2015. The Net Present Value savings after an anticipated bond premium of \$412,500, issuance costs of \$70,000 and Underwriters Discount costs of \$85,500 will be approximately \$1,142,000 over the 10 years remaining on the bonds. The savings will be utilized to reduce the debt assessment annually. The two critical tasks for the Committee will be to update the disclosure statement and prepare for the review with the rating agency.
 - Facilities - the handicap van and pick-up truck were delivered last week.

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4) Presentation, Discussion and Action

- a) Fiscal Year 2016 Budget Planning - the Administration is working to obtain estimates for the proposed projects. More definitive numbers will be available for the December meeting.
- b) Goal Focus Points - None
- c) Class of 2013 Alumni Survey Results - discussed during Superintendent's Report.
- d) Class Size Reports - Mr. Smith and Mr. Merringer answered questions from committee members on the reports.
- e) Technology Plan Supplements - Mr. Smith and Mr. Merringer answered questions from the committee members on the supplements.
- f) Business Manager Search Task Force - One person from each school committee will serve on the task force which will look at the job description of the Business Manager to better understand the role and what is needed to fill it. Mr. Lee has volunteered to serve on the Business Manager Search Task Force.
- g) Cell Tower RFP - Ms. White began the discussion about the cell tower with the following comments: "Thanks to all who have expressed their democratic rights by either sending an email and/or attending an RSC meeting.

I would like to clarify how the next hour will proceed. First, members of the RSC will discuss the cell tower issue. Please note that in accordance with Open Meeting Law, this is our *first* opportunity to discuss this issue between the 6 of us since our October 7 public meeting. Therefore, we are afforded as much time as we would like to discuss relevant information. We are not subject to individual time limits; hopefully the audience will respect that.

At some point in the discussion, as Chair, I hope to invite community comments. These comments should be brief and should move the discussion forward by adding new information. I would remind everyone that we listened at length at our October meeting to all constituents who wanted to speak, including extensive comments on the issue of health concerns, finances and alternative sites. I would ask that we hear new speakers or those who are adding a new point or updated information. Once the public comments are closed, the conversation will return to the RSC and unsolicited comments from the community will no longer be allowed. This is standard operating procedure in school committee meetings across our 3 school districts. You have elected us to serve your communities in running the Regional School district; we need the opportunity to execute that role.

This has been an extremely challenging and time-consuming process. As we relayed in October, this project began in May when the RSC was faced with an application for a cell tower on an adjacent parcel of land, reigniting a conversation that had come and gone over the years. Over the next 5 months, RSC discussed and voted to issue an RFP to provide improved communication to the campus, especially in the event of an emergency, as well as take control over the tower in terms of site, monitoring, future remedies and revenue. Although we listened to the extensive debate on a range of issues, we continued down the path of being the landlord rather than the neighbor.

As we continue to explore this topic from every angle, it is our responsibility to consider every possible issue. One benefit of giving ourselves an extra month to have this discussion is we have been able to make sure we are leaving no stone unturned in terms of potential issues for the district. In the end, we are tasked with making the best decision for the district. To that end, let's discuss a few things we do want to make sure we cover.

First, since October, we have proactively communicated with our future constituents at Chickering and Pine Hill. In fact, one of my takeaways from this process will be to improve overall communications between the RSC and our stakeholders.

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Second, as part of our due diligence, we investigated the issue of jurisdiction more deeply including pulling the deed on the land acquired from the Medfield State Hospital. It is important to note that until this point, we had focused on the entirety of our school property, not on the unique aspects of how a portion of it was purchased in 2004. We asked our District Counsel, Stoneham, Chandler, Miller (SCM) to opine on the question of "school use" referenced in the Release Deed signed on 4 June 2004:

'In the event that the Premises cease to be used for school purposes, all right, title and interest in and to the Premises shall either (i) revert to the Commonwealth upon filing of a certificate of entry pursuant to GLc184s19, said filing shall be after thirty (30) days written notice by the Grantor to any of the parties above; or (ii) if such reversion is held to be unenforceable by any court of competent jurisdiction for any reason, the Commonwealth may recover all of the conveyed interests by filing a civil action.'

Ms. Ringel then explained the steps taken by the Committee and their available options:

- 1) the deed upon which the tower would be sited was examined
- 2) counsel was consulted for their thoughts on the clause "for school purposes" and how it applied to the tower and whether taxpayers have standing to sue
- 3) counsel said the tower could fit the definition of school purposes but taxpayers probably have standing to sue which would be expensive and winning is not guaranteed.
- 4) the options for possibly avoiding a lawsuit or protecting the school in the event of a lawsuit include: getting a private bill through the legislature; getting the AG and DCAMM to clarify the tower is a school purpose; or putting a caveat on the lease indemnifying the school if the district is sued.

Public comments were taken many of which echoed the health concerns of a cell tower that were expressed at the October meeting.

The members of the School Committee discussed the options given the deed issue and came to the consensus that the potential for a lawsuit would make proceeding with awarding the RFP too costly and time consuming for the Committee members and the Administration. To address safety concerns the Committee will discuss WiFi connectivity on campus outside the buildings at next month's meeting.

Ms. White made a motion that due to land use concerns correlated to the Release Deed date June 4, 2004 we reject the RFP bid for the Bay Communications. Mr. Robinson seconded.

There was discussion about the implications of the "land use concerns" in the motion.

14-75 VOTE: 0 - 5 - 1 (Mr. Lee)

Ms. Ringel made a motion that due to concerns about litigation stemming from the RFP we vote to take no action on the RFP. Mr. Robinson seconded.

14-76 VOTE: 5 - 0 - 1 (Ms. Graham)

5) Consent Agenda

- a) RSC Meeting Minutes of 10/7/2014
- b) Policy (Second) Readings
- c) Donation Acceptance: DS Boosters - Coerver soccer goal (\$1,000) and Vanguard 420 Sailboat, used (\$1,500)
- d) Donation Acceptance: Fall Coaching Position Stipends - DS Boys Soccer Team, \$3,000 (1 coach); DS Girls Soccer Team, \$1,500 (1 coach); DS Field Hockey Team, \$2,000 (1 coach); and DS Football Team, \$19,000 (5 coaches).

Mr. Robinson made a motion to approve the Consent Agenda. Mr. Lee seconded.

14-77 VOTE: 6 - 0

6) For Review

- a) RSC Historical Budget Docs: Actual-Budget Expenditures; Revenue
- b) Sherborn School Committee minutes of 9/16/2014

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- c) Dover School Committee minutes of 9/23/2014
- d) Enrollment Report as of October 1, 2014
- e) Fall Interscholastic Athletics: Participation Statistics
- f) Items for the December Regional School Committee Meeting: Advisory Committee on Extra Duties, WiFi connectivity (exterior of buildings), Mr. James Eggert: Audited Fiscal Year 2014 Financials, Bond Refunding, DSHS Programs of Studies 2015-16 changes, vote on FY16 Capital items

7) Adjournment at 9:19 PM

Respectfully submitted,
Amy Davis