

Hamel Asks Board for Second Vote on Court Appeal

By: Jaimie Cura

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BETHLEHEM-WOODBURY - Bethlehem First Selectman Jeff Hamel asked the Region 14 Board of Education, meeting Monday, January 11, to conduct a second vote on whether to appeal Litchfield Superior Court Judge John W. Pickard's decision in a lawsuit contesting the reconfiguration of the region's elementary schools.

"You owe it to the residents of Region 14," Mr. Hamel said.

On Tuesday, December 15, Judge Pickard ruled in favor of the plaintiffs in the court case, John M. Pratt, Jr., et al., vs. The Board of Education for Regional District 14.

The plaintiffs, John M. Pratt, Jr., and Susan A. Scherf, both of Bethlehem, contested in the lawsuit that the school board's 2006 decision to reconfigure Region 14's elementary schools represented a non-incidental change in the Region 14 regionalization plan and therefore is an amendment to the regional plan.

An amendment to a school district's regional plan mandates a majority vote in each town.

Judge Pickard issued a declaratory judgment for the plaintiffs, stating that reconfiguration constitutes a non-incidental amendment to the regional plan, and a permanent, mandatory injunction ordering the Region 14 Board of Education to restore the K-5 schools in Bethlehem and Woodbury.

The Region 14 Board of Education, at a special meeting Tuesday, December 22, 6-2, to authorize the board's legal counsel to file an appeal of Judge Pickard's decision.

Region 14 Superintendent Robert Cronin, Ph.D., told Voices after the January 11 meeting that the decision to conduct another vote on the matter lies with the board. He said it is not likely to occur since the appeal paperwork has already been filed.

Mr. Hamel, who spoke during privilege of the floor, began his statement by saying he sympathizes with the board on one matter.

"Nobody knows more than myself, probably, in this room, how an elected official gets beat up," he said. "The rest I'm going to say, you're probably not going to agree with."

Mr. Hamel said he wrote a December 21 letter to Dr. Cronin, sharing his opinion on the court case and how the board, in his opinion, should not file an appeal.

That letter was hand-delivered prior to the December 22 special meeting, when the board voted to move forward with the appeal, he said.

"That letter was not read at the December 22 meeting," said Mr. Hamel. "The material was not

shared with the members or introduced during correspondence.

"The fact that you didn't have this letter puts into question the entire process. One of the towns asking you not to appeal; I think it's important to bring [that] forward."

Region 14 Board of Education Chairman Monica Gati, who did not attend last Monday's board meeting, sent an e-mail to Voices on January 12, stating that she was unable to attend the January 11 meeting.

In the e-mail, she said school board members make every effort to work cooperatively with members of the Boards of Selectmen and Finance in Bethlehem and Woodbury, because they value their opinion.

She cited monthly meetings that take place between the school board and the first selectmen of each town in the district.

"It is unfortunate that Mr. Hamel does not feel that he was adequately heard on the reconfiguration appeal issue. However, the letter was written to Dr. Cronin, not the Board of Education," said Mrs. Gati in the e-mail.

"The Board of Education was carbon-copied on the letter. But a 'cc' is a notification to the recipient of the letter that the writer has distributed the letter to those parties 'cc'd.' It is the responsibility of the writer of the letter to deliver the copy to the other parties, not the recipient."

At last Monday's meeting, Mr. Hamel said in his opinion, the school board has received poor legal advice on fighting the lawsuit for the past three years.

Residents Tom Arras, Pam Gengenbach and Susan Scherf expressed their displeasure at the board's decision to appeal the court case.

Mrs. Scherf is a plaintiff in the John M. Pratt, Jr., et al., vs. The Board of Education for Regional District 14 court case.

"It's really discouraging as a taxpayer," said Mr. Arras. "This could have been settled with a simple referendum."

He said the board has thrown away several annual salaries of teachers by continuing to fight the lawsuit and polarized a community.

Mrs. Gengenbach said board members in support of reconfiguration did not give solid, legal reasons to appeal the judge's decision. She said a referendum on reconfiguration is the most fair and economical way to handle the situation.

Mrs. Scherf said she was vindicated when the judge ruled in her and Mr. Pratt's favor.

"This [reconfiguration] is a lot more than incidental," she said.

Mrs. Scherf said board members who support reconfiguration cited educational merit as a

reason to reconfigure the schools.

"Dr. Cronin refuses to study it," she said. "How can you say it has educational merit?"

Ms. Scherf said there is no consistency with reconfiguration and educational time is lost.

"Let us vote on reconfiguration or prove, beyond a shadow of a doubt, that it is educationally beneficial," she said.

In other business, the board's student representative, Greg Bove of Nonnewaug High School, said the National Honor Society hosted a blood drive and donated 47 pints of blood to the Red Cross.

Mr. Bove said the chapter has saved 525 lives due to the blood collected at blood drives.

Charles Heaven, an independent auditor hired by the board, presented an audit report to the board. He said the audit is unqualified, which is the highest level an independent auditor can issue on an audit, according to Mr. Heaven.

Due to a lack of quorum for voting purposes, the board did not take action on the audit report, the minutes, the approval of staff resignations or the policies up for revision.

The audit report will be posted on the Region 14 website once it is accepted and adopted by the board. The board anticipates voting on the audit report at its next meeting.

Mr. Heaven reported that \$2,644 in additional revenue will be returned to Bethlehem and Woodbury.

"The revenue comes from Ag-Sci tuition and Ag grants," Director of Finance and Operations Jay Hubelbank told Voices. "It will be split between the two towns based on student enrollment."

The next Region 14 Board of Education meeting will take place at 7 p.m. Monday, January 25, at the Nonnewaug High School Library, 5 Minortown Rd., Woodbury.