



REGULAR SCHOOL BOARD MEETING MINUTES

Tuesday, October 30, 2012 – 6:00 p.m.

School Board Meeting Room

500 E. Ocean Boulevard

Stuart, FL 34994

Members Present

Susan Hershey, Chair

Maura Barry-Sorenson, Vice Chair

Dr. David Anderson

Michael Busha

Laurie Gaylord

Nancy Kline, Superintendent

Robert Kilbride, Attorney

AFSCME: Lisa Edwards

MCEA: George Bittenbender

Call to Order by Chair and Pledge of Allegiance to the Flag of the United States of America.

1. Adoption of the Agenda

1.01 Additions, Deletions or Amendments to the Agenda

The following additions and amendments were presented in a memorandum to the Board:

- Amend Backup for Agenda Item 13.01 – Schedule of Personnel Recommendations – Add Personnel actions that have occurred since the Agenda Package was distributed;
- Amend Backup for Agenda Item 13.02 – Leaves Recommended for Board Approval – Add two additional leaves that take place prior to the next Regular Meeting; and
- Add Agenda Item 16.03 – Award MCSD ITB #1004-0-2012/NA for Martin County School Auditorium Remodel.

Susan Hershey indicated that she would also be amending the Agenda by moving Chairman's Comments, Agenda Item 21.01, to Agenda Item 2.03.

1.02 Approval of the Agenda

Motion to approve the Agenda as amended was made by Michael Busha, seconded by Dr. David Anderson, and carried unanimously.

2. Approval of the Minutes

2.01 September 18, 2012 – Impact Fee Workshop

2.02 September 18, 2012 – Regular Meeting

Motion to approve the minutes of the September 18, 2012, Impact Fee Workshop, and the September 18, 2012, Regular Meeting, was made by Dr. David Anderson, seconded by Maura Barry-Sorenson, and carried unanimously.

Additional Amendment to the Agenda

Susan Hershey indicated that Agenda Item 7.01 would be amended to add a Purchase Order for the law firm of Fox, Wackeen, Dungey, Beard, Bush, Goldman, Kilbride and McCluskey, for legal services for the Board through the end of December.

Motion to approve the additional amendment to the Agenda was made by Michael Busha, seconded by Maura Barry-Sorenson, and carried unanimously.

2.03 Chairman's Comments – *Moved from Agenda Item 21.01 under Agenda*

Susan Hershey announced that it is her and Dr. David Anderson's last Board meeting and Laurie Gaylord's last meeting as a Board member. She introduced Bill Graham, former board member from the Palm Beach County School Board and current Labor Relations Specialist with the Florida School Board Association, who invited individuals to speak about Dr. Anderson and Mrs. Hershey on their last meeting. The following individuals spoke:

Pete Walson	Michael Olneck	Tony George	Lori Shekailo
Sara Wilcox	James Christie	Jeff Krauskopf	David Anderson, 2nd
Jody Bond	Troy McDonald	Kathleen Snore	

Ms. Snore showed a video of students thanking Dr. Anderson for his years on the Board. Mr. Graham extended blessings from Vern Crawford, and read letters from Vicki Davis and Wayne Blanton who could not be present. Plaques were presented to Dr. Anderson and Mrs. Hershey.

Attorney Robert Kilbride questioned if the previous Agenda Items were approved. Board members believed that they were; however, a motion was presented.

Motion was made by Michael Busba to approve Agenda Items 1.01 through 2.02, including the proposed amendments to the Agenda. The motion was seconded by Maura Barry-Sorenson and carried unanimously.

3. Updates

3.01 Student Representative

Rachel Ethridge, Student Representative, presented information about activities in the High Schools, including recognition of students for achievements and information about sporting events, upcoming performances and activities.

3.02 Superintendent

Cathy Brennan, Public Information Specialist, presented the Superintendent's Update, which included congratulations to schools for increased student participation in advanced coursework and to various staff members for achievements, and information and updates on SAT scores which were above the state and national averages, dual enrollment textbook savings due to enactment of an electronic tracking system, and the Bring It 180 Attendance Campaign.

4. Recognitions

4.01 Martin County High School's Sigma Phi Organization – Recipient of 2011-2012 Club of the Year and Mrs. Anna Marie Wintercorn, 2011-2012 Club Sponsor of the Year

Joan Gibbons introduced Anna Marie Wintercorn, Sigma Phi Club Sponsor. Ms. Wintercorn was joined by several students and the Principal of Martin County High School, and was recognized for her service.

4.02 Bring It 180

Cathy Brennan introduced Ginger Featherstone, Jensen Beach High School Principal and Chairman of the District's Bring It 180 Committee, to present certificates to the following schools in recognition of having large gains in attendance or having reached the District's attendance benchmark of 97% :

- Palm City Elementary School
- Bessey Creek Elementary School
- Port Salerno Elementary
- Hidden Oaks Middle School
- South Fork High School

5. Proclamations

5.01 Environmental Studies Center 40th Anniversary Year October 2012 to June 2013

Dianne Pierce, Director of the Environmental Studies Center, read a Proclamation into the record in celebration of the Environmental Studies Center 40th Anniversary Year – October 2012 to June 2013. Kelly Bond Pelletier, President of the Environmental Studies Council, thanked the Board for supporting the Center.

6. Open to the Public/Board for ~~Advertised Agenda Items~~

The following members of the public spoke:

Kay Volz	Rance Newland	George Bittenbender	Danielle Armandez
Darby Monroe	Jennifer Hayes	Anthony Anderson	Seresa Thomas Willis
Robert Wise	Deni Gillespie	Nancy Gonzalez	

Comments were heard regarding the Adult Community High School, rate increases to leagues using District facilities, Martin County High School Swim Coach, Agenda Item 20.06 regarding a proposed payment to Morganti Construction, Agenda Item 18.01 regarding amendment to the Compassionate Leave Bank policy; and the Teen Parent Program.

There was a break in the meeting from approximately 8:24 to 8:38.

7. Approve Finance Items

7.01 Purchase Orders

Susan Hershey reminded Board Members that this item was amended to include the addition of a Purchase Order for Fox, Wackeen, Dungey, Beard, Bush, Goldman, Kilbride & McCluskey for legal services for the Board through December. Maura Barry-Sorenson noted that the Board had already approved at the September meeting an \$80,000 Purchase Order for the firm for services through December. She directed Board Members to Agenda Item 14.04, Report of Released Purchase Orders, where she pointed out the item. In response to questions from Board members, Attorney Kilbride reported that the \$80,000 Purchase Order was applied to invoices from July through September, and indicated that bills are running approximately \$20,000 per month. Michael Busha suggested approving funds on a month-to-month basis rather than committing another lump sum for the same time period. He indicated that the Board needs to live within that budget and that the \$80,000 was allocated to carry through December. Mr. Kilbride reported that approximately \$15,000 was left on the original \$80,000 Purchase Order, and School Board policy requires a Purchase Order be issued in advance of services.

Maura Barry-Sorenson indicated that she would be willing to allocate another \$40,000 to the end of December. She noted that the new Board would have to decide if they wanted a staff attorney or continue with outside legal counsel. Michael Busha indicated that he had requested a monthly summary of what the attorney is working on. Mr. Kilbride indicated that he would copy all Board members with the bills, which were very detailed.

Motion was made by Maura Barry-Sorenson to add as number 8 on the list of Purchase Orders under Agenda Item 7.01, a \$40,000 Purchase Order for Fox, Wackeen, Dungey, Beard, Bush, Goldman, Kilbride & McCluskey for legal services through December 31, 2012. Upon being put to a vote, the motion carried unanimously.

Motion to approve Agenda Item 7.01 was made by Maura Barry-Sorenson and seconded by Michael Busha.

Discussion ensued regarding the addition of the Purchase Order for Fox, Wackeen. Susan Hershey noted that the \$40,000 Purchase Order could be an extension to the \$80,000 Purchase Order listed under Agenda Item 14.04, Report of Released Purchase Orders.

Motion to approve Agenda Item 7.01 was made by Laurie Gaylord and seconded by Maura Barry-Sorenson. Upon being put to a vote, the motion carried unanimously, with the Chair adding that the Purchase Order for Fox, Wackeen, Dungey, Beard, Bush, Goldman, Kilbride & McCluskey would be an extension to the original Purchase Order.

7.02 Financial Statements

- a. **Monthly Financial Statement – September 2012**
- b. ~~General Fund Budget Amendment 13-101 – *Pulled for Discussion*~~
- c. ~~Capital Budget Amendment 13-301 – *Pulled for Discussion*~~
- d. **Special Revenue Budget Amendment 13-4201**

Laurie Gaylord requested that Financial Statements 7.02.b. and 7.02.c. be pulled for discussion.

Motion to approve Agenda Items 7.02.a., Monthly Financial Statement for September 2012, and 7.02.d., Special Revenue Budget Amendment 13-4201, was made by Maura Barry-Sorenson, seconded by Michael Busba, and carried unanimously.

- b. **General Fund Budget Amendment 13-101 – *Pulled for Discussion***
- c. **Capital Budget Amendment 13-301 – *Pulled for Discussion***

Laurie Gaylord indicated that she had questions and concerns about the budget and the amendments, and suggested that approval of these two items be postponed, and a budget workshop be scheduled for outgoing and incoming Board members in order to clarify these items. Susan Hershey agreed, stating that it would be good to have the workshop prior to the Board changing over in order to leave a clean slate. In response to questions from Mr. Busba, Bryan Thabit, Executive Director of Finance, reported that the District would not be in jeopardy if approval of the amendments was postponed until the next meeting.

Motion was made by Michael Busba to Table Agenda Items 7.02.b. and 7.02.c. until the November 20th Board meeting. The motion was seconded by Maura Barry-Sorenson and carried unanimously.

- 7.03 **Petty Cash Custodian Laura Husnander for Challenger School**
- 7.04 **Independent Auditor's Report for The Hope Center for Autism, Inc., for Year Ending June 30, 2012**
- 7.05 **Internal Funds Audit Report for SY 2011-2012**
- 7.06 **GRS Other Post-Employment Benefits Actuarial Report for Fiscal Year Ending June 30, 2012**

Motion was made by Laurie Gaylord and seconded by Dr. David Anderson to approve Agenda Items 7.03 through 7.06. Upon being put to a vote, the motion carried unanimously.

CONSENT AGENDA ITEMS 8 through 14

8. REMOVAL OF ITEMS FROM THE CONSENT AGENDA

Laurie Gaylord requested that Agenda Item 13.02, Leaves Recommended for Board Approval, be pulled for discussion. The Superintendent answered questions from Board Members regarding Agenda Item 13.04.

Motion to approve the Consent Agenda with the exception of Agenda Item 13.02, Leaves Recommended for Board Approval, was made by Dr. David Anderson, seconded by Michael Busba, and carried unanimously.

- 9 **Items of CONSENT – Approve New Agreements**
 - 9.01 **Interlocal Agreement with City of Stuart for Nite-Hoops Basketball Program**
- 10. **Items of CONSENT – Approve Addenda to Agreements**
 - 10.01 **Third Addendum to the Gehring Group Agent of Record Agreement Restated**
- 11. **Items of CONSENT – Approve Renewal Agreements**
 - 11.01 **Cooperative Agreement with The Department of Juvenile Justice**
 - 11.02 **Contract for Provision of Educational Personnel for Sandy Pines Residential**
- 12. **Items of CONSENT – Approve Grants**
 - 12.01 **Non-Competitive 5-Year Head Start Grant**

13. Items of CONSENT – Approve Personnel Items
 - 13.01 Schedule of Personnel Recommendations – *Backup amended under Agenda Item 1.01*
 - ~~13.02 Leaves Recommended for Board Approval – *Backup amended under Agenda Item 1.01* - *Pulled for Discussion*~~
 - 13.03 Organizational Chart
 - 13.04 One Year Leave Without Pay Request
14. Items of CONSENT - Other Consent Items
 - 14.01 Use of Facilities
 - 14.02 Field Trips/Use of Buses/Vehicles
 - 14.03 Declaration of Surplus Property
 - 14.04 Report of Released Purchase Orders
 - 14.05 Head Start
 - a. Policy Council Minutes for August 31, 2012; and Enrollment Report, Meal Counts, and Financial Statements for August 2012
 - b. Education Policies and Procedures – Revised
 - c. 2011-2012 Self Assessment
 - d. 2011-2012 Project Information Report
 - e. 2011-2012 Annual Report

15. ITEMS REMOVED FROM THE CONSENT AGENDA

13.02 Leaves Recommended for Board Approval – *Backup amended under Agenda Item 1.01*

Laurie Gaylord expressed concern regarding the number of out-of-state leaves being requested. She suggested, in light of the budget workshop being prepared in order to enable the Board to fully understand the budget, that all out-of-state travel be frozen. Maura Barry-Sorenson noted that some of the travel requests were for November. Susan Hershey indicated that travel arrangements may have already been made for trips scheduled for November and December. The consensus of the Board was to approve at this time only those trips scheduled for 2012. Mrs. Hershey announced the trips for 2012 as listed in the Agenda Item.

Motion was made by Maura Barry-Sorenson to approve items under Agenda Item 13.02 for Calendar year 2012 and to Table leaves for 2013 until reevaluated. The motion was seconded by Michael Busba. Upon being put to a vote, the motion carried four to one, with Laurie Gaylord opposed.

16. Approve Bid/RFP/RFQ Recommendations

- 16.01 New Piggyback – TCPN RFP #10-25 HVAC Equipment, Refrigeration, Installation, Service & Related Products
- 16.02 New Piggyback – Brevard County Schools Bid #11-001/JJ for Plumbing Supplies from 10-30-12 through 10-12-13

Motion to approve Agenda Items 16.01 and 16.02 was made by Laurie Gaylord, seconded by Dr. David Anderson, and carried unanimously.

16.03 Award MCSD ITB #1004-0-2012/NA for Martin County School Auditorium Remodel – *Item Added under Agenda Item 1.01*

Jay Angel, Director of Facilities, and Jeff Carver, Director of Purchasing, explained the status of the project and the Bid award, and answered questions from Board Members

Motion to approve Agenda Item 16.03 was made by Michael Busba, seconded by Maura Barry-Sorenson, and carried unanimously.

17. Approve Construction Items

17.01 Martin County High School Renovations

Motion to approve Agenda Item 17.01 was made by Maura Barry-Sorenson, seconded by Dr. David Anderson, and carried unanimously.

18. Approve Rule Revisions – First Review and Approval Adv. Per APA of School Board Policy

18.01 Policies 1432, 3432 and 4432 – Compassionate Leave Bank

Attorney Robert Kilbride indicated that additional amendments are required to be made to the Compassionate Leave Bank policies based on some statutory changes; therefore, he suggested that the item be pulled until these additional amendments are addressed.

Motion was made by Maura Barry-Sorenson to Table Agenda Item 18.01 and to bring back the policies for review at the next meeting. The motion was seconded by Dr. David Anderson and carried unanimously.

19. Approve Rule Revisions – Public Hearing on School Board Rule

19.01 1410 – Administrative Salary

Motion to approve Agenda Item 19.01 was made by Maura Barry-Sorenson, seconded by Michael Busba, and carried unanimously.

20. Other Items

20.01 Approve Changes to the Master In-Service Plan

20.02 Approve 2011-2012 Advanced Placement, International Baccalaureate, Dual Enrollment Annual Report

20.03 Approve 2012-2014 School Health Services Plan – Florida Department of Health

20.04 Change Calendar Days Based on F.S. 1011.60(2) for Tropical Storm Isaac

Motion to approve Agenda Items 20.01 through 20.04 was made by Laurie Gaylord and seconded by Michael Busba. Upon being put to a vote, the motion carried unanimously.

20.05 District Sponsored Groups for Upcoming Use of Facilities

Laurie Gaylord suggested this item be pulled in order to provide time to obtain additional information on the groups and the financial impact. Discussion ensued regarding the groups. Jay Angel, Director of Facilities, reported that the request is to allow the programs to operate through the end of the year or through the season. Discussion centered around basketball league headed by Mr. Rance Newland that has been operating out of Hidden Oaks Middle School for many years. Mrs. Barry-Sorenson noted that the Nite-Hoops program was approved, and likened Mr. Newland's program to this. After discussion, the consensus was to permit this program to continue through the end of March.

Motion was made by Michael Busba and seconded by Maura Barry-Sorenson to approve the second part of Staff's Recommendation which was to approve the list of Martin County Parks and Recreation and City of Stuart Groups for Board approval as Group 3 users, and extend use for Newland's league through March 31, 2013. Upon being put to a vote, the motion carried four to one with Laurie Gaylord opposed.

After the vote Mrs. Gaylord clarified that the extension was only for Mr. Newland's Basketball Program, and not the other groups on the list developed by the school sites.

Additional Leave Requests

Maura Barry-Sorenson noted that page five of the addendums approved at the beginning of the meeting contained two additional leave requests which would take place in 2012. She questioned if these were included when the Board approved Agenda Item 13.02.

Motion to approve the two leaves requested included on the Addendum was made by Michael Busba, seconded by Dr. David Anderson, and carried unanimously.

20.06 The Morganti Group, Inc., is Requesting \$329,780 for Corrective Work it Completed at JBHS Football Field in the Summer of 2008 – Sue Hershey

Susan Hershey reported that she had asked Mr. Michael Olneck from the Morganti Group to do a presentation on this item. Mr. Olneck introduced himself as Vice President of Corporate Affairs for the Morganti Group, and also introduced Gerry Kelly, Vice President of Operations, and Steven Sines, Project Manager. Mr. Olneck provided the history on the work at Jensen Beach High School and why the Morganti Group was requesting payment. He claimed that the field was redesigned from the original, which required piping and additional fill.

Jay Angel, Director of Facilities, reported that the project was completed prior to his employment; however the issue had been investigated; Attorney Robert Kilbride highlighted items from an investigative report prepared by Fastrack Management and Consulting which included information that no As-Built was provided for the original work. He explained that the As-built is a critical component as it could verify that the original field was installed per the plan. It was also pointed out that there was no contract for additional work. Mr. Kilbride reported that the Board was under no obligation to make any additional payments for the project. Susan Hershey and Dr. Anderson stated they believed the contractor should be paid.

Robert Kilbride reported that he and attorney Michael McCluskey, who does a lot of construction defect work, thoroughly researched the matter. He noted that the School District paid millions of dollars for a functional football field that it did not receive, but are now being asked to pay more money for. He noted that the District has no signed contract or anything in writing regarding new work or a change order or some kind of signed document. Dr. Anderson commented that the contractor could not have come onto School Board Property and completed work without somebody knowing about it. He believed the District was under a moral and ethical obligation to pay the contractor the additional money.

Maura Barry-Sorenson indicated that there are other parties that were involved that are not present to provide input, who should be in on the discussion prior to committing \$329,780 of District money towards this project. She noted that the Board's Attorney has provided an opinion contrary to paying. Mrs. Barry-Sorenson also pointed out that, typically in construction defect cases, none of the participants will acknowledge that they are responsible for their failure. She stated that with the information she has been provided, she will not commit \$329,780 of the District money. Susan Hershey pointed out that the District now has a football field that works. She noted that the contractor came in and made the repairs; therefore, she believed they deserved to be compensated noting that the District did not want to be known as the people who stiff their vendors. Michael Busha questioned why the Contractor did not bring this before the Board when the incident first occurred. Mrs. Hershey indicated that the contractor claimed they had tried to bring the item forward and were stonewalled. She claimed that the only reason it is here now is because she brought it forward as she believes the District has an obligation to provide the contractor with some payment for the work they have done. Michael Busha indicated it is a lot of money based on heresay.

Michael Busha moved to not approve this request for payment. Maura Barry-Sorenson seconded the motion.

Susan Hershey requested the motion be restated in the positive. Laurie Gaylord announced that she had documentation that stated that work was "Warranty Work." She noted that the document also states that approval is required if in excess of \$100,000; however, there is no agreement from the District. Maura Barry-Sorenson noted that there were many unanswered questions.

Motion was made by Michael Busha to deny the request for payment. The motion was seconded by Maura Barry Sorenson.

Susan Hershey asked if there was any additional discussion. Mr. Olneck requested to speak on the topic again.

Motion was made by Michael Busha to call the question.

Mrs. Hershey announced that she was not going to allow the motion to call the question, and invited Mr. Olneck to speak. Mr. Olneck requested that the original motion be amended to permit Mrs. Gaylord, as Superintendent, to put together a committee to look into the project. Robert Kilbride reported that his legal analysis was not going to change, as there was no expressed change order and no expressed written contract or amendment. Dr. Anderson indicated that, although the District is not legally required to pay, he believed that the Board did direct the contractor to do the work. Laurie Gaylord questioned the cost to install the piping. Mr. Olenck provided figures for piping and fill, labor and materials at approximately \$100,000., and indicated that he would settle the matter for \$100,000.

Laurie Gaylord indicated that she would be willing to approve \$100,000 to the contractor for the piping, as the contractor did expend some fees on the District's behalf and she believed the contractor is entitled to something. Attorney Robert Kilbride recommended that if the District comes to some compromised amount, that the contractor should be required to commit to a release of any further liability. Susan Hershey and Robert Kilbride indicated that Mr. Busha would have to withdraw the original motion to deny in order for Mrs. Gaylord to make a substitute motion. Mr. Busha disagreed and indicated that he would not withdraw the motion, and explained that the substitute motion should be voted on first, followed by the original motion if the substitute motion fails.

A substitute motion was made by Laurie Gaylord to approve payment of \$100,000.

Robert Kilbride indicated that the motion should state that to satisfy in full Morganti's present claim, the Board will agree to pay \$100,000 conditioned upon receipt of a full and complete release from Morganti, releasing the School Board, it's officers, officials, agents and employees.

Susan Hershey called for a vote on the Substitute motion as stated by Robert Kilbride to include the \$100,000 payment and a hold harmless clause.

Mr. Kilbride asked for a general and full release from Morganti. Maura Barry-Sorenson requested that the Contractor commit to the item on the record. Mr. Olneck announced, for the record, agreement to a full release for all agents of the Martin County School District from the beginning of time to the ends of the earth.

Upon being put to a vote, the motion carried three to two, with Maura Barry-Sorenson and Michael Busha opposed.

21. Open to the Board

~~21.01—Chairperson Hershey's Comments~~ — *Moved to Agenda Item 2.03*

Nancy Kline and Board Members Barry-Sorenson, Busha and Gaylord thanked departing Board members for their service to the District.

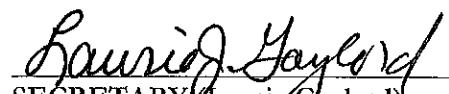
Susan Hershey reported that, due to the construction project at the Jensen Beach Elementary School, the Viking statue has been moved to a position near the parsonage at the St. Martin de Porres Catholic Church, which she believed was insulting to the priests that live there and to the parishioners. She requested that it be moved.

~~22.—Open to the Public/Board for General School-Related Business~~

Adjourn

There being no further business, the meeting adjourned at approximately 11:24 p.m.


CHAIR


SECRETARY (Laurie Gaylord)