

WYOMISSING AREA SCHOOL DISTRICT 2014-4843

Minutes November 10, 2014

The regular meeting with committee reports of the Board of School Directors convened at 6:04 p.m. in the New Gymnasium of the Jr./Sr. High School with Mrs. Butera, Board President, presiding.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, Mrs. Butera asked if anyone would be recording the meeting. No one indicated the intent to record.

Board Members Present: Mrs. Butera, Mrs. Davis, Mr. Heinly, Mrs. McAvoy, Mr. Painter, Mr. Portner, Mrs. Reese, and Mrs. Reilly.

Board Member Absent: Mrs. Seltzer

Administrative Staff Present: Mr. Stem, Mr. Boyer, Mr. Arnst, Dr. Babb, Mr. Cafoncelli, Dr. Jones, Mrs. Kaag, Mr. Kuhn, Mrs. Lenge, and Mr. Murray..

Attendees: Jeffrey Litts, Esq. of Kegel, Kelin, Almy & Lord, LLC, Becca Gregg, Reading Eagle, Shelley Filer, recording secretary. An audience sign-in sheet is included as part of these official minutes.

MEETING ANNOUNCEMENTS

Mrs. Butera announced that an Executive Session was held on November 5, to discuss a legal matter and no action was taken.

The following meeting schedules and locations were announced.

- Technology Committee Meeting – November 19, 2014, 12:00 p.m.
- School Board Business Meeting – November 24, 2014, 6:00 p.m.
- School Board Reorganization – Tuesday, December 2, 2014, 6:00 p.m.

All listed meetings are held in the Community Board Room of the Jr./Sr. High School unless otherwise noted.

PRESENTATION – JSHS DATA

Dr. Jones shared data from the JSHS on Keystone Exams, PSSAs, SATs, ACTs and AP Exams for the 2013-14 school year. In nearly all categories, the JSHS students performed above the county and state averages. Dr. Jones also cited some points of pride including the reduction of unexcused absences through the truancy intervention initiative started in 2012. Ninety-one percent of the 2014 graduates went on to pursue higher education and one-third of them graduated with a 4.0 GPA or higher.

PRESENTATION – COMPREHENSIVE PLAN

Mr. Stem shared the Comprehensive Plan, required by the Pennsylvania Department of Education, which outlines the path the District will follow for the next three years. The work around the Plan actually began back in 2012 with the development of the four pillars that defines the work that is done in the District. Various stakeholders were

Minutes November 10, 2014

involved in determining shared values that make the District uniquely Wyomissing Area. The mission statement was revised. Five goals were developed and strategies were identified to reach the goals. The plan has been posted on the website for a 28-day public review.

COMMITTEE
REPORTS

- A. Negotiations – Mr. Portner asked Jeffrey Litts, Esq. to provide an update on negotiations with WAEA. Mr. Litts provided the timeline of discussions and proposals since the last community update the Board provided on June 16, 2014 detailing its “Final and Best Offer.” As a result of those discussions, the School Board authorized the sharing of an informal contract proposal that departed from its previous “Final and Best Offer.” On October 30, 2014, Mr. Litts e-mailed to the PSEA UniServ Representative an “off-the-record” contract, in an attempt to address all of the parties’ unresolved contract issues. This October 30, document suggested a new five-year agreement, retroactive to the beginning of the current school year; salary schedules that would provide teachers with an average annual salary increase of 2.89%; provide a compacted 15-step salary schedule at the end of this proposed contract; and significantly increase the annual salaries for the district’s new and newer teachers. Allowing ample time for review, the Board is awaiting a response from the UniServe representative to discuss whether a tentative agreement can be reached, additional negotiation sessions should be scheduled, or alternative impasse procedures should be explored.
- B. Finance – Mr. Portner reported there was a meeting held on November 3, for review of the audit and on November 5, to discuss the items presented on the agenda for voting and discussion purposes. Ken Phillips, financial advisor presented on bond issues and a new SEC regulation that will affect all districts. The budget timeline was also discussed. Mr. Boyer said the audit draft was reviewed on November 3, by Mrs. Butera and Mr. Portner. The auditors issued an unmodified report which is a successful audit. The District was noted for exercising sound fiscal management procedures. There was an excess of revenues over expenditures which amounted to a \$1.4 million surplus. An additional \$161,000 was committed to PSERS. Five minor items were cited which will be rectified by the end of the year. The audit will be presented to the Board on November 24. Regarding the SEC regulation, he reported that any district who issues bonds needs to input information on a website called EMMA to disclose financial audits, budgets, and a myriad of information a purchaser of bonds can review. Five years of missing minor information needs to be reported immediately. There are no fines or implications regarding the missing information.

WYOMISSING AREA SCHOOL DISTRICT 2014-4845

Minutes November 10, 2014

- C. Facilities – Mrs. McAvoy reported the committee met November 5. They discussed the re-turf project and she and Mr. Cafoncelli met with Michelle Bare from Wyomissing Borough to discuss necessary permits. She hopes for a summer installation. They are seeking input from Physical Education teachers, tennis coaches, and the Athletic Director to determine the best solution for resurfacing the tennis courts to maximize use. Scoreboards need to be replaced in the old gym, new gym, and field hockey field. The JSHS entry renovation should be finished by mid-December.
- D. Curriculum – Mrs. Davis reported the committee met November 3. Dr. Jones shared how assessments are being tweaked at the JSHS to assure best practices as well as alignment with Common Core, Keystones, SATs, and AP tests. They also discussed updates to the Program of Studies and changes to the SATs.
- E. Technology – Mr. Portner reported the committee met on October 22. Topics of discussion included ongoing projects including the 1:1 initiative, infrastructure, new development with technical support, the Help Desk, hiring of IT interns from Penn State, and integration.
- F. Personnel – Mrs. Davis reported that the committee met on November 6, and items discussed are on the agenda for approval.
- G. Policy – Mrs. Butera said no meeting was held in November.
- H. Ad Hoc Development Advisory – No report.
- I. Berks County Intermediate Unit Board Report – No report due to Mrs. Seltzer's absence.
- J. Berks Career & Technology Center Board Report – Mr. Painter said at the last meeting they toured the Diesel/Heavy Equipment Shop. They had the opportunity to speak to current and past students. All spoke highly of the program and instructors and in some cases said the BCTC facilities were superior to technical schools they attended after BCTC. He also said BCTC had a clean audit.
- K. Berks EIT Report – Mrs. Reese reported there is a meeting in two weeks.
- L. Wyomissing Area Education Foundation – Mrs. Butera reported that Amazon is contributing to WAEF through their Amazon Smile campaign in which .5% of a customer's total purchase will benefit WAEF. The annual report and annual campaign was mailed on

WYOMISSING AREA SCHOOL DISTRICT 2014-4846

Minutes November 10, 2014

November 3, to the community. WAEF offered their gratitude to the three buildings for the over \$3,000 that was donated through the Jeans Day fundraiser. EITC donations have grown to over \$18,000 for fiscal year 2016.

PUBLIC COMMENT

John Gleason expressed his appreciation for the Board and administration and encouraged the Board to appeal the decision of the Zoning Hearing Board.

Carolyn Bamberger said a fence is not like any other element of construction. It is an object that allows a property owner to exercise his constitutional right to control and protect real property. Local government under zoning power can only adopt reasonable restrictions on fences; they cannot prohibit a landowner from erecting a fence. She urged the Board to appeal the decision of the Zoning Hearing Board and hopes that leaders on both sides can work together.

Laurie Waxler said although she is pro-fence, she has talked to many anti-fence people who are open minded. She looks forward to the case going to an unbiased court where the decision is out of our hands. She congratulated WAEF for raising \$141,000 this year which shows that this is a giving community.

Ron Snow, a 40-year resident, asked the Board to vote for the appeal.

Marty Stallone said he doesn't feel strongly about the fence one way or another, but strongly supports the Board for administering the District in a tough environment. Having worked in public and municipal finance for 30 years, he has had experience with local government. The Borough Council is not entitled to veto power over the Board's decision-making. The legal opinion received from Kaplin Stewart is extremely strong and rare in the legal profession which indicates to him that the appeal should be pursued.

Kristin Feightner supports the teachers and hopes for an agreement for a 5-year contract. She also supports the appeal.

Tom Strauss and his wife support the fence for three reasons: security, consolidation of ticket sales, and to be rid of the ugly blue fence.

Meghan Filoon said although she was ambivalent about the fence in the beginning, she would support the campaign by buying a brick. She thinks the Board should appeal because Council doesn't have the right to deny the permit based on what she read in the Zoning Hearing Board decision. She is now pro-fence, pro-appeal and pro-teachers and hopes they get a fair contract.

Minutes November 10, 2014

Sarah Reedy said she and her husband are both in favor of the fence and the appeal and thanked the Board for their efforts and long hours they put in.

John Bailey said he supports the fence and the appeal and after hearing Dr. Jones' presentation he urged the Board to settle the teachers' contract.

Lori Scargle encouraged the Board to move forward with the appeal because the fence would look beautiful, be an asset to the community, and will improve security on the campus.

**SUPERINTENDENT'S
REPORT**

**A. CURRICULUM/
TECHNOLOGY**

No items.

**B. FINANCE/
FACILITIES**

Upon a motion by Mrs. Davis, second by Mrs. McAvoy, the following Finance/Facilities items were approved.

Mr. Painter asked that the motion to appeal the decision of the Wyomissing Borough Zoning Hearing Board be voted on separately. Mrs. Davis and Mrs. McAvoy agreed to the amended motion.

During discussion, Mr. Portner made the following comments about the LERTA:

- The action taken is not intended in any manner to be critical of the prior School Board or the prior School District Solicitor. On the contrary, we believe all School District representatives involved in creating the LERTA arrangement worked diligently to do what they thought was in the best interests of the School District at the time.
- There were many different parties and many different lawyers involved in what was a heavily negotiated process of creating the LERTA arrangement.
- The intent of the Termination Resolution is not to be critical or look backwards – but simply to fix this situation going forward – with criticism of no one.

1. Approved Wyomissing Square Hotel LERTA Termination Resolution.
2. Authorized administration to apply to the Borough of Wyomissing for a special exception, a zoning variance, and a building permit to expand and renovate the turf field.

Minutes November 10, 2014

Yeas: Butera, Davis, Heinly, McAvoy, Painter, Portner, Reese, and Reilly.

Absent: Seltzer

Nays: None. Motion carried.

Upon a motion by Mrs. Reilly, second by Mrs. Reese, the following Finance/Facilities item was approved.

During discussion Mr. Heinly asked for an accounting of donations to date to defray legal costs. Mr. Boyer said that \$20,435 has been received from a total of 37 donors. Mrs. Butera mentioned that a cost estimate received for legal fees in pursuing the appeal is \$15,000 – \$20,000.

Mr. Portner said he was initially in favor of the fence project, but changed his mind after the permit was denied because of the cost of legal fees. Since donations received will cover the legal fees for the next step, to abandon the process now would mean the money already spent would have been wasted. This issue has divided the community for more than a year. He said it is time to go back to being friends and neighbors.

Mrs. Butera read a statement from Mrs. Seltzer who was unable to attend the meeting. She said having heavily weighed the pros and cons, she is in favor of pursuing the appeal for the fence for the safety of the students.

Mr. Heinly said a five-year snapshot of legal fees spent in the District show that a few years ago there was something that caused legal fees to greatly exceed the budgeted amount. That isn't usually the case and this year with all the legal fees, we are only slightly over budget. Sometimes issues warrant spending more than budgeted because of the importance.

Mr. Painter agreed with fellow Board members that the divisiveness in the community must end. However, he philosophically disagrees with the benefits of the project. He thinks the Board needs to focus on the educational mission and have a positive relationship with the Borough. He is confused because early in the process only negative comments were heard. Now there are many more positive comments, however, it still hasn't changed his position on the project.

Mrs. McAvoy said although Mr. Painter's points are well taken, she looks at it as a safety issue and doesn't feel any opinion should matter when it comes to protecting the property as a landowner. She also wanted to clarify that despite rumors, there is no intention to solicit

Minutes November 10, 2014

naming rights or hang banners on the fence.

Mrs. Davis feels the pros outweigh the cons in the installation of a fence. Contrary to a prior opinion, the field is not a park, it is a football field used for football, lacrosse, gym classes and little league football. Coaches and athletic staff want the fence and she feels they are the most qualified group to determine whether or not a fence is appropriate as they spend countless hours at the site. They realize the fence is necessary to protect the field, make it safe for students, reduce the financial liability from possible damage or vandalism, collect entrance fees, and maintain control. It is not Wyomissing park land, it is school property and she sees no reason why the public should need access from dusk to dawn.

Mrs. Butera commented that the fence project has resulted in an impassioned debate in the community. She feels the reasons for denial of the permit are inconsistent with Borough ordinances. The law supports the District's right to build a fence. The Board will continue to do all it can to protect the District's assets and provide a safe and secure place for students. She clarified that the estimate to construct the fence in 2013 was approximately \$150,000. A donation of bricks for the project was valued at \$25,000. The project was to be funded by donated money. Fees associated with the start-up of the project to submit the permit application were \$10,258 in legal fees and \$16,060 in architectural fees. Since the permit denial, through October 2014, legal fees are \$58,620 and architectural fees are \$10,113.

3. Approved filing an appeal to the Berks County Court of Common Pleas the written decision by the Wyomissing Borough Zoning Hearing Board dated October 20, 2014.

Yeas: Butera, Davis, Heinly, McAvoy, Portner, Reese, and Reilly.

Absent: Seltzer

Nays: Painter. Motion carried.

**C. PERSONNEL/
POLICY**

Upon a motion by Mr. Painter, second by Mr. Portner, the following Personnel/Policy items were approved.

Mrs. Butera thanked Mr. Sanders for his years of service to the District.

1. RESIGNATIONS

- a. Support Staff

- 1) **Robert Sanders**, Crossing Guard, WREC, resignation effective September 26, 2014.

2. LEAVE OF ABSENCE

- a. Professional Staff

WYOMISSING AREA SCHOOL DISTRICT 2014-4850

Minutes November 10, 2014

- 1) **Jill Werley**, 2nd Grade Teacher, WHEC, Family Medical Leave, update effective date to October 23, 2014, with a return to work date to be determined.
- b. Support Staff
 - 1) **Elba Beltran Del Rio**, Special Education Instructional Aide, WHEC, unpaid leave of absence effective December 2, 3, 4, 5, 2014, returning to work on December 8, 2014.
 - 2) **Gloria Claudio**, Custodian, JSHS, Intermittent Family Medical Leave, October 28, 2014 to January 31, 2015.
 - 3) **Ginger Gantert**, Business Office Secretary, Intermittent Family Medical Leave beginning November 6, 2014, until a date to be determined but not later than November 5, 2015.
 - 4) **Linda Hettrick**, Custodian, WREC, Intermittent Family Medical Leave beginning October 27, 2014, until a date to be determined but not later than October 26, 2015.
3. APPOINTMENTS
 - a. Professional Staff
 - 1) **Catherine Aurentz**, .25 Reading Teacher, WHEC, at an annual salary of \$13,380 based upon M/Step 7 on the WAEA Salary Schedule, effective date pending the completion of employment requirements.
Background information: Ms. Aurentz is certified by the Pennsylvania Department of Education in the areas of Elementary K-6 and Reading Specialist K-12. She brings with her a wealth of experience in the areas of elementary education and reading intervention.
 - b. Athletic Staff
 - 1) **William Hartman**, Boys' Basketball-Junior High Assistant Coach, for the 2014-15 Winter Sports Season at a stipend of \$1,842.
 - 2) **Jodi Reardon**, Girls' Basketball-JV Head Coach, for the 2014-15 Winter Sports Season at a stipend of \$1,418.
4. WAGE APPROVAL REQUEST
 - a. Administrative Staff
 - 1) **Ginger Johnson**, Dean of Students, JSHS, request payment approval for two (2) days worked in August 2014 which were outside her

WYOMISSING AREA SCHOOL DISTRICT 2014-4851

Minutes November 10, 2014

contracted days at a per diem rate of \$325/day.
Background information: Ms. Johnson assisted with summer administrative tasks at the Junior/Senior High School in preparation for the start of the 2014-15 school year.

5. 2014-15 WINTER ATHLETICS

Request approval of the Updated 2014-15 Winter Athletic Coaching Staff and Stipends per the attachment.

6. SUBSTITUTES

a. Professional Staff (Additions)

- 1) **Emily Foster** (Teacher)
- 2) **Suzanne Cieniewicz** (Teacher)
- 3) **Beth Delp** (School Nurse)
- 4) **Kathleen, Lopez** (Teacher)

b. Support Staff (Deletion)

- 1) **Pauline Watts**

7. VOLUNTEERS

Yeas: Butera, Davis, Heinly, McAvoy, Painter, Portner, Reese, and Reilly.

Absent: Seltzer

Nays: None. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Upon a motion by Mrs. Davis, second by Mr. Portner, the following motion was approved:

During discussion Mr. Painter said that although he doesn't support moving forward with the appeal, since it is the will of the Board to do so, he is in favor of being represented by the best possible attorney; therefore, he is in support of the motion.

1. Appointed the Kaplin Stewart law firm to represent the School District in its appeal of the Wyomissing Borough Zoning Hearing Board decision dated October 20, 2014, conditioned upon all invoices from such firm being paid solely through private contributions.

Yeas: Butera, Davis, Heinly, McAvoy, Painter, Portner, Reese, and Reilly.

Absent: Seltzer

Nays: None. Motion carried.

WYOMISSING AREA SCHOOL DISTRICT 2014-4852

Minutes November 10, 2014

UPDATES FROM ORGANIZATIONS

Tom Ritter, President of WAEA, voiced the union's frustration with the lack of progress in contract negotiations. Teachers have been working under an expired contract since June 30, 2014. In April 2011, there were staffing cuts at all levels of the District. In the two years that followed, teachers' salaries were frozen. For the past three years there have been no salary increases for educational advancement. The teachers feel they have made significant financial sacrifices. He thanked the community for its support and would appreciate its efforts in motivating the Board to settle on a contract that is fair to all parties.

ADJOURNMENT

A motion was made by Mr. Painter, seconded by Mrs. McAvoy to adjourn at 7:31p.m.

Board Secretary