

Utilization Committee
June 29, 2016
4:30 p.m.
Library at CRHS

Committee members in attendance: Norm Hicks, Kerrie Flanagan, Merrill Adams, Victor Friedrich (arrived at 4:37 p.m.)

Others in attendance: Francis Willett, Robert Moore, Kathryn Veronesi, Ron Melnik

The meeting was called to order at 4:35p.m.

1. **Public Comment:** None
2. **Agenda:** On a motion by Mr. Hicks and seconded by Merrill Adams the agenda was approved with the addition of Silver Petrucelli Timeline.
3. **Minutes** Approval of the May 31, 2016 minutes was postponed for another meeting.
4. **Alternate Use Update:** Mr. Willett reported that an informal session was held with Laura Francis of Durham and Ed Bailey from Middlefield. The committee examined a map of Korn School delineating the layout and how much land is connected with the school. Next steps are getting the legal teams together to produce a legal proposal. Dr. Veronesi read a letter from Richard Roberts who is the attorney for the Town of Durham regarding the conveyance of Korn School to the Town of Durham. A copy of this letter is attached to these minutes. The next steps shall be more discussion by the Utilization Committee as well as attorneys for all parties and final approval by the Board of Education. Mrs. Flanagan suggested we get an opinion from Day Pitney regarding the map. Mr. Melnik mentioned that they asked for a large amount of data. They in turn will provide a comprehensive document for the committee to move forward. Mr. Moore asked if current legislation will have an effect on the waiver for the funds still owed on the building. The committee compiled a list of the items that they would like to have the attorneys at Day Pitney include in an agreement or long-term lease including the map of proposed boundaries. Mr. Melnik suggested that we recommend items and keep the map in abeyance. There was continued discussion regarding points to be considered from the attorney as well as what might be included in a lease.
5. **Review of Engagement Letter:** Mr. Melnik reviewed a letter from Day Pitney regarding legal representation for Regional School District 13 of the State of Connecticut. The letter outlines the terms of their services as well as the fees involved.
6. **Approval of Engagement Letter:** On a motion from Mr. Hicks and seconded by Dr. Friedrich legal representation by Day Pitney as outlined in the engagement letter was unanimously approved.
7. **Silver Petrucelli Timeline:** Mr. Melnik distributed and commented on a proposal of Region 13 Facility Feasibility Study Projected Project Timeline. There was further discussion regarding the scheduling of a referendum. Dr. Veronesi spoke about backward design – where do we want to be on a certain date and work the timeline backward. The sooner the committee can make a decision on that, the more the timeline becomes realistic. The committee had further discussion regarding when the district applies to the bond commission and legislature to move the project forward. Mr. Melnik also spoke regarding the look back with respect to student enrollment that will have an effect on reimbursement. Dr. Friedrich

suggested that we stay on the current timeframe and make an informed decision in January 2017 at a time when information is collected. Dr. Veronesi suggested that the principals of Silver Petrucelli be invited to the next Utilization Committee meeting.

8. **Public Comment:** Chuck Stengel mentioned that he appreciated the fact that the committee is looking out for the public.
9. **Adjournment:** On a motion by Mr. Willett and seconded by Mrs. Adams the meeting adjourned at 5:38 p.m.

The next Utilization Committee will be tentatively held on July 19th at 4:00 p.m. in the library at CRHS.

Respectfully submitted,
Norm Hicks, Board of Education Secretary

MEMORANDUM FROM THE LAW OFFICES OF
HALLORAN & SAGE LLP
One Goodwin Square, 225 Asylum Street
Hartford, Connecticut 06103

TO : Board of Education
Regional School District #13
FROM : Richard P. Roberts, Town Attorney, Town of Durham
CC : Laura Francis, First Selectman, Town of Durham
DATE : July 7, 2016
RE : Possible Conveyance of Korn School to Durham from Regional District 13
Our File No. 00467.29

This memorandum is submitted on behalf of the Town of Durham (the "Town") to request that the Board of Education of Regional School District #13 (the "Board") consider the potential conveyance of the Korn School and some of the surrounding land to the Town of Durham. The mechanism by which the conveyance could be made is obviously subject to negotiation and review by counsel for the Town and the Board, particularly in light of the various concerns raised in the March 2015 Day Pitney memorandum to the Board.

As a starting point for discussions, the Town would propose that the Board could lease the Korn School and some to-be-determined land around it to the Town for a term sufficiently long that it would be categorized as a disposition of the asset, for example, possibly 40, 50 or 99 years. This would avoid Day Pitney's concern that a short term lease of district assets is outside the legal powers of the district. At the end of the lease term, the property would be conveyed to the Town for \$1 or other nominal consideration.

Obviously, the rental payments due under the lease would have to be negotiated and there are a number of factors that would have to be considered in those negotiations. However, the Town will be unable to proceed with obtaining any of the necessary municipal approvals until the basic terms have been agreed upon. Therefore, the Town requests that the Board authorize such negotiations to begin at its earliest convenience.

Please let me know if you have any questions in this regard.