

Approve 03/08/2011.

5.1

NEWPORT SCHOOL COMMITTEE
Special Meeting
Tuesday, February 15, 2011

MINUTES

1.0 OPENING ITEMS.

- 1.1 Call to Order.** Chairperson Mr. Patrick Kelley called the Special Meeting of the Newport School Committee to order at 5:00 p.m., at the Newport Public Schools' Administration Center, Room 924.
- 1.2 Roll Call.** Attendance was as follows: School Committee Members: Chairperson Patrick K. Kelley, Vice Chairperson Rebecca Bolan, Sandra J. Flowers, Ph.D., Jo Eva Gaines, Robert J. Leary, Thomas S. Phelan, and Dr. Charles P. Shoemaker. School Department: Superintendent of Schools John H. Ambrogi, Ed.D.
- 1.3 Pledge of Allegiance.** The Pledge of Allegiance was recited.

2.0 ACTION ITEMS.

- 2.1 To Consider the Recommendation of the Newport School Department's Building Subcommittee for the Pell Elementary School regarding Construction/Building Timelines and the Design of the New Pell School.**

Chairperson Mr. Kelley updated the public on the travel of the Pell Construction Process to date and read aloud the first motion for the Committee's consideration, as indicated below.

Mrs. Gaines made a motion to authorize the Pell School Building Committee, HMFH Architects, and Strategic Building Solutions to complete RIDE Stage III schematic designs using double loaded corridors for the upper and lower schools with centrally located common core elements as presented by HMFH, and recommended by the Building Committee, on February 14, 2011, and to conduct public workshops during the Development Design Process to present changes and details that may be incorporated during the next phase of the project. Dr. Flowers seconded the motion.

Discussion followed.

Public Input was received from:

Resident and Parent Kelley Cord, who read aloud her (attached) e-mail forwarded to the School Committee earlier in the day. She requested to hold action this evening. Resident and Parent Drew Carey read aloud his (attached) statement, requesting to hold action this evening. Resident and Parent Amy Machado stated her support for the Committee's proposed actions this evening. Resident Cara Lane stated that she didn't feel they were being listened to by the Committee.

Discussion followed. School Committee Members stated their support for the motion, with the exception of Ms. Bolan, citing that she would like to delay action for one week in order to have an additional Public Forum. Mr. Leary stated that he was voting in support of the motion as a "footprint".

Public Input was received from: Resident George Blake who asked that the motion be re-read aloud.

Mr. Kelley re-read the motion aloud, cited the many public meetings held on the construction project to date (attached), and further spoke to the Citizens' Formal Complaint to the Rhode Island Department of Education (attached). Mr. Leary then took a moment to define "footprint", as the "T-Shape".

The motion carried (6-1). Voting against the motion was Rebecca Bolan, citing that she would like to delay action for one week in order to have an additional Public Forum.

Mr. Kelley defined and read aloud the second motion for the Committee's consideration, as indicated below:

Dr. Shoemaker made a motion to approve the Pell School Construction Schedule which includes commencing abatement and demolition during the summer of 2011 and a construction completion date of no later than March 31, 2013. Dr. Flowers seconded the motion. Discussion followed. The motion carried unanimously (7-0).

3.0 EXECUTIVE SESSION.

- 3.1** At 5:40 p.m., Mrs. Gaines made a motion to go into **Executive Session** under jurisdiction of Rhode Island State Law, Chapter 46, 42-46-5 – Exceptions (a)(1) Personal Matters, and the person or persons affected have been notified in advance in writing and advised that they may require that the discussion be held in an open session; and (a)(2) Collective Bargaining and Litigation. Dr. Flowers seconded the motion, which carried unanimously (7-0).

EXECUTIVE SESSION

SEALED MINUTES—CONFIDENTIAL

OPEN SESSION

At 6:01 p.m., the meeting was called in Open Session.

3.0 ADJOURNMENT.

At 6:02 p.m., Dr. Flowers made a motion to adjourn the meeting. Mr. Phelan seconded the motion, which carried unanimously (7-0).

Patrick K. Kelley
Chairperson

John H. Ambrogi, Ed.D.
Clerk

Admin

From: K. Cord [kcord@cox.net]
Sent: Tuesday, February 15, 2011 10:29 AM
To: 'drshoe@verizon.net'; 'tsp418@yahoo.com'; 'sunnyleacottage@cox.net'; 'jeg227@aol.com'; 'sjflowersphd@yahoo.com'; 'becky.bolan@gmail.com'; 'pkkelley1@cox.net'
Cc: 'Bari205@Mac.com'
Subject: Your Vote tonight

Dear School Committee Members,

I am a citizen and taxpayer of Newport, a local business owner and a mother of a third grader in the Newport Public Schools. I sit on the board of that school's PTO and have been active in the system since my son was in Preschool. I also have twins boys who will be in the first grade in the Fall of 2013 and a daughter who will be in Kindergarten that year. I am telling you this because I am your target audience. Pell school will be my children's school.

I strongly urge you to delay your impending vote for the approval to move forward with the schematic designs. The forum held last night was the first positive step in a long time in this process to build. I feel you received important feedback from the community and may have gained even more valuable trust. A quick vote tomorrow will completely eliminate that trust and move the public process further back than before.

You nearly lost momentum when leaving the room last night but fortunately for you were able to recover. I am afraid a quick vote on the heels of this meeting without processing (even at least receiving) the information will set the school board and the community back.

Holding the vote even a few weeks will not delay the process. I would like to take things one step further and request that you hold another forum structured like that of last night to focus more on the proposed design. As you know, we were instructed to think conceptually and not about the design. HMFH mistakenly (and unbelievably) took this as a sign of disinterest in the design.

Nothing could be further from the truth.

Please hold this vote until you have had time to process the information from last night and hold a new design-focused forum

The 4:30-6PM Public Forum last night was a positive step towards reconciling this community to build a great school please do not jeopardize this momentum.

Respectfully,

Kelley Cord

8Vanderbilt Ave

Newport

kcord@cox.net

School Committee
Public Comments
February 15, 2011

Drew Carey
215 Eustis Avenue, Newport

I again request the opportunity to express my concerns about the failure of public process in the Pell Elementary School Construction Program and to suggest a remedy.

You will be asked to vote tonight on a recommendation from the Building Committee to move forward with a conceptual design and an accelerated timetable to build the Pell School by January 2013. I ask that you delay that vote to allow additional public review of conceptual designs.

Last night you all participated in three distinct processes and had an opportunity to hear and reflect upon the information presented in those processes. Let me recap.

The first process was a planned presentation from Laura Wernick of HMFH, the architectural firm charged with developing a conceptual plan for the Building Committee. Ms. Wernick responded to a subset of questions posted to the recently available website and briefly reviewed several conceptual designs that have been developed by HMFH and community members. The outlined pros and cons supported the adoption of one of the conceptual designs, the so-called T Design. The gathered audience was respectful, listened attentively and was not given any opportunity to ask further questions of Ms. Wernick or discuss the questions or the conceptual designs presented here for the first time side by side. In educational terms this might be termed a didactic presentation. By that I mean intended to teach, or convey instruction or information.

The second process was a facilitated process led by Bari George, a community member who I believe volunteered to lead a specific type of process. This process was designed to solicit the broadest possible input from community members about desires and visions for a school. The process was explicitly limited to collection of non-judgmental input and permitted NO discussion of conceptual designs whatsoever. Once again, the gathered audience respected the ground rules, engaged enthusiastically and the process generated numerous useful ideas and a great deal of positive energy and community spirit. Building Committee members refrained from commenting (by and large) as requested. Plans were made to replicate the process at sites and times more appropriate to engage citizens in the North End and other communities.

The Building Committee had a previously scheduled meeting that was postponed in order to allow the committee to hear the public input. The meeting was advertised as:
"the Pell Building Committee will meet at Thompson Middle School, in the Library, to review the answers from the architect to questions posed by parents, teachers, and residents of the City of Newport and consider the design of the Pell School."

This was a public meeting so I left the discussions in the cafeteria and went into the library to listen. I noticed that many of you, but perhaps not all, attended this meeting. I missed the beginning so I can only report what I heard. The owner's representative from Strategic Building

Solutions, LLC was discussing the process and schedule of preparing construction documents. He recommended breaking the process into two phases. He mentioned that the process is at the breaking point for HMFH, that the committee needs to release them to prepare these documents. The point was made that the fundamental question is the configuration of the school; if the committee was comfortable with the basics of the T design then HMFH can move forward, if not than this might impact the schedule. He was not able to guarantee meeting the June 2013 schedule and urged a decision.

Mr. Kelley asked for the faculty input and Dr. Booth responded that the T design meets the educational needs and that she likes the design. Ms. Gaines emphasized that the faculty have been heavily involved in the layout and Dr. Flowers pointed out that building standards have been discussed. Dr. Ambrogi pointed out that the school design would be greener than what we have and Ms. Wernick indicated that they will be responding to questions and expressed surprise that the forum addressed issues for the School Committee and not the design. Ms. George pointed out that the forum was not structured to do that.

One member of the Building Committee made the point that there was a disconnect between the public forum and the committee vote.

Ms. Gaines made the argument that "we have to make a decision on whether we are going forward or stopping the process". Mr. Kelley indicated that the consequences of delay could include rising interest rates, costs of materials and building costs.

The Building Committee voted to move forward with a T design, two separate wings, central core area and double loaded corridors. Just as quickly the committee voted for an accelerated schedule to complete the school by January 2013. This means completing design by May and construction documents by end of August.

I am not an architect, but I am a citizen and I am outraged that these three processes could occur in the span of four hours. I have a great deal of respect for the members of the Building Committee, in particular Dr. Booth but I cannot support their actions. There was no opportunity for anyone outside the committee to discuss the specifics of the decisions, neither the conceptual designs nor the timetable. So there was no possible way for the committee to review answers from the architect to questions posed by parents, teachers and residents and consider the design. The architect lectured us on the pros and cons, we were not allowed to ask questions, we were then allowed to propose ideas outside of a design concept or timetable and then the committee voted on the design and timetable.

We may be at a critical stage, but if we can accelerate the timetable we can also insert a few weeks to discuss conceptual designs. For all I know, the community may like the T design as much as Dr. Booth and I can live with that. But I request that you at least grant us the opportunity to find out.

Sincerely

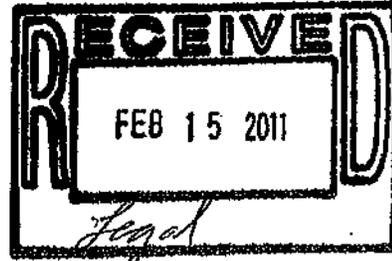
Drew A. Carey, Ph.D, 215 Eustis Avenue, Newport, RI 04184 8118

School Construction Committee Meetings

September 10, 2007	4:30	Ad Hoc Building Committee, Admin Center
September 17, 2007	4:30	Ad Hoc Building Committee, Admin Center
October 29, 2007	4:30	Ad Hoc Building Committee, Admin Center
March 6, 2008	4:00	Ad Hoc Building Committee, Admin Center
March 13, 2008	5:00	Ad Hoc Building Committee, Triplett
Wednesday, January 14, 2009	5:00	Ad Hoc School Building Committee, Triplett
Thursday, January 22, 2009	5:00	Ad Hoc School Building Committee, Triplett
Tuesday, January 27, 2009	4:30	Ad Hoc School Building Committee, Triplett
Tuesday, February 3, 2009	6:30	Ad Hoc School Building Committee, RHS Auditorium
Thursday, February 12, 2009	6:30	Ad Hoc School Building Committee, Triplett
Tuesday, February 24, 2009	5:00	Ad Hoc School Building Committee, Triplett
Thursday, February 26, 2009	6:30	Ad Hoc School Building Committee, Triplett
Wednesday, October 21, 2009	5:30	Ad Hoc School Building Committee, NACTC 924
Wednesday, September 22, 2010	4:00	Ad Hoc School Building Committee, NACTC 924
Thursday, November 4, 2010	4:30	Ad Hoc School Building Committee, NACTC 924
Monday, January 25, 2010	6:30	Newport School Committee Meeting, TMS Cafeteria
March 9, 2010	5:00	Facilities Subcommittee, TMS Library (Stage II)
July 14, 2010	6:00	Facilities Subcommittee, TMS
August - November 2010		Pell Building Outreach – Let's Build Committee
Tuesday, December 21, 2010	5:00	Ad Hoc School Building Committee, TMS Cafeteria
Wednesday, February 2, 2011	3:30	Pell Building Committee, TMS Cafeteria
Wednesday, February 9, 2011	4:30	Pell Building Committee, NACTC 924
Monday, February 14, 2011	6:00	Pell Building Committee, TMS Library

February 14, 2011

Deborah Gist, Commissioner
Rhode Island Department of Education
255 Westminster Street
Providence, RI 02903



Dear Commissioner Gist;

We, a group of citizens of the City of Newport, submit herewith a formal complaint regarding the abrogation of due process by the School Committee and School Administration of Newport, Rhode Island, whose offices are located at 15 Wickham Rd., Newport, RI 02840.

The outline of our complaint is that the Newport School Committee and School Administration failed in its duties to make appropriate provisions to the public for carrying out a \$30 million bond approved by Newport voters in November of 2010. The Committee is on record insisting that voters in Newport approved the specifics of a design it now wants to construct in spite of the fact that no design is referenced in the language of the bond question. In fact, key supporters enlisted to endorse the bond initiative have testified publicly that their support was based on the assurance by Newport School officials that this design was only a "placeholder" required to demonstrate threshold qualification for RIDE Stage 2 approval and to qualify for a bond election. These supporters and other members of the community who wish to take part in the process of designing and building the new elementary school are outraged to have been deceived and do not endorse the design for execution as an actual building.

In response to growing public criticism of the process and of serious functional flaws in the design, the School Committee continues to actively and knowingly confuse the public about the actual stage of the design process by claiming at one moment to be open to substantial redesign and at the next reinstating the position that the prematurely adopted design is immutable as set in the bond election. During recent weeks of dispute the primary response of the School Committee has been to defend the legitimacy of its prior actions with false claims and ad hominem attacks on leading critics while stumbling from one hastily conceived and announced "input" session to the next in the hopes of mollifying dissenters. Through demonstrably inaccurate accounting of the time required for substantial revision the School Committee employs a minor effort in adopting suggestions and will not address deeper problems that require substantive design revision. Rather than improving the performance of the design in any regard these piecemeal graftings of disparate design features are cumulatively rendering the project even less coherent, more costly and more difficult to construct.

We request with urgency, as the Committee has determined a date of March 1, 2011 to approve a final design, that you review the enclosed complaint and its supporting evidence and implore your consideration for support to institute a timely solution.

Most sincerely,

Tom Folke
[Signature]
[Signature]
[Signature]

[Signature]
Charles
Kelley

Edwin Harkness
[Signature]
[Signature]
[Signature]

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We, the signers of this document, submit this formal complaint charging abrogation of due process in the discharge of its duties by the Newport, RI School Committee. To support our statement we have included an outline of statements entered into public record at the February 8th Newport School Committee Meeting. We have also proposed a means by which due process can be restored to making the critical decisions leading to the expenditure of \$30 million approved in November's bond election for the construction of a new elementary school in Newport. A list of design attributes that we find are lacking or in need of open-minded reconsideration are also included to illustrate the kind of flaws that we regard as matters of serious concern. (printed list of signers on following page)

George Blake	70 Kay Blvd., Newport, RI
Terri Flynn,	38 Warren Ave; Middletown, RI (Homeowner: 15 Congdon Ave; Newport, RI)
Myles Standish	79 Bliss Mine Rd., Newport, RI
Saskia Komdeur	79 Bliss Mine Rd., Newport, RI
Melissa Pattavina	8 Sullivan St., Newport, RI
Cara Lane	5 Stewart St., Newport, RI
Kelley Cord	8 Vanderbilt Ave., Newport, RI
Edwin Michna	9 Howard Street, Newport, RI
Drew Carey	215 Eustis Ave., Newport, RI
James Asbel	446 Broadway, Newport, RI
Helene Grosvenor	446 Broadway, Newport, RI

Complaint: Without documentation of comprehensive criteria for overall performance or overall cost effectiveness, and without a diligent process for communicating such, or for soliciting and integrating widely held public concerns about the appropriateness of the design, the Newport School Committee (NSC) is rushing to adopt a final design for the \$30 million school construction project approved in a bond election in November 2010. Without such criteria or public input, a highly specific design is being rushed through internal review and approval by the NSC which substantially oversteps the general terms by which it was approved by RIDE and by the specific language of the bond question. School District Officials had ensured voters during a two month campaign that the purpose of the rendering was solely for use as a placeholder and that after the election it would institute a public design process to incorporate the community's values and vision of a single K-4 Elementary School in Newport. Citizens of the City of Newport who approved this \$30 million bond in November now find that their School Committee has been lacking in its effort to fulfill its duty to the public while it acts aggressively to isolate the actual design process from meaningful influence of well-informed citizens.

Examples of Supporting Testimony: During the Newport School Committee's February 8, 2011 meeting, three members of the community delivered statements that addressed:

1. The people's awareness of being eliminated from the process and feeling that they had been deceived during the promotion of the bond.
2. A qualified assessment of what the process needs to be successful and a presentation of a solution.
3. The expressed desire by the School Committee Chair to prohibit the full latitude of design investigation by the architect, failure to heed the urgings of professional members of the building committee to enforce the owner/architect contract and threatening actions toward individuals by Newport school officials as a response to public comment. This statement was supported by eyewitness testimony and documentation of the claims made during the meeting.

Melissa Pattavina, an attendee of Newport Public Schools, mother of two children in the same public schools and Director of a private childcare and RIDE approved preschool, stated that community members were shut out of the process of designing and building the Pell Elementary School. The following is a copy of her statement:

Mr. Chairman & Members of the School Committee,

I am here today to state on behalf of myself and many other members of our community, that you have shut us out of the process of designing and building our new elementary school.

I attended your public presentation on Wednesday, February 2nd. I left stunned at the fact that a member of your own building committee, Marty Grimes, Chairman of Newport's Energy and Environment Commission, say that his group - who publicly endorsed the school bond, was told all throughout the process that the community would have input and that the design offered by HMFH was simply a placeholder. To quote Marty Grimes, "This is being forced down on us." "We have no input. We want a better school. We are not being given the opportunity for flexibility in the design."

And then I heard a woman named Beth, who also voted "yes," say that she has attended almost all of the meetings since well before beginning of the \$30 million bond campaign and that "At every stage on the bond we heard, 'This is just a proposal, nothing is set in

concrete – the public can discuss plans after it passes. At some point, the architect was chosen and confirmed and the plan is the plan. Somewhere along the way we were bypassed.”

Myles Standish is the father of young children not even in our school system, yet. He was upset in part, because he attended the first presentation held on December 21st and left with Mrs. Gaines' word that he would be emailed information about meeting dates and times specifically about Wednesday's meeting. That communication never happened and worse, the response by your board to his claim was, "Well you're here, aren't you?" That's neither inviting, nor courteous.

Finally, I heard recently from Aida Neary, a Newport taxpayer and mother who will eventually have two children in our public elementary schools. Like Marty, Beth and Myles, she too voted in favor of the bond's passing. But Aida stated fervently that when she voted to spend \$30 million in hard-earned taxpayer dollars, she cast a vote simply to spend the money. She did not vote for any design. She was frustrated to know nothing of any public forums requesting input into the design. Aida went on to say that she resided in Chicago during the time that the city began a process of building a new school and that it was so well publicized and advertised that, citywide, Chicagoans with and without children alike were captivated by, excited about and engaged in the building process simply because they were asked and allowed to be. Most Newporters barely know when, never mind where (tonight's last-minute venue change a case in point) these forums have taken place. Aida Neary, like many Newporters, feels shut out.

This is just a minute sample of people who are invested in our children's schools, who actively sought and seek information about meetings surrounding the Pell School Project. People who supported and voted for the bond and people who didn't, who expected you to keep your word that we, the people of the city of Newport would, build a community's vision of a 21st Century Educational Facility. You have broken your word and cheated all the citizens of our city by presenting us with cubby locations. The fact is that the school should be designed around our input, not "tweaked" after the fact. You will pardon me for being so bold...Should we ever permit you to spend our hard earned tax dollars on such a vital project again; we highly recommend you engage the public you serve.

Thank you for allowing me the time to make this statement.

Drew Carey spoke next at the February 8th meeting. Carey introduced himself as parent of three children in, or graduated from, the Newport School Department; a Newport City taxpayer; owner of a small business; a member of the Ad Hoc School Building Committee and a professional facilitator experienced in designing and implementing public participation processes for large, controversial projects. His statement follows:

School Committee
Public Comments
February 8, 2011

I request the opportunity to express my concerns about the lack of public process in the Pell Elementary School Construction Program and to suggest a remedy.

I am a parent of three children in, or graduated from, the Newport School Department; a Newport City taxpayer; owner of a small business; a member of the Ad Hoc School

Building Committee and a professional facilitator experienced in designing and implementing public participation processes for large, controversial projects.

In my experience, the best approach for projects is to engage early and often with the broadest possible representation of the community. This was achieved with the Ad Hoc Committee, but for reasons that I don't understand this has stopped and been reduced to limited public presentations of a very narrow range of project options.

*On February 24, 2009 the 27 member Ad Hoc School Building Committee recommended a grade school configuration favoring the PK-4 school construction. The committee did NOT specify a site, but did recommend that:
A process should be established to solicit additional public input regarding the options reviewed and the development of site and building specific details during the next phase of project planning*

A very limited number of public meetings were held over a tight timetable to support preparation of the successful Stage 1 and Stage II applications to the Rhode Island Department of Education and the subsequent, and successful Bond Referendum. One public meeting was held in February before the Ad Hoc vote and submission of Stage 1 Application.

One public meeting was held in January, the Stage 2 Application was submitted in March and the Bond passed in November of last year.

The preliminary designs presented in the applications were clearly preliminary and the Stage 2 Project Schedule called for Design Development from January to April of this year.

I request that the School Committee initiate a public process to reopen the design development process to solicit the best possible range of designs with full and open participation by the community. There is ample time to develop an RFQ to develop a short list of qualified architectural firms willing to submit design proposals in response to an RFP developed with public input.

Sincerely

Drew A. Carey, PhD

James Asbel was the final speaker signed up for public comment. His two children attended Newport Public Schools and he was a volunteer in elementary school programs. He is an architect with school design and construction experience. He was appointed to serve on the Ad Hoc School Building Committee in 2007 and to the Building Advisory Committee in 2009. He resign from both in March 2010 citing the inability to vouch for the diligence of design procedures. The evidence is cites are available upon request by RIDE officials. He testified to the following:

The email transmissions that I am making available with this affidavit for investigation of the procedures of the Newport School Department pertaining to new elementary school construction are complete and have not been modified in any way from their original transmission to me.

*May 16, 2009 8:44:51 AM EDT from Pat Kelley to James Asbel and Jo Eva Gaines
March 5, 2010 2:18:14 PM EST from Pat Kelley to James Asbel*

Our contact person is:

Melissa Pattavina
8 Sullivan Street
Newport, RI 02840
401-855-5506
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