

**TOWN OF STAMFORD  
SELECTBOARD MEETING  
June 24, 2020  
(UNAPPROVED)**

Present: Selectboard: Nancy L. Bushika, Chair, Christopher Warren, Carol A. Fachini, Michael G. Denault and Daniel J. Potvin.  
Visitors: Erika Bailey, Barbara Malinowski, Kelly Holland and Helen Fields, School Directors, Richard Cristofolini, Cynthia Lamore, William Levine, Tyna Senecal and Pat Sullivan.  
Lori Shepard, Selectboard Secretary.

Nancy Bushika called the meeting to order at 6:30 p.m. Nancy Bushika led with the Pledge of Allegiance and welcomed everyone. She stated that Act 46 made the Selectboard think about the ownership of our school building and grounds and Vermont's stipulation of selling the school building to the district. Although that didn't happen, the town may still consider a merger with Clarksburg. The board thought it was a good idea to meet with the School Directors to discuss who owns the building and grounds and who will schedule its use.

The Selectboard attorney's letter dated October 10, 2019 advised that the land and the school building is owned by the Inhabitants of the Town of Stamford. The school's attorney does not disagree with that but said by school law, the School Directors have control. The Selectboard originally consulted with Bruce Richardson who felt that the townspeople owned the land according to the deeds but that once the school was built, the School Directors had authority. The Selectboard started with Bruce Richardson because he is very good at searching titles and reading deeds. Bruce Richardson suggested the Selectboard consult with an attorney when he reviewed his findings with the board.

Carol Fachini noted that both attorneys suggest the two boards discuss some kind of lease.

Helen Fields questioned when school is considered "in session". Is it when the kids leave the building at the end of the day or is it during the summer also? When does the town have jurisdiction? When the school is in session, the School Board has jurisdiction over who uses the building.

Kelly Holland said the superintendent clearly states that the use continues during the summer. Nancy Bushika agreed that we don't know about what summer programs may be scheduled. The school should know and schedule what is going on, on a first come, first served basis.

Carol Fachini didn't think the School Board should have total control.

Dan Potvin said the town's attorney said the town owns the school building and grounds.

Erika Bailey stated that the superintendent's summary can be made available to the public. The superintendent just wanted clarification from the school's attorney that her summary was correct before it was distributed. The summary will be uploaded to the town's website at [townofstamfordvermont.org](http://townofstamfordvermont.org).

Mike Denault would like to define the school and town areas of the building and grounds. He agreed that the School Directors should have authority when school is in session. The town office is definitely a town area. What about the gym? It is the town's emergency shelter. He feels it is also the town's community room. If there's nothing going on and we want to use the gym for a dinner, he doesn't want to ask permission. The town should just check on availability. Erika Bailey agreed with that in part.

Mike Denault felt if a soccer group wants to use the soccer field after school hours, they should be able to. If Helen Fields wants to work at the tennis court gardens, she should be able to. The thought of a merger pushed this discussion because he doesn't think anyone wants to see the school go to a non-Stamford entity.

Erika Bailey said beside the COVID-19 pandemic, the School Directors have never not given access. When COVID first happened, the Selectboard asked to use the gym to hold their meeting and because the school building was shut down, permission was denied.

Mike Denault said a lot of authority seems to be with the superintendent and it shouldn't be. It should be with the local School Directors.

Mike Denault asked about cleaning. Barbara Malinowski said the school has a policy for that. The people who are holding the dinner should clean up or hire the custodian if they want. It is the group's responsibility to make sure the gym is cleaned and the school can charge if cleaning is required after an event. Mike Denault asked for a copy of the policy.

Mike Denault said three years ago he asked who owned the building and no one could give him an answer. The deed clearly says the townspeople own the building, but the authority is not so clear. It was agreed that neither the town nor the school could sell the building or grounds without a town vote. Kelly Holland said if the school closed, the town would become the owner.

Bill Levine said it makes sense to put all the things the boards are concerned with down and there is no reason not to go forward with a 99 year lease. If the town gets near a merger and you want to give up the building and dissolve the lease so the merger can go forward, it's something you can agree to do then. For now, all the terms can be written into the lease.

Pat Sullivan felt that the term permission is awkward and asked who is asking permission from whom.

Mike Denault agreed that the safety of our children is important. A request to use the gym in the middle of summer when no other program has booked it should be a check on availability, not a request for permission. The classrooms are different. Bill Levine said the School Directors should still have priority because right now you can't use the gym because all the classrooms are cleared out for cleaning. Dan Potvin doesn't mind working with the School Directors, but he doesn't think the superintendent should be involved. Mike Denault felt that Rich Cristofolini should have some say in availability since he is the custodian.

Erika Bailey said right now the principal gets the request, not to be denied, but it is a formality. If a North Adams group is requesting use, someone needs to make sure they have insurance in place. There are guidelines that need to be followed. The principal may run it by the custodian if he is moving furniture around, but the request doesn't go to the School Board for a vote.

Mike Denault said requests to use the building or grounds should also go to the Selectboard. Maybe one contact on the Selectboard, one on the School Board and Rich Cristofolini. Carol Fachini agreed that it should be three representatives and no one person should have all the authority. Erika Bailey said this process would bog it down. The School Board only meets once per month. Usually requests are decided within a 5-6 day timeframe. Dan Potvin agreed that it would cause delays.

Erika Bailey announced that the Governor and Agency of Education orders state that once school reopens in the fall, no one except staff and students will be allowed in the building. Not even parents; they will be met at the front door. No one will go beyond the red door. Mike Denault disagreed. The Governor and Agency of Education can't make that decree concerning the town/community portions of the building. The gym is our town emergency shelter.

Tyna Senecal said the library staff and patrons have been denied usage of the bathrooms near the library and asked that the people keep the bathroom spaces in mind when deciding what sections of the building are public and what are school.

Helen Fields felt a working group should be created to hash out the details. Maybe a Selectboard member, a School Director, a community member and Rich. The rest of the board preferred to discuss matters as a whole group. Helen Fields asked how many weeks or days of the summer Rich needs to use the gym. She would like to have a workshop with three people and would need the gym space, the kitchen, the bathrooms and the stage to maybe have a concert. She would like all these areas to be considered as public space, not school space.

Mike Denault asked what if a group wants to have a wine tasting in Pat Sullivan's new building in August? Would that be defined as a school building? School is not in session. Barb Malinowski said there should be no alcohol on the property. Erika Bailey brought up target practice out back. Mike Denault acknowledged tobacco use is not allowed on school property. Why can't tobacco be used down at the Seed Savers gardens on a weekend? We need to define what is school property and when it's considered school property.

Erika Bailey asked the principal to reach out to other schools to see what they are doing.

Barbara Malinowski felt the school should be leasing to the town. Several noted that both lawyers suggest that the town would be the entity leasing to the school.

The town clerk stated that there is a large election this November. Erika Bailey does not like having the public in the gym where school children eat lunch. She doesn't like that the sheriff doesn't stay in the gym the whole time during the election.

Rich Cristofolini said no one has been denied activities in the school in the seven years he's worked here, but he needs to be available to lock up. The only people who have keys to the red door are the principal, secretary and custodian. Erika Bailey said she is not making any keys; it costs thousands of dollars. Mike Denault suggested a key sign-out to the person holding the event. A lengthy conversation ensued. Mike Denault felt as an elected official, he should be trusted to sign-out a key. Erika Bailey said there is no way to determine who is trustworthy and she doesn't want to risk the kids' safety because of a lost key. Mike Denault asked if it was a cost factor or a safety factor. Nancy Bushika had requested a copy of the school's key policy for tonight's meeting and it mentioned signing out keys. The School Directors said that it must be an old policy she was given. They said a key to the red door would give access to the entire school and they were not going to do that. Chris Warren suggested having a separate key made for the red door only so the gym could be accessed, but no classrooms or other areas. It was stated that a Sunday morning basketball group has their own key. Cindy Lamore said that key was given out a long time ago. Mike Denault said he is elected and signed an oath of office; he should be trusted with a key, especially since other groups obviously have keys. Bill Levine said sometimes very honorable people lose their keys. Cindy Lamore said the school would have to incur the cost to rekey all the doors if a key is lost because they can't take that risk. They know it is costly because new keys were made a few years ago with the red door. Cindy Lamore said she sees a potential conflict if the Selectboard gives permission to use the gym, and they're not aware that the gym floors are being waxed, so it's really not available.

Nancy Bushika noted so far: 1) the town owns the land, 2) the town owns the school building, 3) the school has authority over the building and grounds when school is in session, 4) the school playground is defined by the black fence, and 5) exempt areas identified so far are the town office, the driveway, and the parking lot.

Mike Denault felt after school programs should be considered part of the school's authority. Erika Bailey would like the final draft of the lease to be reviewed by their attorney. The library is hard because it has public hours and

school hours. Mike Denault asked if language needs to be added for emergency management purposes. Bill Levine said no, in an emergency the Fire Chief has authority to take over any property.

Helen Fields wanted to use the attorney's language in the lease and read that the "town should issue a 99 year lease to the School District...giving the School District full legal authority for renovating, adding to, and constructing improvements to the building".

Lori Shepard asked if the senior group still meets in the gym and uses the kitchen. Perhaps the kitchen needs to be considered when determining public space vs. school space.

Lori Shepard read a portion of the original warrant from 1957 indicating that the School Directors' intention at the time the building was built was to have "four classrooms, an all purpose room, kitchen, library and offices", which seems that the town office and community areas were part of the original plan.

Erika Bailey suggested each board consider definitions. She will share the relevant school policies. She will ask the principal what he uses as a calendar. The next joint meeting between the Selectboard and School Directors will be Wednesday, July 8, 2020 at 7 p.m.

MOTION by Nancy Bushika to adjourn. SECONDED by Mike Denault. All in favor. Motion APPROVED. The meeting adjourned at 8:20 p.m.

Carol A. Fachini  
Clerk

CAF/las