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AMENDED PER 10/4/07 SCHOOL COMMITTEE MEETING

IPSWICH SCHOOL COMMITTEE MEETING THURSDAY, SEPTEMBER 6, 2007 MIDDLE/HIGH SCHOOL ENSEMBLE ROOM

OPEN SESSION

CALL TO ORDER

J. Arsenault, Chair, called the meeting to order at 7:05 p.m. with the following members present: D. Ross, B. Hopping, N. Sheppard, E. Traverso, J. Loeb, and H. O'Flynn. Also present were R. Korb, Superintendent of Schools; G. Zeman and J. Cuff, Financial Office; and April Hoffmann, Student Representative.

ANNOUNCEMENTS

Mrs. Arsenault read the following announcements:

There will be no Executive Session

Custodians Negotiations Team will meet on September 10, 10:15 a.m., Payne School

Clerical Negotiations Team will meet on September 11, 3:30 p.m., Payne School

Food Services Negotiations Team will meet on September 17, 3 p.m., Payne School

Policy/Operations Subcommittee will meet on September 17, 7:30 p.m., Payne School

Athletics Subcommittee will meet September 18, 6:30 p.m., Room B229, Middle/High School

School Committee will meet on September 20 at 7 p.m., Middle/High School Ensemble Room

CITIZENS' QUESTIONS

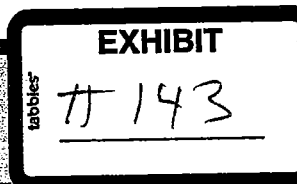
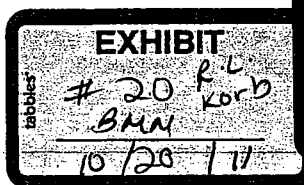
Peter Holtz, teacher at the Middle School, made a plea for restoration of the Professional Development funds for teachers as supported since 2004 but cut this year because of lack of funding. He said it is especially important because there are 75 new teachers in the system of 176 in the last five years, there is a new administrator, accreditation is coming up at the high school, and he felt that "mediocre or good enough" is not the definition of the Ipswich school system. He asked that the School Committee keep an eye on professional development as they review the situation with Feoffees.

Mr. Korb thanked everyone who sent him best wishes during his recent health issue. He much appreciated all the community's concern.

I. SCHOOL COMMITTEE PRESENTATIONS

A. FEOFFEE'S UPDATE

Mr. James Foley, Chair of the Feoffees of the Grammar School, began by enumerating the non-legal affairs. The waste-water system, in its second season, is working very well and the signed contracts for disposal will be up next April. The next big project is to repair the storm damage of last April which tore away parts of River Road and the hill facing Plum Island Sound amounting to \$1 - 1.5 million in damage. The Feoffees have applied for grants from FEMA and MEMA, but no word has come, one reason being the dispute over whether Feoffees are a public or private entity, and remediation will take probably 8 - 12 months after notification. Mr. Traverso asked where the money went which regularly was set aside for erosion control, and Mr. Foley responded that the wharf area to Sandy Beach and along River



Road had been rebuilt. To Mr. Traverso's comment that there had been no official notification from the Feoffees that there will be no distribution to the schools for '07, Mr. Foley apologized and offered an invitation to the School Committee's Feoffees Committee to attend the Feoffees' open meetings.

Mr. William Sheehan, attorney for the Feoffees, in litigation in Essex Superior Court cited three issues: (1) the right to possession of the lots (tenants say Feoffees don't have the right to set the rents); (2) the issue of damages regarding the figures on the waste-water project (tenants sued first, Feoffees sued in turn) to be decided by the judge of the Essex Superior Court; and (3) whether or not the Feoffees is a governmental body. The Attorney General has been asked to rule and the Uniform Procurement Act will apply. Feoffees are now holding all meetings as open meetings whether or not the determination is made that Feoffees is a governmental body.

Under the Uniform Procurement Act, the question is whether the Feoffees have the right to rent to those who choose to without putting it before the whole community. The District Attorney and Attorney General say there is no real controversy. The Feoffees say that they are a private body; an individual left the land in the 1600s to the townspeople, and four private persons and three selectmen would run the body after instruction by the Great and General Court back then.

Litigation is moving on two parallel tracks. Settlement attempts have been made on March 1 and May 17. A retired Superior Court judge, Sam Adams, has been retained as mediator and on July 9, the parties and counsel met with the judge with a second session in August. While most non-money issues have been resolved, the biggest issue is the amount that the tenants are willing to pay. The Feoffees have an obligation to the school children of the Town of Ipswich to get a fair rate of return, and the Feoffees have determined that the assessed value of the property is the fairest way to determine the value of the lots. Some 30 tenants have agreed; the others are in suit. The September 12 session will determine one way or the other, and Mr. Sheehan felt that it is less than likely that a resolution will result. There is a statutory procedure to determine what an arbiter says the "fair value" is. At issue is the power of the Feoffees to charge the rate of rent.

To a question of timing if the September 12 meeting falls apart, Mr. Sheehan reviewed the process and, at best, he was talking about the end of '07. If, however, the parties came to terms and leases were signed by the recalcitrant tenants, he thought there would be money for the schools.

Mr. Traverso questioned disparity of assessed value and fair rent value, and Mr. Sheehan replied that the only complaint was the 20-year lease requirement with a 3-year figure for rental. A formula has been established in a fairly lengthy process, best expressed at assessed value. Mr. Sheehan also explained that costs of the waste-water system have been amortized with land rentals to each tenant.

The School Committee members thanked Mr. Sheehan for his time, agreed that advocating for the children is tantamount, but that a difficult situation exists without Feoffees funds; however, they are willing to take the long view and wait for settlement.