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Both sides prepared as citizens vs. school board heads to court

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"The board did not violate any of the statutes or codes," said Steven Friedman, counsel for the Galion school board of education. "The board is elected to make these kinds of decisions [tearing down old school buildings]. ... The decision shouldn't be subject to review."

On Jan. 14, legal action was filed against the Galion board of education asking the court to stop the board from tearing down the old Galion High School. An agreement was reached to complete the asbestos abatement, which was already in progress, but with a view to remodel and not to demolish. The first hearing of the case was scheduled for Feb. 19.

Then on Feb. 4, administration and plaintiffs met along with their respective counsels (no board members were present at that meeting) to negotiate a tour for contractors (HVAC, electricians, etc.) of the plaintiffs' choosing, of the old high school building.

The reason for the tour was to get new numbers for a revised plan for the Cultural Arts and Conference Center group and to prepare a business plan. Once the agreement was reached both sides agreed to have the Feb. 19 hearing

continued until March 5.

"Kathy Jenney said that she didn't see a problem with it," said Martha Palmer, one of the plaintiffs in the action. "She said she would just have to check with the abatement contractor first."

After three weeks, the plaintiffs realized they would not be allowed in the building.

"We were misled," said Steven Kemle. "They said there would be no problem."

"We were attempting to get contractors in to the building to come up with the business plan they [the board] had asked for," said Kemle.

"They asked us not to talk to the media [after the Feb. 4 meeting]," Kemle added, "and we did that." Now Kemle thinks the board was just stalling. The hearing is Wednesday and the plaintiffs have not had a chance to help the cultural arts group recreate their business plan, he said.

"We've not opened the building up," said Friedman. "There are safety issues." Friedman added the counsel for the plaintiffs, John Barga, was given the asbestos contract, which laid out all the work that was done and set up a conference for Barga with Brian Shifter, the Gilbane construction manager.

The issue of the building tour "doesn't have anything to do with the law-

suit," said Friedman.

Members of the Galion board of education are not talking to the press. Superintendent Kathy Jenney has been given the responsibility for all communication regarding the lawsuit.

Jenney has now advised that all questions be put to Steven Friedman, counsel for the board. David Kane Smith, co-counsel for the case, was not available for comment. "It is normal to have co-counsel," said Friedman. But he said, "You should be talking to me."

David E. Smith, plaintiff, is concerned with the decisions the board has made. "Anytime a board of education takes away a perfectly good gym that kids can use, and takes away three girls softball fields, red flags begin to go up in my mind."

"What's wrong with this picture?" he asked. "What is the motivation?"

At Wednesday's hearing Carole Kemle, plaintiff, wants to see a decision that "is in the best interest of all children: Their safety, their education and their well-being."

Steven Kemle said, "I'm hoping the judge will see there's a merit to our suit."

Wednesday's hearing is set for 10:30 a.m. in the Crawford County Courthouse, second floor, in front of Judge Russ Wiseman.