

Presbytery of Southern New England

Proposal to Constitute the Board of Trustees as an Administrative Commission

The Presbytery Board of Trustees and the Committee on Ministry jointly **RECOMMEND** that the Presbytery **DISMISS** the Administrative Commission for the Valley Presbyterian Church established on September 12, 2018, with thanks for their service;

and that it **CONSTITUTE** the Board of Trustees as an Administrative Commission for the Valley Presbyterian Church, in accordance with **Book of Order G-3.0109b**. The purpose of this Administrative Commission shall be to inquire into and to resolve all of the issues related to the report to the State of Connecticut regarding the release of fuel oil from a tank on the property held by the Valley Presbyterian Church, which has given rise to concerns about the sufficiency of the congregation's resources for the remediation of the property and the exposure of the Church and the Presbytery to civil litigation.

In accordance with the Bylaws of the Presbytery of Southern New England, Chapter 11, the membership of the Board of Trustees consists entirely of minister members of the Presbytery and elder members of its congregations, and as such these members are eligible to serve as members of an Administrative Commission of the Presbytery.

The Board of Trustees, constituted as an Administrative Commission for the Valley Presbyterian Church of Brookfield, Connecticut, shall have the **AUTHORITY** and the **POWER** to:

1. Exercise original jurisdiction of the Session, already assumed by the Presbytery under the provisions of **Book of Order G-3.0303(e)**, *for the limited purpose of* "managing the physical property of the congregation for the furtherance of its mission" (G-3.0201(c)), in order to resolve the issues arising from the release of oil.
2. Meet with the Session of the Valley Presbyterian Church and represent the Session in responding to the State of Connecticut and its agents or other interested parties in this matter.
3. Approve, on behalf of the Presbytery and as the Commission deems appropriate, applications for grants and/or loans needed for the remediation of the physical

property held by the Valley Presbyterian Church. All grant and loan approvals shall be reported to the Presbytery at its next Stated Meeting.

4. Create communication channels between Church leadership and the congregation, informing and interpreting the work and decisions of the administrative commission and Session within the life of the Valley Church. The administrative commission shall report its work to the Presbytery at appropriate intervals through the Stated Clerk, and shall maintain a thorough record of all of its proceedings, which shall be submitted to the Presbytery for incorporation into the permanent records of the Presbytery of Southern New England.

Background and Rationale

In May 2018, the Valley Presbyterian Church of Brookfield discovered the release of over 500 gallons of fuel oil from a storage tank in its basement. It was determined that the oil had escaped through a crack in the basement floor and entered the soil underneath the church building. In September 2018, at the request of the Session of the Valley Presbyterian Church, PSNE established an administrative commission with the power of original jurisdiction over the management of the church's property, in order to help the church meet its obligations under the laws of the State of Connecticut regarding this environmental hazard.

The administrative commission engaged the services of a Licensed Environmental Professional and began providing for the notification of neighbors and monitoring of the soil required by Connecticut law. At the present time, the oil appears to be remaining in place and not threatening either the church's water supply or that of its neighbors. Nevertheless, the state requires ongoing monitoring and reporting due to the presence of the oil on the property.

While it was important at the outset for a specialized team to serve as an Administrative Commission acting on behalf of the Presbytery, the remaining work to be done is of a more occasional and episodic nature. As the work relates to the management of property and related matters—insurance, finances, and risk management—the Trustees and the COM feel that the Board of Trustees is the appropriate body in which to vest the responsibility for its completion. Because of the need to continue to exercise original jurisdiction over the management of the church's property, it is necessary to constitute the Board as an Administrative Commission for this purpose.

Ref. P-1
Trustees
November 18, 2020
Presbytery of Southern New England

The COM and the Trustees express their heartfelt thanks to the Rev. J. C. Cadwallader, the Rev. Jimmy McPherson, the Rev. Shannon White, Elder Sandy Zuvanich, and Elder John Winstead, the original members of the Administrative Commission, for their persistence and dedication in carrying out the responsibilities entrusted to them by the Presbytery.

John Winstead has indicated his willingness to be nominated for election to the Board of Trustees, and his presence would help to maintain the continuity of the Presbytery's work with the Valley Church regarding the oil spill.