

APPROVED
Pelham School Board
Pelham Elementary School
Public Session
March 31, 2010

School Board Members: Rob Hardy; Linda Mahoney; Deb Ryan
Lorraine Dube; Andy Ducharme
Superintendent: Dr. Frank Bass
Student Representative: Shannen Perry

Rob Hardy called the public session to order at 7:26pm. All those in attendance stood for the Pledge of Allegiance.

Consent Agenda

Motion to approve the Consent Agenda as read by Mr. Hardy was made by Deb Ryan with a 2nd by Andy Ducharme. Approved 5-0.

Chairman Hardy made a brief statement encouraging members of the public to speak during the Public Forum session of meetings. He noted there was an outcry from the floor at the last meeting and noted that future situations like that would not be tolerated by the board.

Attorney Dean Eggert addressed the board to speak about the process of obtaining a Special Election by the state. He noted the process begins with a positive vote by the board to request such an election.

- Outline of the process is as follows: : the process requires first a vote of the board – posting of Notice of the vote – notifying the Commissioner of vote – filing Petition in Superior Court – Publishing by Notice in newspaper – Court then schedules hearing – hearing date is published – notify supervisor of the checklist if granted – Budget Committee has to hold a meeting – budget is prepared – Budget Committee votes to support or not support it – hold a budget hearing and a hearing on the bond issue – Budget Committee forwards copies of recommendations to School Board – post Warrant and Budget – hold first Deliberative Session – official ballot and absentee voting – hold 2nd session.

Attorney Eggert noted that timing would be of the essence if the board wished to proceed.

Outline of what constitutes an emergency in the eyes of the state:

1. Severity of harm to be avoided
2. Urgency of the petitioners' need
3. Whether the claimed emergency was foreseeable or avoidable
4. Whether appropriation could have been made at the annual meeting (not a heavy factor)
5. Whether there are alternative remedies not requiring an appropriation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Linda Mahoney questioned the timeline and what would happen if they missed the June 30th deadline with regard to the ending of state aid. She questioned if the school district would still be obligated to move ahead with a vote. Attorney Eggert responded by stating, if the process is delayed due to the court delaying, the board would probably be in a position to have to go ahead with the vote.

Andy Ducharme questioned if Attorney Eggert had every petitioned for a special election before and if he was successful. Response by Attorney Eggert was positive in both areas, providing there is proper emergency criterion in place

The cost to proceed with the petition would be about \$3000 - \$4000. Legal fees would be approximately \$2500.

The petition would have to follow the RSA closely.

Attorney Eggert would be the advocate for the district. He noted that too many citizens speaking in favor of the petition, may become redundant.

Linda Mahoney questioned what the process would be for a citizen to file a petition to not proceed. Attorney Eggert stated that after the notice is posted with a date of the hearing, the public would be notified of the place and time of such hearing. Citizens would be allowed to appear and speak in favor or opposition of the petition at that time. The judge would not allow hours of statements or redundant statements. It would not be necessary for citizens to file a petition for an injunction. All judges weigh comments both pro and con.

Rob Hardy noted that at the time of the original vote, they were not positive that state aid would be disappearing. Attorney Eggert noted this would be factor of consideration.

Deb Ryan questioned if the outline of the petition could include information regarding the ramifications of losing state aid, how that relates to the poor economy and that there is no other feasible solution other than the use of modular classrooms, which in turn would take away from parking and fields at the existing high school. Attorney Eggert would convey the gravity of the issue.

Public Forum

Sean Minnuti – He would like direction from the board, if the services of the facilities committee were still needed after tonight. He spoke of a discussion held at the last school board meeting which stated that because the teachers warrants did not pass, it was questioned how a new high school’s needs would pass. He felt this comment was unacceptable.

1 Richard Tarpey – requested that Rob Hardy ask the following question of legal
2 counsel: He felt as taxpayers, the school board needs to obtain professional
3 opinions of certain things on behalf of voters. He questioned what recourse voters
4 have in the possible removal of a school board member(s) based on the grounds
5 that a member spoke in opposition of professionally stated facts.
6

7 Rolf Hubert addressed the board stating for the past three years voters voted down
8 the building of a new high school and he wondered when a no vote means yes.
9

10 Andy Ducharme spoke of this time as being very tough financially but that there
11 is a window of opportunity right now to capture state aid. He feels this is the time
12 for the town to step up and move forward.
13

14 Motion that the Pelham School District petition the Superior Court for permission
15 to hold a special meeting on the basis that an emergency requiring the immediate
16 expenditure of money exists. The Pelham School Board finds that it is necessary
17 to immediately raise and appropriate funds for the acquisition of land and
18 construction of a facility for a new high school and further that it is necessary to
19 immediately raise and appropriate funds for these expenditures due to a sudden or
20 unexpected occurrence, of a serious and urgent nature, that demands immediate
21 action. In particular, the emergency arises from the failure of Article 2 and 3 at
22 the District’s March 2010 annual meeting, and the anticipated suspension for
23 School Building Aid, effective June 30, 2010. The anticipated loss of the build
24 aid funds, coupled with the current life safety issues in the Pelham High School
25 and the potential loss of accreditation, creates an emergency for which an
26 immediate appropriation is required – motion made by Andy Ducharme with a 2nd
27 by Deb Ryan. Approved 3-2 after the following discussion (Dube & Mahoney in
28 the negative)
29

30 *Discussion:* Linda Mahoney noted her concern about the board moving forward
31 in this fashion. She felt this would tell 2000 voters that their vote did not count or
32 matter. She noted for every action there is a reaction and she is just cautioning
33 this board about moving forward. She feels the grounds for such are weak.
34

35 Lorraine Dube noted she felt the same and stressed that the law requires 60%
36 majority to pass a Warrant Article and that they did not get this. She questioned
37 when no means no. Mrs. Dube stated that if the special election was granted, she
38 wanted the town to put up signs around town to let residents know the time, place
39 and date of the vote. She stated there had been some misinformation on some
40 other flyers that were distributed. She also felt that they owed the residents of the
41 town more notice than what is required by law with regard to a reelection. She
42 felt the people were well meaning with regard to the flyers, but that there were
43 some inaccuracies by both sides. Mrs. Dube referred to the misinformation sent
44 out in fliers by the Facilities Committee on the school side, and the
45 misinformation sent out in flier by the ACES group on the town side. Mrs. Dube
46 expressed that the ACES Flier said a PHS addition was not possible, when the

1 school architect had publicly stated more than once that a high school addition is
2 possible.

3
4 Deb Ryan stated that all the expert testimony states that an addition to the present
5 high school would not be feasible. She noted they are not trying to dismiss the
6 2000 voters that said no during the election, but that this board feels there are
7 grounds that warrant a special election due to the loss of state aid and lower
8 building costs at this time. She stated the town needs this facility. She does not
9 want to pay triple the money in future year(s). She noted her duty is in the best
10 interest of the children with an eye out for the voters. She is in favor of moving
11 forward with a special election.

12
13 Rob Hardy noted he is on the school board for many reasons – noting they have
14 problems with the high school and Memorial School. He noted the elementary
15 school is at capacity. He noted it was originally designed to hold four (4) grades.
16 Mr. Hardy stated he works for the students. He stated he is not turning his back
17 on the voters and understands if voters voted no due to the economy. He feels
18 this would be a long term solution to overcrowding and NEASC warning status.
19 He concluded that if he did not think there was so much uncertainty out there on
20 election day, he would not proceed with the Petition.

21
22 Linda Mahoney wanted the public to understand, regarding 30% state building
23 aid, that the savings does not come right off the top of the bond. It comes off of
24 the principal and not the interest. The town does not receive one lump sum.

25
26 Sean Minnuti spoke, noting he was pretty sure the number quoted of \$69million
27 was not a correct, accurate number. He noted that accurate numbers were
28 available online along with the bond schedules. He feels that people understand
29 30% state building aid as not coming off the top of the bond.

30
31 Andy Ducharme noted that interest rates are the lowest they have seen in a long
32 time which in turn will get the district more bang for their buck.

33
34 Motion to adjourn at 8:25pm was made by Deb Ryan with a 2nd by Linda
35 Mahoney. Approved 5-0

36
37 Respectfully Submitted – Diane Figaro