

Wakefield School Board
January 7, 2020, 6 p.m.
Paul School Library
Public Minutes – Approved

Present: Chair Bob Ouellette, Vice Chair Tracey Kolb, members Jen McCawley, Sandy Johnson and Relf Fogg; Superintendent Jerry Gregoire, Business Administrator Marie D’Agostino, Administrative Assistant Larissa Mulkern; Paul School staff Tammy Canney and Betsy Gorney, and Peter Miller of NEA New Hampshire; and Attorney Peter Phillips of Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C.; Principal James Lampron, Assistant Principal Jenn Spector

Call to Order: Mr. Ouellette called the meeting to order at 6 p.m. with the Pledge of Allegiance.

Non-Public Session: Mrs. Kolb made a motion, at 6:01 p.m., seconded by Mrs. Johnson to enter into non-public session in accordance with RSA: 91-A:3, II (a): The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted; and 91-A:3, II, (e): Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled; and (I) 91-A:3, II (I): Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Mr. Miller confirmed to Mr. Fogg that he requested the hearing be held in non-public session. Roll call vote, 5-0, Ouellette, aye, Kolb, aye, McCawley, aye, Johnson, aye, Fogg, aye.

Present for Non-Public Session: Chair Bob Ouellette, Vice Chair Tracey Kolb, members Jen McCawley, Sandy Johnson and Relf Fogg; Superintendent Jerry Gregoire, Business Administrator Marie D’Agostino, Administrative Assistant Larissa Mulkern; Paul School staff Tammy Canney and Betsy Gorney, and Peter Miller of NEA New Hampshire; and Attorney Peter Phillips of Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C.

Motion: Mr. Fogg made a motion to reenter public session seconded by Mrs. Kolb; roll call vote 5-0, Ouellette, aye, Kolb, aye, McCawley, aye, Fogg, aye, Johnson, aye.

Public Hearings:

- Expenditure of funds from the School District’s Asbestos Abatement and Renovation Expendable Trust Fund: \$40,020; Breakdown: Learning Centers = \$26,000 plus Annual Maintenance = \$14,020; March 12, 2019 approved Warrant Article #10 in the amount of \$40,020;
- Expenditure of funds from the School District’s Transportation Expendable Trust: total of \$177,581; March 12, 2019 approved Warrant Article #11 in the amount of \$185,000;

Mr. Ouellette said the reason the hearing wasn’t held before hand because they hadn’t received all the invoices. Mrs. D’Agostino noted the trust funds for the buses were approved in March for the buses and members had spoken to the warrant articles as to why the funds were needed. The minutes state they are purchasing three buses. Attorney Phillips said his understanding is that you don’t need a public hearing until you go to take the funds out of the trust fund. The public hearing is for withdrawal of funds

from the trust fund. Mr. Fogg asked if this meant the board had the power to overdraw function lines from the operating budget; we're hearing lines getting overdrawn and need to freeze the budget. Mr. Phillips said it's a bottom-line budget and the board has the discretion to move monies around from one line to another. Mrs. D'Agostino followed up with the question from Mr. Ouellette. She explained that in her monthly finance reports, in back up documentation, the expenditures state, 'pending reimbursement from the trust fund', and lists the Warrant Article(s) in which those expenditures were approved. Funds were taken out of the operating budget and placed in the trust funds for the purpose of maintenance to the buildings. Based on this criteria and sequence of events, she added, the community knew the purpose of the trust, it was voted on in March, and the administration decided to move forward. Typically, she said, before they take funds out of the trust funds, they make sure to get all the invoices together and the checks paid for that project before we have a public hearing. We use same documents as backup for every bill they pay; all the backup documents including Deliberative Session minutes get filed with the trustees with the request to expend monies from the trust fund(s). Every board report indicated they were purchasing this pending reimbursement from the trust fund. Mr. Phillips said this was perfectly legal. Mr. Fogg said he thought the board discussion part of this process would be covered when the board approves the manifest, when they are reviewing the bills. Mrs. Colbath asked if Mr. Phillips could stay as she has some questions, as she disagreed with the attorney.

Motion: Mr. Fogg made a motion to allow Attorney Phillips to stay at the meeting, for the remainder of the public hearing. Members agreed; no official vote was taken.

Motion: Mrs. Kolb made a motion: To expend the funds from the Asbestos Abatement, Renovation Trust Fund for \$40,020, seconded by Mrs. McCawley. Mr. Ouellette opened the public hearing. Discussion: Mrs. Colbath read from an RSA 198:20 c, 'in order to expend funds the school board shall prior to expenditure being made; notice of the time and place of hearing shall be published in a newspaper of general circulation in the relevant municipality at least seven days prior to the meeting.' Mrs. Colbath said they've already expended the funds, circumventing the public hearing this way. For instance, the \$26,000 for the cubicles; if there had a hearing prior she would have asked if the board had a quote. The law seems clear to her – you have the public input prior to expending the funds. Attorney Phillips said the process is perfectly legal doing it in this manner – we're having a public hearing now and you can express your opinion. Mrs. Colbath said what good is her input – the buses have been purchased. Mrs. McCawley said the public had their say when they voted [in favor of the buses] on the Warrant Article. Members voted 4-1 in favor of the motion, with Mr. Fogg voting against the motion for the purposes of objecting to the process.

Motion: Mrs. Kolb made a motion to expend the funds from the Transportation Trust Fund as approved by voters on March 12, 2019, Warrant Article 11, \$177,581, seconded by Mrs. Johnson. Mrs. Colbath expressed the same complaint that the board was not doing this correctly and legally. Mr. Fogg said they are not following procedure that has been used in the past; going out to bid is done in public, then the public hearing; Wakefield tendency to do things in the open; hope the board the board embraces tradition and allows it to be what its always been. Mrs. Johnson said contracts came in for all of this and were approved; now they are taking the funds out of the trust to get reimbursed. Mr. Phillips added that under that RSA 198:20 the meaning to 'expend' is out of the trust fund, not the district paying out of the operating account to pay certain expenses, so this is being done correctly: we're having a public hearing to expend money from the trust fund. Mrs. McCawley added that they knew what the buses were going to cost when they got the quote; this was brought to the people of Wakefield and they said yes; then the board spends the money knowing it coming out of the trust fund. It's not affecting the regular budget. Mrs. Colbath said the school board should be livid as the \$26,000 project went \$20,000 over. Members had discussed the overage when it occurred. Mrs. Twombly asked if a 'no' vote meant that

the member opposed the school buses. Mr. Fogg said if a warrant article passes, depending on the wording of that warrant article, it directs the district on how to operate. The legislative body, the voters, make the decisions. Mrs. Twombly said that didn't answer her question – does that mean you are not in favor of buying buses? To her, the 'no' vote meant voting against the buses. Mr. Fogg said majority rules; if he is voting against the expenditure it means he believes our buses are meant to last and he doesn't see the logic in buying buses every year; a lot of it has to do with proper use and maintenance of buses. Just because he doesn't support a \$100,000 trust fund does not mean he disrespects the voters. Mrs. Twombly said to her that means he is not supporting the warrant article that was voted on. Ms. Collins asked where the extra money came from for the Learning Centers. Mrs. Kolb said some was from a grant and the other funds from the maintenance function line 2610; there was money used from the Partners Program, to build this center so we don't have to outsource so many students, which can be very expensive. Members voted in favor of the motion to expend, by vote of 4-1 with Mr. Fogg opposed.

Public Comment: Ms. Collins asked if 6th grade was going to Camp Calumet this year; Mr. Gregoire said he'd consult with Mr. Lampron on that. Mrs. McCawley said she hoped the board considers the political environment before the class trip to Washington, D.C., this year. If the political climate gets worse, she doesn't think the kids should go. Mr. Ouellette indicated that the board always takes those steps. Mr. Gregoire also watches what is happening in Boston and considers contingency plans. If there is an emergency, what's the rally point.

Consent Agenda: Mrs. Kolb made a motion to approve the Consent Agenda [Accounts Payable and Payroll manifests] seconded by Mrs. Johnson. Mr. Fogg said he noticed one vendor, page 5 of the packet, was given an additional payment; check number 18887, vendor 1196. It appeared there was correspondence between Transportation and the vendor, with an increase in price, quoted \$432 and charged \$500. How often as a board agree to pay the extra money? Mr. Gregoire will investigate this, if it was something that had to happen then and there, to keep building running. He'll bring back what caused the difference. Mrs. Johnson said she reviewed the invoices and assumed there was a problem with the radio installation in a bus; Mr. Gregoire will get clarity on the invoices in question. Mr. Fogg also asked about another invoice for DEF [Diesel Evaporated Fluid], which can be purchased cheaper elsewhere and poured by the employees themselves into the buses. He offered to pour them into the buses himself – we shouldn't be paying five times the cost. Members voted 4-1 in favor of the Consent Agenda, with Mr. Fogg opposed.

Motion: Mr. Fogg made a motion to continue the meeting beyond 8 p.m., seconded by Mrs. Kolb; members voted in favor 5-0.

Minutes: Mrs. Kolb made a correction to a typo on the approved minutes of Dec. 3, 2019, correcting the vote tally on page 2 of the minutes (page 14 of the packet) to 5-0 (not 5-1.) Mr. Fogg made a motion to approve the minutes of Dec. 18, with any amendments offered, seconded by Mrs. Kolb, members voted all in favor.

Superintendent's Report:

Mr. Gregoire reviewed some activities, including the school's participation in National History Day: Teacher Chris Soule is looking for judges; he has reached out to Heritage Commission. School Board members were invited to participate. In addition, Mr. Gregoire and staff have been working on the proposed 2020-2021 budget and warrant articles.

Business Administrator's Report:

Mrs. D'Agostino reviewed highlights of Version 5 of the proposed 2020-2021 School Board budget, which reflects reductions as recommended by the Budget Committee. She also distributed the School Board Default Budget 2020-2021, which subtracts one-time purchases, i.e. music speakers, Superintendent's search, student/parent portal software, from the proposed operating budget. Mrs. D'Agostino's budget review included summaries and comparison documents. Mr. Fogg expressed concern that the default budget is more than the proposed operating budget and includes funds for tuition the budget committee had cut. The default budget is the school board's budget and must include contractual obligations. Mrs. D'Agostino added that the numbers in the default and the proposed operating budget, which is the Budget Committee's budget, don't necessarily agree. The school district is obligated to cover the tuition expenses for all enrolled students. Increases included in the proposed budget, i.e., raises for unaffiliated staff, were taken out in the default budget as that was new money, she added. The difference is minimal – a \$6,300 difference, which proves how well the board and the committee is working together, she added. Mrs. Kolb noted that in accordance with the law, the School District default budget must reflect educational funding for all students. Mrs. Kolb read the RSA 189:1, that requires tuition funding through high school graduation for all students.

The consensus of the board was to move forward with the default; Mr. Fogg expressed his concern.

Mrs. D'Agostino added a next step is to ratify the new teacher's contract, Wakefield Education Association, NEA NH, August 1, 2020 through June 30, 2022. This will occur with a vote at the end of the meeting in nonmeeting session.

Mr. Gregoire also informed the board that two petitioned warrant articles have been received, which will be included on the warrant but that do not require a recommendation for the board. The first petition asks for the superintendent position to be part time; the second petition asks to revert to the SAU 64 Withdrawal Plan from 2015. Since these warrant articles do not include an appropriation, according to RSA 32:5, 5a, the school or the budget committee is not required to issue a recommendation.

Members commented on the petitions. Mrs. Kolb said it was chaotic two years ago but now the district is running smoothly; academic and climate and culture are improving. She thinks we need to share experiences with the town so voters can be well informed. Mrs. Johnson said there's no way the district will be able to attract a part time superintendent. Mr. Ouellette said he was there the first year in 2015 and the plan wasn't working out. If this article passes there will be ramifications. Mr. Fogg said the law requires the district to have superintendent services, but not a [staff] superintendent. Mrs. D'Agostino said if required to serve full time, she would not stay in Wakefield. Mrs. Johnson said the petition ties the board's hands to what a previous board has done, and she didn't think previous boards should set the standards or dictate future boards.

New Business

High School Lottery: Mr. Gregoire reported there are three students who entered the lottery. Typically, on first meeting in January the board draws names out of a hat. We don't need to draw names as there are four available slots. Mrs. McCawley recommended they have to determine what to do with the empty slot. Mr. Gregoire noted it's not a 'Kingswood' lottery. It's open to other schools.

NH Charitable Foundation: Mr. Gregoire announced the receipt of a music grant from the NH Charitable Foundation for \$1,900. It's no string attached and was based on Free and Reduced lunch numbers. Mrs. McCawley made a motion seconded by Mrs. Kolb to accept the grant; members voted 5-0 in favor.

List of Committees: Mr. Ouellette expressed an invitation for public participation on committees. Interested residents can contact him or the superintendent.

Old Business

Mr. Williams made several requests for purchases of equipment for maintenance or repairs: Plumbing supplies, electrician services to fix exit signs that don't light up, repairs to auto scrubber. Motion: Mr. Fogg made a motion to authorize the expenditure of up to \$3,000 for the maintenance projects, seconded by Mrs. Kolb. Members voted 4-1 in favor with Mrs. Johnson opposed.

Policies

Second Readings:

EFA: Distribution and Availability of Healthy Foods; Mrs. Kolb made a motion, seconded by Mrs. McCawley, to accept EFA policy. Members voted 4-1 in favor with Mr. Fogg opposed.
EEAEA: Mandatory Drug and Alcohol Testing – School Bus Drivers; Mrs. Kolb made a motion, seconded by Mrs. McCawley, to accept EEAEA: Mandatory Drug and Alcohol Testing – School Bus Drivers. Members voted 5-0 in favor.

Other Business

Mr. Gregoire brought up an invoice for contracted services that has to be paid for \$6,700 for preventative maintenance, for Granite State Plumbing and Heating and a second expense for contractual obligation to cover tuition of \$3,940 for two courses that Anne Kebler is taking.

Public Comment

Mr. Miller commented on discussion of warrant articles. There is a process for change; you're in government positions. The reason for process is to continue to have the trust of the public. If you get support, you will have trust. The petitioned articles are a reaction from the public that school board made several decisions that did not involve the process of change.

Mr. Kolb said he thought the board is doing a great job and that there is a hateful handful of people who oppose the board.

Resignations/Nominations

Motions: In individual motions, Mrs. Kolb made motions seconded by Mr. Ouellette to accept with regret the retirement/resignations of: Cindy Kingsbury, Colleen Ridge, Andrew Tobin, Kelly Duhaime. Members voted all in favor 5-0.

Motion: Mrs. Kolb made a motion seconded by Mr. Ouellette to accept with regret the resignation of Nicole Kirkwood. Members voted 4-1 in favor with Mrs. McCawley opposed.

The board entered a nonmeeting to discuss the teacher's contract.

Upon reconvening the regular meeting, Mrs. Kolb made a motion, seconded by Mrs. Johnson, to approve Warrant Article 2: "Shall the Wakefield School District Vote to approve the cost items included in the Collective Bargaining Agreement reached between the Wakefield School Board and the Wakefield Education Association – Teachers, which calls for the following increase in salaries and benefits at the current staffing levels over the amount paid in the prior fiscal year?":

Year	Salary	FICA/Retirement	Co-Curricular	Health Premium Savings	Est. Increase
2020-21	\$120,892	\$24,742	\$1,850	-\$67,518	\$79,966
2021-22	\$ 73,450	\$18,681	\$ 0	\$ 0	\$92,131

“And further to raise and appropriate the sum of seventy-nine thousand nine hundred sixty-six dollars (\$79,966) for the upcoming fiscal year, 2020-2021, such sum representing the additional costs attributable to the increase in salaries and benefits and a decrease in health insurance premium over those of the appropriation at current staffing levels paid in the prior fiscal school year?”

Members voted 4-1 in favor with Mr. Fogg opposed.

Article 3: Shall the Wakefield School District, if Article 2 is defeated, authorize the school board to call one special meeting at its option to address Article 2 costs only? Mrs. Kolb made a motion to recommend Article III, seconded by Mrs. Johnson. Members votes 4-1 in favor with Mr. Fogg opposed.

Article 17: Shall the Wakefield School District vote to change the **Educationally Disabled Children Expendable** Trust Fund name to “Students with Disabilities” established in 2010 for the purpose of educating educationally disabled children? Mrs. Kolb made a motion **not** to recommend Article III, seconded by Mrs. Johnson. Members votes 4-1 in favor with Mr. Fogg opposed.

Article 18: Shall the Wakefield School District vote to change the **Asbestos Abatement and Room Renovation** Trust Fund name to “Room Renovations and Maintenance ...” established in 2011 for the purpose of asbestos removal and room renovation. Mrs. Kolb made a motion **not** to recommend Article III, seconded by Mrs. Johnson. Members votes 4-1 in favor with Mr. Fogg opposed.

Adjournment: A motion to adjourn was made, seconded and voted on 5-0 at 9:40 p.m.

Respectfully submitted:
Larissa Mulkern
Administrative Assistant

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