

**FREMONT SCHOOL DISTRICT  
School Board Meeting  
January 11, 2010  
6:30 P.M.**

**School Administrative Unit #83  
Blackrocks Village  
5 Hall Road, Unit 1  
Fremont, NH 03044**

**I. CALL TO ORDER**

Chairman Jeff Rowell called the January 11, 2010 meeting of the Fremont School Board to order at 7:35 PM at the School Administrative Unit #83, Blackrocks Village, 5 Hall Road, Unit 1, Fremont, NH 03044.

**II. ROLL CALL**

Present were Chairman Jeff Rowell, Vice Chair Peg Pinkham, Deb Genthner, Sharon Girardi, Ida Keane, and Superintendent Bill Lander.

Members of the public included:

- Lori Holmes                      District Clerk
  
- David Brown                    217 Chester Road
- Thomas W. McGall            564 Main Street
- Jean Nygren                    237 Copp Drive
- Michael Nygren               237 Copp Drive
- Greta St. Germain
- Dolores Cipriano              81 Risloves Way
- Mike Miller                    97-b North Road
- Harold Wilder                 21 Ann Lane
- Keith Stanton                 24 Birch Haven
- Sharon Tonas                 117 Shirkin Road
- Cathy Buteau                 55 Poplin Drive
- Linda Stanton                 24 Birch Haven
- John Leva                      24 South Road

**III. DISCUSSION OF CHARTER AMENDMENT & SB2 PROCESS**

Mr. Rowell said that the District was in receipt of a citizens' petition to amend the School District Charter (which governs the voting process in the Town for the School District). He said that there was a shared responsibility between the citizens and the District in bringing this to a vote of the people. He said it is a complex process that is governed by RSA 49.

Ms. Pinkham asked if the petition was to change the charter or to replace the charter with a different voting format. She said she had not seen the final petition that was turned in last Friday.

Mr. Stanton asked if he should read the petition to everyone. Ms. Holmes said that she wrote it as outlined by the RSA. She said there is a copy at the SAU now. Mr. Stanton asked if Mr. Lander read the petition before it was sent out and Mr. Lander said no and that he got a copy after it was sent out. Ms. Holmes explained that, within the RSA, when notification of sufficiency comes back from the State (Attorney General's Office, Secretary of State's Office, and the Department of Revenue Administration) the RSA then charges the District Clerk to print the petitions according to RSA verbiage, including an affidavit at the bottom that must be signed by each person who presents the petition to the voters for their signature. She said that the petition does not need to go to the School Board prior to issuance

Mr. Stanton read the petition:

School District of Fremont, NH

Each of the Undersigned voters respectively requests the School Board to provide for the amendment of the School District Charter as set out below. RSA 49 (b): 5 3 and RSA 197 (b) 3.

Question: Shall the Fremont School District, SAU 83, Fremont, NH, vote to adopt all provisions of SB 2 voting (official ballot RSA 43) on all issues before the annual School District Meeting?

Ms. Holmes noted that the RSA states the first paragraph has to be there and the second paragraph is what was presented by the petitioners and filed.

Mr. Rowell noted that the charter has created a "hybrid" of voting process in Town: SB2 for bonds and notes and regular Town Meeting for the budget. He clarified that the petition is to make the whole process SB2.

Lori Holmes reviewed a timeline of actual events:

- 10/5/2009 first submission of petition (with 7 committee member signatures). Ms. Holmes contacted the SAU office and spoke to Mr. Lander. She got information about the RSA since it was new to her (guidelines and format). She contacted the Secretary of State's office for guidance. The petition as submitted was incomplete since there needed to be a petition of 20 legal voters that needed to correspond with that petition.
- 10/15/2009 letter sent to Petitioner's Committee (as well as the Co-Chairs, Mr. And Mrs. Stanton and Mr. McGall) stating that, as received, the petition was incomplete and explained that an additional 20 signatures would be needed.
- 11/3/2009 second submission received from Petitioner's Committee. Ms. Holmes verified all signatures and submitted required documents.
- 11/4/2009 Submitted petition mailed to SOS, DRA and AG's office. The RSA states that those three agencies have up to 30 days to render a decision as to whether the filing was sufficient or insufficient.
- 12/11/2009 Received notification by mail from Secretary of State William Gardner not objecting to the proposed amendment  
Notified Mr. Stanton via phone: left message that approval was given to the proposed amendment. Informed him that the petitions would be available on 12/16/2009
- 12/16/2009 Sent an email to Mr. Stanton as a follow up, that he received the message that she left for him on 12/11/2009
- 12/17/2009 Petitions picked up by Mr. Stanton
- 1/7/2010 Petitions filed by Mr. Stanton

1/10/2010 Signatures verified  
 1/11/2010 Certificate letter of sufficiency mailed to Fremont School Board and Mr. Stanton,  
 Co-chair of Petitioner's Committee

Meeting, 7:30 PM

Mr. Rowell said that last week after Mr. Lander emailed Mr. Stanton asking where things were at, he retrieved a letter from September 30, 2009 from the attorney. Part of the letter read:

*In order for the petitioned amendment to be placed on the ballot for the District election on March 9, 2010, the Board must file the proposed amendment and a written opinion from an attorney with the district clerk and must order the proposed amendment to be placed on the ballot no later than January 8, 2010 (60 days before the election).*

Copies of the letter were made available to the public at tonight's meeting.

Mr. Rowell alerted the Board to this and also notified Mr. Stanton of this. He said there would be no way to get the petition on the ballot for the upcoming District Meeting. He asked if it was too late and what the implications are. Ms. Holmes said that other timelines would need to be met now that the letter has been sent to the Co-chair and School Board. Upon receipt of the letter (once opened), the School Board has up to 10 days to schedule a hearing on the petition (proposed amendment). Then, the Board has 7 days from that point (public hearing) to notify the School District Clerk of the decision and a letter from an Attorney is necessary stating that the proposed amendment falls within constitutional and state statutes, etc. These would fall past the January 8 deadline.

Ms. Holmes said she had explained the petition process to Mr. Stanton. With each signature, it had to be done in person. When Mr. Stanton had asked her for a timeline, she was not aware yet of the RSA's requirement of a 60-day, 365-day timeframe: as long as the regular election falls no less than 60 days and not more than 365 days. She had given him a deadline of January 15, 2010 at that time, to give her time to do verifications, mailing the certificate letter, 10 days for School Board to have a public hearing, etc. She would also need to print ballots, including those for absentee voters. She said that if she knew then about the 60 –365 timeframe then, she would have given Mr. Stanton the deadline of November 30, 2009 in order to make the January 8, 2010 deadline.

Mr. Rowell asked what the recourse was since it's too late for the regular meeting. Mr. Stanton said that the School Board could vote tonight to put the amendment on the ballot. Mr. Rowell was not prepared to conclude that. Ms. Keane asked what RSA Mr. Stanton was referring to. Mr. Stanton said that the Board did not have to go through the 60-day timeframe. Ms. Keane said that a letter from the District's Attorney said otherwise. She said that there was a procedure that the School Board had to follow in order to amend the charter. She said it was for the protection of the citizens as well as the School District. Mr. Stanton thought that the School Board did not have to go by the same rules as the Charter Commission. Mr. Lander said, according to the attorney, there are timelines for the School Board to amend the charter. Mr. Lander read from the attorney's letter:

*A written order from the attorney with the School District Clerk must order the proposed amendment to be placed on the ballot no later than January 8, 2010.*

Mr. Miller said that in the attorney's letter, he noted that it talked about responsibilities on the School Board's part (to prepare information) but not for Mr. Stanton. Mr. Rowell said that there was a shared responsibility to bring everything to fruition. He said that the onus was on Mr. Stanton to prepare the petition and once it was submitted, the onus was then on the District to do what it needed to do. Mr. Miller asked if the Board knew that the process was going on all along. Mr. Rowell said yes. Mr. Miller said that the attorney letter said that the Board needed to do work before January 8. Ms. Holmes said that the date should have been October 13 for the first submission done by Mr. Stanton. Mr. Lander said that there was also a timeline made by the attorney that people can get a copy of as well.

Mr. Miller said that there is a perception that the Board is trying to stand in the way of this amendment instead of facilitating it. He said that last year there was no District Clerk and he did not understand that. Mr. Rowell said they have stated that but that it was not the reason the petition failed. Mr. Rowell said that RSA 49 is on the Internet for anyone to read. Mr. Miller thought that the Board had not been very helpful. Mr. Rowell said he thought the Board has been helpful.

Selectperson Greta St. Germain said that after she received a copy of the petition, she called Ms. Holmes and talked about the deadline and Ms. Holmes sent her a fax (dated December 22, 2009). She wanted the exact information so she could understand the details and assist in the process. Mr. Stanton dropped off paperwork to her house as well. Ms. St. Germain spoke with Mr. Lander in January as well. She felt that both parties had responsibility and had made mistakes. She wanted to know how to bring unity to both parties.

Mr. Lander said that there needed to be a hearing, verification and special Town Meeting. He spoke with the Secretary of State today. The amendment could go on the ballot for the September 13, 2010 state election, which would minimize cost to the District too. The attorney said it could not go on the national election in November 2010. Mr. Stanton asked if the vote was in September, would it go into effect another whole year after that. Mr. Lander said that was not necessarily the case and that, according to the RSA, people can designate it to start earlier (such as January 1, 2011). RSA 49 (b) 6 states that: "Charter amendments adopted by voters shall become effective on the first day of the next seating municipal year or on a date determined by the municipal officers (can be School Board members), whichever occurs first." Mr. Lander read further: "Therefore, it is our opinion that the municipal officers could determine to apply the official ballot voting process to the fiscal year 2011 annual meeting (SB2) provided the amendment passes (in September 2010)."

Mike Nygren asked if "municipal office" meant School Board, Board of Selectmen, or Budget Committee, etc. Mr. Lander said they needed to double-check that. Mr. Nygren asked if there was a reason why the amendment could not be on the ballot in the national election in November 2010. Ms. Holmes read from a letter she got from the Secretary of State stating that "RSA 39:1 prohibits a special District meeting from being held on the biannual election day. We have interpreted this to mean that a special election can be held at the State primary."

To help defray cost of the special election, Ms. Holmes had suggested that costs be shared (with the State). Mr. Stanton was comfortable with the September date though he was disappointed that the vote couldn't be in March. Mr. Lander restated that the September date needed to be verified to be certain.

Jean Nygren referred to the letter from Wadleigh, Starr & Peters that said "The date of each petition form issued (all petitions, unless filed, shall become null and void on the 120<sup>th</sup> day after

the date of issue)". She asked if that would pose a problem. Ms. Holmes said no, that it was filed on January 7, 2010 and the certificate letter is in the mail. The letter outlines the signatures that were received: the number of unregistered, registered and duplicate voters. Ms. Holmes explained that the RSA requirements made for a lengthy process. Mr. Stanton said that he had signatures on the petition that was ready for submission on November 5, 2008 but there was no clerk to give it to. He asked if there had been a clerk, would they be at this point now. Ms. Holmes said she didn't know the calendar for last year but said that the election was on March 10. Mr. Rowell asked if Mr. Stanton read the Attorney General's letter of response. Mr. Stanton said that the letter said that the District should have had a clerk and was responsible for not having a clerk.

Mr. Rowell was referring to a letter from the State Attorney General (which is posted on the School Board Website) in response to the petition that was sent and why it failed. Mr. Stanton remembered that it said the petition needed the extra 20 signatures but he said there was no one to give it to. Mr. Rowell said that it did get to the Attorney General's office. Ms. Keane noted that the letter states that: "the proposed charter amendment as submitted fails to comply with the procedures set forth in RSA 49 (b) 5 II (a), namely the proposed charter amendment fails to identify by affidavit 5 voters of the municipality who constitute the Petitioner's Committee which the clerk must then certify along with the proposed amendment for the review by the state." Mr. Stanton said they had the 5 signatures plus the 20 signatures but, on November 5, there was no one to give it to. Ms. Stanton (?) said she went to the SAU with Mr. Stanton and was told there was no clerk. Mr. Rowell said it is true that the District did not have a clerk but it did take receipt of the petition and sent it to the State who sent the response as to why it failed.

Mr. Rowell said he regretted the difficulties that everyone had but that was in the past now.

Mr. Miller asked when Mr. Lander would be able to talk to the attorney. Mr. Lander said they would follow the time line. His concern is publishing a notice in the paper seven days before the public hearing. Mr. Lander said he did email the attorney today telling him what the Deputy Secretary of State told Ms. Holmes. Mr. Lander said as soon as he hears from the attorney he will contact the Petitioner's Committee. Mr. Lander said that the Board wanted to be sure things were set legally. Ms. Girardi said she understood that the meeting had to be done by January 21, 2010. Mr. Lander agreed that it had to be done just about the 21<sup>st</sup> but that if he has the authority to open the letter, it would be 10 days from when he opens the letter.

Ms. Keane asked why the letter was mailed and Ms. Holmes said it was stated that way in the RSA.

Ms. Pinkham asked if the estimated cost of the special election was \$2,000. Ms. Homes reasoned that since it was a non-partisan vote, they could use 2 ballot clerks instead of 4. Two supervisors would be necessary, plus the moderator, a few people to assist, and herself as Clerk. Ms. Holmes recommended using a paper ballot to keep the cost low. The School Board members could tally votes themselves since it would be a yes/no vote.

Mr. Lander said that the RSA does not specify whether it is a March, April or May election though he assumed it is March to coincide with the Town. Mr. Lander said that there are 3 options for SB2 voting: March, April or May. He asked if Mr. Stanton could get back to him on that.

*Sharon Girardi made a motion to authorize Bill Lander to open the letter from the Secretary of State. Deb Genthner seconded the motion. Motion passed 5:0.*

**IV. NEXT MEETING: JANUARY 14, 2010 at 6:30 PM**

**V. ADJOURNMENT**

*Deb Genthner made a motion to adjourn at 8:30 PM. Sharon Girardi seconded the motion. Motion passed 5:0.*

Respectfully submitted,  
Susan Perry, School Board Secretary

**1/11/2010 QUESTIONS:**

1. Mr. Stanton was comfortable with the September date though he was disappointed that the vote couldn't be in March. Mr. Lander restated that the September date needed to be verified to be certain.
2. Mike Nygren asked if "municipal office" meant School Board, Board of Selectmen, or Budget Committee, etc. Mr. Lander said they needed to double-check that.
3. Mr. Lander said that there are 3 options for SB2 voting: March, April or May. He asked if Mr. Stanton could get back to him on that.