

**LITCHFIELD SCHOOL DISTRICT  
DELIBERATIVE SESSION  
February 4, 2012  
The State of New Hampshire**

Time, Place: The meeting was called to order at 2:00 p.m. in the Campbell High School Auditorium.

Present: Moderator, Mr. John G. Regan, presiding.

School Board members: Mr. John York, Chair; Mrs. Mary Prindle, Vice Chair; Mr. Dennis Miller, Mr. Jason Guerrette; and Mrs. Patricia D'Alleva.

Dr. Elaine Cutler, Superintendent of Schools; Mr. Stephen Martin, Business Administrator; Mr. Kyle Hancock, Director of IT; Michele E. Flynn, School Board Administrative Assistant; Ms. Lynn Baddeley, School District Clerk; Gordon Graham, Attorney for the District.

Mr. Tom Lecklider Litchfield Middle School Principal; Mr. Martin ("Bo") Schlichter, Griffin Memorial School Principal; Mrs. Laurie Rothhaus, Principal Elect, Campbell High School.

Budget Committee members: Mr. John Harte, Chair; Mr. Chris Pascucci; Mr. Mike Falzone; Mr. William Spencer; Mr. John Brunnell, (Selectmen's Representative).

Ballot clerks: Mrs. Trisha Regan, Mrs. Joan McKibben.

Mr. Regan invited members to join him in the Pledge of Allegiance.

Mr. Regan introduced Mr. Phil Reed, Vice Moderator, and reviewed the Moderator's rules and protocol for the Deliberative Session according to state law.

Mr. Regan introduced Mr. John York, School Board Chair. Mr. York introduced School Board members, SAU staff, and attorney.

Mr. Regan introduced Mr. John Harte, Chairman of the Budget Committee. Mr. Harte introduced Budget Committee members.

Mr. Regan announced that elections will be held on March 13, 2012 from 7:00 am – 7:00 pm at CHS.

*Note: The order of business of the Deliberative Session is sometimes conducted out of the warrant articles' numeric sequence. Recording activity in chronological order would make the minutes difficult to follow; therefore, the articles will be listed, with action taken thereon, in the order in which they were listed on the warrant.*

As is customary, Mr. Regan asked voters if they were in favor of allowing non-voters and employees of the school district who were in attendance to comment during the meeting.

*The majority was in favor of allowing non-voters and/or employees of the district to comment during deliberative session by voice vote.*

Mr. Regan read Article A.

**ARTICLE A.**

*To elect by ballot the following School District Officers:*

<i>School Board Member</i>	<i>3-Year Term</i>
<i>School Board Member</i>	<i>3-Year Term</i>

The Moderator opened discussion of Article A.

Hearing no discussion, **Article A stands as written.**

Mr. Regan read Article 1 and indicated that Mr. York would speak to the article.

**ARTICLE 1**

*Shall the Litchfield School District vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by the vote at the first session of the annual school district meeting, for the purposes set forth herein, totaling Twenty Million, Eight Hundred Nine Thousand, Six Hundred Ninety-Four dollars (\$20,809,694)? Should this article be defeated, the default budget shall be Twenty Million, Nine Hundred Thirty-Two Thousand, Four Hundred One dollars (\$20,932,401), which is the same as last year, with certain adjustments required by previous action of the Litchfield School District or by law; or the School Board may hold one special meeting, in accordance with RSA 40:13 X and XVI, to take up the issue of a revised operating budget only.*

*This Article was not recommended by the School Board because of a tied vote (2-2-0) and recommended by the Budget Committee by a vote of 5-2-0.*

Mr. York commented that the School Board and the Litchfield Education Association were not able to reach agreement on a new contract. He explained that the negotiation process began in November 2011 and an impasse was declared in January 2012. Mr. York indicated that there will be no CBA article on the Warrant.

Mr. York referred to the list of major changes impacting the FY13 Proposed General Fund Operating Budget, highlighting the following:

- Purchase of the 2 classroom kindergarten portable with Impact Fees;
- Middle School fire alarm replacement, which will be installed in phases.

Mr. York indicated that the major changes impacting the budget result in total increases in the amount of \$1,276,789.

Mr. York referred to the Budget Committee's recommended changes to the FY13 Proposed General Fund Operating Budget, highlighting the following additions:

- Addition of SAU Actuarial Services;
- Addition for LMS Parking Lot Sealing & Striping.

Mr. York indicated that the Budget Committee's changes to the budget resulted in a total decrease of \$586,331.

Mr. York summarized a comparison between the FY13 School Board Recommended Budget and the FY13 Budget Committee Recommended Budget:

- School Board Recommended Budget: \$21,396,025
- Budget Committee Recommended Budget: \$20,809,694.

Mr. York referred to the Object Account summary. He explained that object accounts are used to describe the services or commodities obtained as a result of the specific expenditure. Mr. York referred to the General Fund Object Account Summary comparison. He indicated that the years 2009-10 and 2012-13 were highlighted because they provide a level comparison. Mr. York mentioned that the total number of students is also included for each year in the summary.

Mr. York referred to the Location Account summary. He explained that location accounts are used to describe the physical location where the activity or cost is used or expensed (i.e. GMS or District-wide). Mr. York referred to the General Fund Location Summary comparison. He indicated that the years 2009-10 and 2012-13 were highlighted. He noted that there were notable changes in the District-wide location account due to special education tuition, special education transportation, special education administration, and special education services.

Mr. York referred to the Estimated 2012 Revenue Analysis. He explained that the analysis reflects local, state, and federal sources of revenue. Mr. York indicated that High School Impact fees were used this year to reduce the high school bond payment. He noted that Elementary Impact fees will be used next year to purchase the GMS two classroom portable. Mr. York mentioned that the analysis reflects a reduction of federal funds as well.

Mr. York referred to the Total Appropriations and Tax Rate slide. He explained that this information provides a general idea of where the money is coming from and how it compares to previous years. Mr. York indicated that the total school property tax (local and state) impact on the tax rate may result in an increase of \$559 on a \$240,000 home, or an increase of \$746 on a \$320,000 home if the budget and all warrant articles is approved by voters.

Mr. York referred to the FY13 Default Budget, which is required by SB2 towns and would become the approved budget if the proposed budget is not approved by voters. He explained that the default budget calculation is defined by law as:

- Base is the current year's appropriated budget (MS-22)
- Increased/decreased by any costs that are required by law (special education, 504 services, bargaining agreements, leases, etc.)
- Increased/decreased by any cost required to maintain existing level of services (step increases, but no COLA adjustment to non-CBA salaries, benefit cost changes, etc.)
- Reduced by one-time expenditures.

Mr. York indicated that the FY13 Default Budget total is \$20,932,401.

Mr. Guerrette commented that salary increases are not included in the school operating budget, but step increases are included. Mr. Martin and Dr. Cutler both confirmed that there are no step

or range increases included in the operating budget. Mr. Martin indicated that step increases are included in the default budget, but not in the operating budget.

Marsha Finnegan, 147 Talent Road, queried why the operating budget is lower than the default budget. Mr. York indicated that the default budget includes what is needed to run the district based on last year.

Mrs. Finnegan queried if the employee separation payment total is relative to employees who were laid off. Mr. York indicated that the employee separation payment is the total cost of the separation packages for seven employees who are leaving the district next year.

Cindy Couture, 41 Stark Lane, queried why the Budget Committee reduced special education tuition, services, and transportation. Mr. Harte commented that all reductions were based upon the current spending in special education. He indicated that the Budget Committee felt that the reductions were warranted based on historical spending.

Mrs. Couture queried if the Budget Committee considered that there are generally anticipated placements in special education. Mr. Harte indicated that the budget included the anticipated placements, but they are not confirmed commitments. He commented that typically the Budget Committee analyzes what is expended annually.

Mrs. Couture commented that there has recently been a judgment regarding under-identified special education students in Litchfield and new criteria will result in students being re-evaluated for services. She queried if the Budget Committee took this information into consideration. Mr. Spencer commented that the Budget Committee has done this each year and the budget is still under spent. He mentioned that he had prior knowledge of the special education issue and therefore a smaller reduction was taken.

Mr. York queried how Mr. Spencer could have had prior knowledge of the special education issue.

Mrs. Couture queried if the Budget Committee took into account that the District may see an influx of students based on the new criteria. Mr. Spencer indicated that the total special education budget is regularly underspent.

Mrs. Couture queried if the special education budget is currently underspent. Mr. Spencer indicated that he is not aware that the special education budget is currently underspent. He commented that rather than take the normal reduction, the Budget Committee took a lesser reduction.

Mrs. Couture asked if the School Board has any information regarding the special education budget. Mr. Miller responded that there is currently \$460 left in the special education budget for the remainder of the year.

Mr. Spencer asked for the ending balance of the special education budget and the remaining activity in special education accounts for the remainder of the year. Mr. Martin indicated that the ending balance is currently unknown; however, our expenditures are significantly ahead of this time last year.

Mr. Guerrette indicated that there is a \$100,000 Special Education Capital Reserve account.

Mr. York commented that Mr. Spencer did not receive any information about the special education situation at any Budget Committee meeting as this was non-public information. He queried about the source of Mr. Spencer's information. Mr. Spencer commented that he was not able to reveal his source, but stated that he took the information into account when making his proposal to take a lesser reduction.

Kathy Follis, 8 Mike Lane, commented that she heard a statement at a School Board meeting that special education funding was short at that time. Mr. York indicated that the capital reserve will be used if special education is overspent.

Mrs. Follis queried if there were further reduction in special education. Mr. York explained that the School Board asked for \$248,566 in special education tuition and the Budget Committee reduced it by \$120,000.

Mr. Spencer clarified that when reviewing the budget with the special education director and the Superintendent, we were informed that one of the out of district tuition placements did not exist at the original amount. He indicated that is the reason for the reduction of \$120,000.

Marsha Finnegan, 147 Talent Road, queried how many students were included in the \$248,000 request. Mr. York indicated that there was no set total number of students. The number varies according to the needs of the students. He commented that students that need services receive services.

Mrs. Finnegan queried about the addition of six paraprofessionals. Mr. York affirmed the six additional paraprofessionals and commented that is the total across the schools.

Mrs. Finnegan queried how the total special education tuition is calculated. Mr. York indicated that information is provided by the Director of Special Services.

***Jeff Douglas, 49 Burgess Drive, made a motion to increase the FY13 general fund operating to \$20,813,194, an increase of \$3,500 for CHS wrestling transportation. The motion was seconded.***

Mr. Regan asked for discussion on the motion.

Mr. Douglas commented that currently the CHS Wrestling team is self-funded. He explained that he is trying to get a portion of their budget funded in the operating budget to make it part of CHS athletics and to make the team less dependent on fundraising.

Chris Pascucci, 12 Colonial Drive, commented that this discussion is related to the proposed warrant article. He asked if the discussion could be tabled until that article is discussed.

Mr. Regan indicated that the motion will be discussed now as the budget article will be closed by that time.

Steve Callinan, 3 Augusta Way, commented that transportation fees are being requested because we are bound by the District to use the school buses to transport the students. Mr. Callinan

indicated that the District should pay that cost. He noted that wrestling has been in operation in Litchfield for more than three years and has gained much support.

Mr. York commented on the motion. He indicated that the funds for transportation are currently included in the operating budget. He noted that adding this money to the budget would be including it twice. Mr. York indicated that this is a revenue issue.

Jason Allen, 33 Chasebrook Circle, commented that in the budget it appears that transportation was moved to the self-funded account. He noted that it makes it appear there is no money from the taxpayers to fund transportation. Mr. Allen requested moving it into the operating budget so taxpayers will help provide funding.

Mr. York explained that transportation is included in the budget. He commented that the issue is identifying the revenue source.

Mr. Callinan wanted to clarify that if the money is in the budget, does there have to be revenue for the expenses. Mr. York commented in the affirmative.

Mr. Douglas rescinded the motion. The second was withdrawn.

Ralph Boehm, 6 Gibson Drive, commented that we are voting on the expenditures, not the revenue.

Betty Vaughn, 19 Stark Lane, queried what happens if the special education is overspent. Mr. York indicated that we will find the overage in another area of the budget or use the capital reserve fund.

Mrs. Vaughn queried if it is a federal mandate to fund special education for students. Mr. York indicated that if there is such cost that offsets the balance of the budget, the School Board would ask for an emergency appropriation in March.

Lynne Ober, State Representative, 3 Heritage Circle, Hudson, NH, commented that she and Dr. Cutler testified in Concord on Tuesday on a bill to allow school districts to hold 2.5% of their budget for unexpected expenses. She noted that one of the School Board members came to Concord to oppose the bill. She indicated that many members of the Senate Education Committee were favorable of the bill.

***Cindy Couture, 41 Stark Lane, made a motion to increase the FY13 General Fund Operating budget to \$20,846,194 to increase special education services. The motion was seconded.***

Mrs. Couture indicated that she made a motion to increase the budget by \$33,000 because she is concerned about what is ahead with special education.

Mr. Regan asked Mrs. Couture to clarify the total amount in her motion.

***Mrs. Couture adjusted the motion to increase the budget to \$20,842,694.***

Derek Barka, 8 Simeon Lane, asked for confirmation that the special education tuition total is not an estimate.

Dr. Cutler indicated when costing tuition for the budget, there is some projection and some identified students. She explained that the District is aware of some preschools that have special education children. Dr. Cutler clarified the news article mentioned by Mrs. Couture. She indicated that there was a complaint, but no court case or judgment. She explained that the checklist that was being used in evaluations was deemed too restrictive. Dr. Cutler indicated that the checklist has been revised and no penalties or money were involved. She noted that the District is in the process of using a consultant to re-evaluate student files that were found ineligible. She commented that there is a possibility that more children may need services, but we have to wait until the evaluation is completed. Dr. Cutler noted that we can't tie every dollar to every child because children change and grow, and events happen that could necessitate services. She agreed with Mr. Spencer that historically the District returns more special education funds to the town.

Mr. Barka commented that the District has always returned special education money.

Mr. Guerrette commented that the Board decides what to return to the town. He noted that revising the checklist is a positive step.

Mr. Spencer commented that the Budget Committee reduced the special education tuition budget based on historical under spend record. He explained that \$220,000 was proposed and we took 85% of that total. Mr. Spencer indicated that this year the budget is \$160,000.

Ralph Boehm, 6 Gibson Drive, queried the how much of the total funds returned last year was special education. Mr. York commented that of the \$773,000 returned, \$320,000 was from special education.

William Barrett, 53 Pilgrim Drive, commented that he supports Mrs. Couture's motion. He indicated that historically we return money to the town and he believes that an influx of special education students will result from the re-evaluation.

Kathy Follis, 8 Mike Lane, thanked Mr. Spencer for his clarification. She queried if students have been denied services because of the checklist that was previously used to evaluate students.

Dr. Cutler commented that she cannot say if more students have or have not been identified. She noted even if a youngster was not coded they would still receive additional assistance. Dr. Cutler expressed confidence that we have good services in place at all schools for all students.

Penny Shupe, 8 McQuestin Circle, queried the cost of the consultant for the special education evaluation. Mr. York commented that \$27,500 was encumbered to cover the cost of the consultant.

***Mr. Spencer, 9 Cranberry Lane, made a motion to call the question. The motion was seconded.***

***The motion to increase the FY13 Operating budget to \$20,842,694 passed by show of hands.***

Sue Seabrook, 18 Bear Run Drive, queried if the \$33,000 increase will be used specifically for special education services. Mr. York indicated that the \$33,000 is added to the budget bottom line.

There were no further amendments or discussion, **Article 1 stands as amended and will appear on the ballot as amended.**

Mr. Regan read Article 2 and indicated that Mr. York would speak to the article.

## **ARTICLE 2**

*Shall the Litchfield School District vote to raise and appropriate the sum of Forty Thousand, Four Hundred Ninety-Two dollars (\$40,492), which represents salary and benefit costs for a 1% cost-of-living adjustment pool for non-union positions? These positions include: administrators, administrative assistants, building/grounds staff, Certified Occupational Therapy Assistant, custodial staff, food service staff, monitors, paraprofessionals, psychologists, School Administrative Unit staff, site facility managers, social worker, tutors, and elected officials (other than School Board members). The final distribution of this pool will be made by the School Board.*

*This Article was not recommended by the School Board because of a tied vote (2-2-1) and was not recommended by the Budget Committee by a vote of 3-4-1.*

Mr. York commented that the article requests approval for a 1% COLA salary increase pool for non-union staff.

Ralph Boehm, 6 Gibson Drive, commented that this is not a petition article and queried why it is on the Warrant if it does not have School Board approval.

Mr. York indicated that the School Board approved the article for inclusion in the Warrant, but did not recommend the article. He noted that some Board members believe the article should be on the Warrant for transparency.

There were no amendments or further discussion, **Article 2 stands as written and will appear on the ballot as written.**

Mr. Regan read Article 3 and indicated Mr. York would speak to the article.

## **ARTICLE 3**

*Shall the Litchfield School District vote to raise and appropriate the sum of Six Thousand, Four Hundred Fifteen dollars (\$6,415) for the purpose of funding salaries, benefits, and supplies for grade level teaching and paraprofessional positions for the Summer Reading Program at Griffin Memorial School for grades 2 to 3 and grades 3 to 4 previously funded through a federal grant?*

*This Article was recommended by the School Board by a vote of 5-0-0 and recommended by the Budget Committee by a vote of 6-1-0.*

Mr. York commented that the article requests approval to reinstate a summer reading program for students moving to grades 3 and 4. He indicated that we currently have a summer reading program for students moving to grade 2. Mr. York commented that the program was previously funded by a federal grant that is no longer available.

Mr. Guerrette commented that it is clear GMS does well in Reading, which can be partially attributed to this program.

There were no amendments or further discussion, **Article 3 stands as written and will appear on the ballot as written.**

*Mr. Miller made a motion to restrict reconsideration of Article 1. The motion was seconded. The motion passed by voice vote.*

*Mr. Miller made a motion to restrict reconsideration of Article 2. The motion was seconded. The motion passed by voice vote.*

*Mr. Miller made a motion to restrict reconsideration of Article 3. The motion was seconded. The motion passed by voice vote.*

Mr. Regan announced that there would be a break for special announcements and recognitions.

Mr. York recognized former School Board member Cindy Couture for her work and years of service on the School Board. Mrs. Couture accepted her award, thanking the School Board and the community. She commented that it was a privilege to serve the school district and the community.

Mr. Harte recognized Dr. Cutler for her tenure in Litchfield. He commended her efforts and thanked her for her years of service. Dr. Cutler commented that preparing a budget is amazing work. She noted that she is astounded that community members spend hours putting it all together and receive no compensation. Dr. Cutler indicated that the Budget Committee members are respectful of the process and people coming before them. She commented that the mutual respect is most appreciated. She stated that she has enjoyed working with the Committee members and shared her gratitude for the support of the community. Dr. Cutler commented that we all care about the children and want them to have the best education.

Ralph Boehm, NH State Representative, spoke about a redistricting bill.

Phil Reed, 7 Forest Lane, commented that he had the opportunity of working periodically at CHS. He stated that he is always impressed with the beauty and physical condition of this building. Mr. Reed commended the building and grounds staff, and the students, for taking care of our building.

Mr. Miller mentioned that another District employee is retiring this year. He commended Principal Bo Schlichter and thanked him for his years of service on behalf of the School Board and the community.

Mr. York mentioned that Principal Bob Manseau is retiring. He commended Mr. Manseau for his service to the community and for his award as NH Principal of the Year.

Mr. Regan read Article 4 and indicated Mr. York would speak to the article.

## **ARTICLE 4**

***Shall the Litchfield School District vote to raise and appropriate the sum of Twenty-Five Thousand, Eight Hundred Thirty-Six dollars (\$25,836) for the purpose of funding salary, benefits, professional development, and supplies for a part-time, school year Reading Specialist at Campbell High School previously included in the operating budget?***

*This Article was recommended by the School Board by a vote of 5-0-0 and not recommended by the Budget Committee by a vote of 4-4-0.*

Mr. York commented that Article 4 is a request to reinstate a part time reading specialist at CHS. He explained that this position was removed in the current budget due to a reduction in adequacy aid. The position was not added back in September. Mr. York indicated that the School Board believes in continuing support for all students in reading.

Mr. Guerrette commented that he supported the article.

Betty Vaughn, 19 Stark Lane, expressed support for a reading specialist indicating her son's positive experience with a reading specialist.

There were no amendments or further discussion, **Article 4 stands as written and will appear on the ballot as written.**

Mr. Regan read Article 5 and indicated Mr. York would speak to the article.

## **ARTICLE 5**

***Shall the Litchfield School District vote to raise and appropriate the sum of Thirty-Three Thousand, Seven Hundred Ninety-Nine dollars (\$33,799) [to be added to the \$32,000 already included in the operating budget], for the purpose of funding the salary and benefit costs to convert the Athletic Trainer services at Campbell High School from a contracted service, which is included in the operating budget, to a full-time district employee?***

*This Article was recommended by the School Board by a vote of 3-2-0 and not recommended by the Budget Committee by a vote of 1-7-0.*

Mr. Miller commented that this article is to convert contracted services for the high school athletic trainer to a district employee. He indicated that there is money in the budget to support the contracted services. He explained that the amount in the article will be added to what is already included in the budget. Mr. Miller indicated that the additional hours of the trainer services will be available to student athletes in the treatment of injuries, strengthening and rehabilitation.

William Barrett, 53 Pilgrim Drive, queried why the Budget Committee opposed the article.

Mr. Spencer commented that there is an existing contract. He expressed concern that the proposed cost in addition to the contracted cost is too high. Mr. Spencer mentioned that another high school in the region re-negotiated their contract with their trainer and reduced the hourly rate as well as negotiated some free services at the facility. He believes the contract should be

re-negotiated. He indicated that there are very few high schools with a full time trainer in New Hampshire.

Sue Seabrook, 18 Bear Run Drive, queried if the trainer now contracted by the District will be moved into the full time position or will the position be advertised.

Mr. Miller indicated that the administration handles staff hiring. He believes the process would be to advertise an open position. Mr. Miller clarified that the amount in Article 5 is based on the contracted amount and includes benefits.

Mrs. Seabrook queried if the hours would be flexible and if there was a salary survey was completed. Mr. Miller affirmed that the hours would be flexible. He indicated that there was no data on a full time trainer.

Mrs. Seabrook commented that the contracted rate is usually a higher rate. Mr. Miller commented that this is an estimated salary and benefits. Mr. Martin clarified that if converted to an hourly rate, it is a lower rate.

Mr. Pascucci commented that the issue needs to be discussed logically. He indicated that the Budget Committee was provided a list of justifications that included:

- many state require a full time trainer at high schools;
- provides injury prevention for teams that leave early for away games;
- provides injury rehabilitation;
- in-house rehabilitation (as opposed to off-site) saves costs;
- windfall for parents (if we expand to more trainer hours, parents do not have to go to their own doctors).

Mr. Pascucci commented that there was no other school that had this position for a comparison. He indicated that the windfall mentioned would only be for parents of athletes. Mr. Pascucci was concerned that the community will be taking care of the responsibilities of private insurance. He believes that the justifications do not satisfy the needs or the request.

Mr. Miller commented that it is a fact that participation in sports can result in injury. He indicated that concussions are a serious issue. He explained having a trainer on site when these types of injuries occur helps manage the risk of repeat injury if a student athlete returns from an injury early. Mr. Miller indicated that we are not relying on the trainer for a diagnosis, but an evaluation. He commented that he has seen the impact the current trainer has on student athletes. Mr. Miller reviewed a list of injury statistics and commented that the trainer spent over 5,000 hours on preventative measures for athletes. Mr. Miller indicated that the trainer is available for pre-season, weekends, holidays, and vacations.

Sue Seabrook, 18 Bear Run Drive, commented that she has no objection to having a trainer, but would like to see a lower salary.

Mr. Martin indicated that the amount in the article includes benefits. He estimated that the total salary for the trainer (if the article passes) would be approximately \$40,000.

Mr. Spencer clarified that a trainer is necessary. He is in favor of re-negotiating a lower rate.

A community member queried if the current trainer is moved to full time, will he continue to keep his other job. Mr. York indicated that is not the District's business. It is a personal issue.

The community member queried if the current trainer will take the benefits here or at his other job. Mr. York indicated that the proposed full time position is not being created for the current trainer. He explained that the full cost of a position is required to be budgeted.

Chris Pascucci, 12 Colonial Drive, commented that contracted costs include salary and benefits. He believes that a renegotiated contract rate would be less costly. He indicated that there is more flexibility in hours allotted for services with a contract. Mr. Pascucci commented that he does not believe there is a need for a full time trainer.

Mr. York clarified that the Board proposed an increase of 1300-1400 hours and for the trainer to continue under contract. He indicated that the Budget Committee reduced it lower than the existing hours.

Jason Guerrette, 11 Perry Court, commented that outsourcing is always less costly and can adequately satisfy what you need to do. He indicated that outsourcing can scale back or increase the contractor scale based on the need at the time.

Cindy Couture, 41 Stark Lane, queried if it were possible to reword the article to ask the community if they want to increase the trainer's salary and hours.

Attorney Gordon Graham commented that the subject matter of the article is to hire a full time employee; not add hours. He explained that rewording the article would be changing the purpose and subject matter of article.

A community member queried if the article passes, would the trainer provide his/her own liability insurance. Mr. Miller indicated that he or she would automatically be covered on the District's existing policy without an increase.

There were no amendments or further discussion, **Article 5 stands as written and will appear on the ballot as written.**

*Mary Prindle, 26 Deerwood Drive, made a motion to restrict reconsideration of Article 4. The motion was seconded. The motion passed by voice vote.*

*Mary Prindle, 26 Deerwood Drive, made a motion to restrict reconsideration of Article 5. The motion was seconded. The motion passed by voice vote.*

Mr. Regan read Article 6 and indicated Mr. York would speak to the article.

## **ARTICLE 6**

*Do you favor offering the Campbell High School Wrestling program as part of the athletics budget paid for by the taxpayer? The Wrestling program is currently included in the operating budget as a self-funded program, in the amount of Nine Thousand, Eight Hundred Twenty-Five dollars (\$9,825). If this article fails, CHS Wrestling will continue to be offered as a self-funded program with all program costs offset by revenues.*

*This Article was recommended by the School Board by a vote of 3-2-0, and not recommended by the Budget Committee by a vote of 2-5-0.*

Mr. York commented that this article requests approval for the CHS Wrestling program paid for by taxpayers. He explained that the cost associated with the article is included in the budget in self-funded programs.

Jeff Douglas, 49 Burgess Drive, commented about the disclaimer in the article that states if the article fails the program will continue to be offered as a self-funded program. He indicated that it was stated that if the disclaimer was not included in the article and the article failed we would not be able to run the program. Mr. Douglas queried why a disclaimer did not appear in any other article.

Mr. York explained that if the disclaimer were not included and the article fails, it restricts the District's responsibility to use funds to pay for the program. Furthermore, if this were the case and funds were donated to run the program, the District would be restricted from using them.

Attorney Graham commented that Article 5 contains similar language regarding contracted services included in the budget. He indicated that it basically serves the same purpose as the language in Article 6.

Mr. Douglas commented that the language seems prejudicial. He suggested rewording the article to say "raise and appropriate the sum for the wrestling program as a self-funded program".

Attorney Graham indicated that would be a double appropriation since the program is already included in the budget.

Mr. York commented that the wrestling program is included in the budget. He indicated that the question the article is asking is if the taxpayers will fund it or will it be funded by fundraising.

Attorney Graham commented that this is an advisory article where you are advising the Board on how they should count the revenue for this program. He explained that it has no affect on funding for the program as there is a line in the budget for the program. Attorney Graham indicated that this article is simply asking if the revenue for the program should be raised by volunteers or by taxation. He commented that the end sentence clarifies that you can run the program whether the article passes or fails.

Jason Guerrette, 11 Perry Court, commented that regardless of what the voters say, the Board can spend the money.

Mr. Douglas commented that we are just asking to remove the revenue source from fundraising to taxation. Attorney Graham affirmed the statement. Mr. York commented that the Board is trying to protect the program so that it may continue regardless of the vote.

Michael Carignan, 19 Bristol Way, commented no matter what the voters say the Board can use the money in the budget. Attorney Graham commented that the statement is correct, but the Board has a history of listening to the voters. He explained that the Board has a specific amount to spend on wrestling in the budget and can either find the money in the budget or tell those running the program to raise the funds. Attorney Graham commented that the Board will know

how they want wrestling funded once the document that determines the tax rate is registered in September.

Mr. Pascucci commented that power is reserved for the Board to do many things without coming to the voters. He indicated that the voters are being asked if we want wrestling to be paid for by the taxpayers or fundraising. The number in the article will be added to the tax base for this year only. Mr. Pascucci indicated that if the article passes, the voters are giving the Board approval to fund the program forever in the budget, no matter the cost. He commented that all sports should be funded to a point. Mr. Pascucci indicated that he did not recommend the article for consistency reasons because the program will always be included in the budget.

Mr. Miller commented that funding for co-curricular programs is historically included in the budget. He indicated that the Board's process asks that a program be successful for three years. After that time we will include it in the budget.

Doug Orlando, 8 Pilgrim Drive, commented that wrestling is a great program and he supports its inclusion in the budget.

Steve Callinan, 3 Augusta Way, queried if all the wording is necessary in the article.

Mr. Falzone commented it sounds confusing, but the statement at the end gives the voter the freedom to vote no.

Jason Allen, 33 Chasebrook Circle, queried if all the wording in the article is necessary.

Mr. York commented that the Board's concern is to protect the program from the "no means no" law.

Attorney Graham referred to RSA 32:10, I (e), indicating that if there is an appropriation in the article and it is reduced to zero, then "no means no" applies and the District cannot expend funds in that line. He clarified that is not what this article means. Attorney Graham explained that this article means either the program will become part of the athletics budget or it will remain as a self-funded program.

***Jeff Douglas, 49 Burgess Drive, made a motion to restrict the wording of Article 6 to the first sentence (question). The motion was seconded.***

Cindy Couture, 41 Stark Lane, commented if this article is not an appropriation, there should be no recommendation by the Budget Committee. Attorney Graham confirmed that the Budget Committee can make a recommendation on any article.

Kathy Follis, 8 Mike Lane, commented that the playground situation was similar and there was no disclaimer in the article. Mr. York indicated that the playground was an appropriation and was not included in the budget.

Mrs. Follis commented that if the article fails, the Board can still choose to fund the program. Mr. Regan indicated that the line item remains in the budget, but how it is funded is different.

Mrs. Follis queried the point of voting on the article. Mr. York commented that if the article fails the Board does not have to find the money in the budget.

Kevin Smith, 47 Garden Drive, commented that it is good to include all the wording in the article. He indicated that the program is part of the budget. Mr. Smith noted if the wording of the article is restricted to the first sentence and it is voted down, and voters see the Board expending funds on the program, this could cause contention with those who did not attend this session.

Mr. York agreed.

Mr. Douglas withdrew the motion. The second was withdrawn.

There were no further amendments or discussion, **Article 6 stands as written and will appear on the ballot as written.**

Mr. Regan read Article 7 and indicated that the Petitioner would speak to the article.

### **ARTICLE 7 (Petitioned Article)**

***Shall Litchfield, NH adopt the provisions of RSA 40:14-b to delegate the determination of the default budget to the municipal budget committee which has been adopted under RSA 32:14?***

*This is a Petitioned Article and requires a three-fifths (3/5) ballot vote to pass. This Article is not recommended by the School Board by a vote of 2-3-0.*

Jason Guerrette, 11 Perry Court, provided a presentation regarding the RSA 40:14-b. He commented that the law defines what is included in the default budget. He stated that law does not mention the default is to maintain the existing level of services. Mr. Guerrette indicated that the Local Government Center (LGC) provided an explanation that the default budget is essentially a budget freeze – the amount of money from the previous year – not the amount for the same items or services in coming year.

Mr. Guerrette commented that until the Board has the actual contract for oil or fuel it is unknown what the cost will be in the coming year; therefore, higher costs cannot be included in the default budget. He indicated that the District upgraded the lighting and has an expenditure of future electric costs. Mr. Guerrette commented if the Board decides to begin purchasing something new to the District it cannot be included in the default budget. He noted that Article One states if the operating budget fails, the Board can call a special meeting to take up the issue of a revised operating budget only, which has not yet been done.

Mr. Guerrette commented that legal opinion from the District's attorney concurs with the law, but indicates that the default is not a budget freeze. Mr. Guerrette commented that he had made a motion during a Board meeting to contact the NH Department of Revenue Administration (DRA) and NH LGC regarding clarification on the default budget and the motion failed.

Mr. Guerrette indicated that the default budget is not reviewed by any authority to ensure the law is followed. He commented that the only relief is to petition Superior Court. Mr. Guerrette mentioned that a court petition is pending regarding the default budget. He commented that the Budget Committee is trusted to prepare the operating budget and should be preparing the default budget. Mr. Guerrette suggested that the Budget Committee and School Board can collaborate regarding preparation of the default budget.

Cindy Couture, 41 Stark Lane, asked if the Budget Committee members would comment on preparation of the default.

Mr. Spencer commented that if the voters want the Budget Committee to prepare the default budget, we will do a good job. He added that it would result in a different default budget than the District.

Mr. Pascucci expressed support for the article. He commented that there is no overseeing body to check the default that the School Board creates. He indicated that it could contain mistakes. Mr. Pascucci commented that the preparation of the default budget should be a mechanical process. He indicated that it was brought to his attention this year because the administration asked the School Board to include additional items in the default budget. Mr. Pascucci stated that he is concerned that the proposed default budget is illegal. He commented that he has heard objections that the Budget Committee does not have the resources to prepare the default. He indicated that the Budget Committee can work with the Business Administrator to prepare the default budget.

Mr. Harte commented that he does not want the Budget Committee to take on the responsibility of preparing the default budget. He indicated that the process may be mechanical, but is not that black and white. Mr. Harte noted that there are many things in the RSA's that can be interpreted. He commented when you give the power over both budgets to one committee, who will oversee them. Mr. Harte indicated that the Budget Committee does not want to control everything, but wants to recommend what we believe is a fair budget. Mr. Harte mentioned that Mr. Guerrette's suggestion that the School Board and Budget Committee share the responsibility of preparing the default is a valid one. He commented that there may be challenges as far as interpretations of law, but he does not want the responsibility of preparing the default budget.

Kevin Waggoner, 11 Riverview Circle, commented that he agreed that the Budget Committee should not prepare the default budget.

Janine Lepore, 17 Greenwich Road, commented that the School Board is in the best situation to determine the default budget. She indicated that it would be appropriate for the Budget Committee to review the default. Mrs. Lepore disagreed with giving one body all the power. She commented that she supports the current procedure.

Mrs. Prindle directed her response to Mr. Pascucci's comment about illegality regarding the default budget. She commented that the School Board takes their responsibility seriously. She indicated that the School Board seeks out legal opinion from their attorney. Mrs. Prindle believes Mr. Pascucci's comment is not an accurate perception to share with the community.

Tim Wade, 11 Bear Run Drive, commented that if there is no authority that oversees the default budget, the Budget Committee would have complete control over the budget and could prepare whatever they want under the RSA. He indicated that he does not support the article.

Mr. York commented that two years ago the same article was brought before the voters and they overwhelmingly voted it down. He indicated that the people who supported the town's purchasing practice/policy in 1996 are the same people who want voters to support this article even though the voters said no.

Cindy Couture, 41 Stark Lane, commented that she views this as removing the checks and balances. She indicated that this is not about working together, but giving the power to one committee. Mrs. Couture commented that the Budget Committee should not assume that the District Business Administrator will assist in preparation of the default budget. She commented that the Budget Committee does not have a budget for legal support to oversee and conform to laws.

Jason Guerrette, 11 Perry Court, commented that this is about an open and honest method of preparing the default budget. He stated that with this article there is oversight to ensure accuracy. He indicated that there are currently no checks and balances for the School Board to ensure accuracy.

Mr. Spencer commented that he takes his responsibility seriously as a Budget Committee member. He indicated that there is no one on the Budget Committee pushing this article.

Chris Pascucci, 12 Colonial Drive, disagreed with Mr. York's statement. He questioned the legality of what is included in the default budget. Mr. Pascucci believes that the law is not being followed.

Mr. Miller indicated that there are several questions about what is required to be included in the default budget. He noted that according to law, there are requirements by the State for school approval. Mr. Miller commented that the Budget Committee has no resources for legal expenses in the event of a lawsuit. He indicated that the District is required to provide kindergarten facilities and the law does not dictate how to fund those facilities. Mr. Miller noted that the portable would be required to be provided whether by lease or purchase.

Nick D'Alleva, 15 Cutler Road, commented that he signed the petition because he was concerned that the School Board was about to add a \$1M to the default budget. He indicated that some of these items were included in the proposed budget. Mr. D'Alleva commented that many people attended the meeting regarding the default budget and some of the proposed items were removed. Mr. D'Alleva believes that if the group did not attend, the items would not have been removed.

Mr. Miller clarified that there were not \$1M worth of additions proposed to the default budget. He indicated that those items were questioned for consideration. He commented that, currently, the Budget Committee's budget is going to the voters and not the School Board's budget.

Robin Corbeil, 4 Nesmith Court, commented that she believes the Budget Committee supports the petition article because she sees their names on the petition. She indicated that she cannot afford to have children in the district who are not getting a good education, or a house that is not valued. She asked for the turmoil and rhetoric to stop.

Patricia Waggoner, 11 Riverview Circle, queried how many signatures are required on a petition article in order for the article to be included on the Warrant. Mr. Graham responded that 25 signatures are required.

Mrs. Waggoner queried why Budget Committee members would sign the petition if they were not in support.

Mr. Harte commented that he signed it to see if it is important to the voters. He indicated that he was against the Budget Committee having the responsibility to prepare the default. Mr. Harte commented that because he is against it does not mean that he is right.

Mr. Pascucci commented that he objects to the amount of money included in the default for the kindergarten portable. He believes that the lease amount of the portable that is in this year's budget should be included in the default and not the purchase price. He indicated that there are rules we should follow. Mr. Pascucci noted that if the operating budget fails, the School Board has the right to hold a special meeting. He commented that this is about interpretation of the law.

Mr. Miller clarified that the lease for the portable will expire before the new budget is implemented. He noted that the District will not be under contract and there will be no lease money in the FY13 budget. Mr. Miller indicated that the default budget is what we need to operate – no new programs, current staff – no twisting or spinning.

Nick D'Alleva, 15 Cutler Road, commented that the School Board has two budgets – the proposed budget and the default budget. He indicated that the reason he signed the petition was because of the School Board's actions.

Mr. Miller clarified that the operating budget is owned by the Budget Committee and if this article is approved by the voters, the Budget Committee will own the default budget.

Jason Guerrette, 11 Perry Court, disagreed with Mr. Miller's comments regarding what is required for school approval. He indicated that he did not suggest not including fuel or oil in the default budget. Mr. Guerrette commented this is about interpretation. He stated that Attorney Graham and the LGC and DRA believe another. He indicated that we have two attorneys' positions.

Attorney Graham clarified that there are not two attorneys' positions. He indicated that the LGC interpretation about the default budget is a generic presentation only.

Robin Corbeil, 4 Nesmith Court, commented that she is tired of hearing about what is the bare minimum we can do. She indicated that she wants to be proud of her school system. She believes Litchfield is a great community and is tired of hearing the negative. Mrs. Corbeil commented that we need to start thinking about our community. She commented that a good school system draws good people to our town. Mrs. Corbeil expressed support for the School Board's role in preparing the default budget.

Sue Ayer, Hildreth Drive, asked if the discussion can be stopped. The Moderator indicated that there is no question to call.

Dennis Miller, 37 Wren Street, asked Mr. Guerrette who was representing the petition, why he stood in front of people and expressed non-support for the Budget Committee and is now asking for support for this article.

Mr. Guerrette responded that he has observed much within the budget process. He believes that the School Board is not preparing the default budget the way the RSA dictates. He indicated that he has not heard anyone talk about bare minimum for the schools. Mr. Guerrette commented that we should provide for our children excellently, but we arrive at it differently.

Mr. Pascucci commented that the default budget was created by a set of rules and there should not be any opinions in it. He indicated that if discretion is given on the default budget, a majority could vote to strip the default the same way they could vote to add to the default. Mr. Pascucci commented that no one is talking about bare minimums. He indicated that the School Board should work in conjunction with the Budget Committee.

Mr. Regan commented that the discussion is repetitive. He indicated that if there is no new discussion, the meeting will be adjourned.

Ann Moody, 28 Garden Drive, queried about the \$2M the District received from the State.

Mr. York commented that the money was returned to the taxpayers. He indicated that there was a decrease in taxes.

Mrs. Moody commented that the default should have been decreased by \$2M as was the operating budget.

There were no amendments or further discussion, **Article 7 stands as written and will appear on the ballot as written.**

The Moderator thanked all who attended and accepted a motion to adjourn at 5:55 p.m. The motion was seconded. The motion passed unanimously by voice vote.

**A true record of the Litchfield School District Deliberative Session,**  
Prepared by and Attest:

Michele E. Flynn  
Administrative Assistant to the Litchfield School Board

**A true record of the Litchfield School District Deliberative Session**  
Attest:

Lynn Baddeley  
School District Clerk

Submitted: February 8, 2012