

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

**SUMMONS
COMPLAINT TO SCHEDULE SPECIAL
SCHOOL DISTRICT MEETING
RSA 197:3, IV**



Case Name: **In re: Litchfield School District**
Case Numbers: **226-2019-CV-00455**

Date Complaint Filed: July 11, 2019

A Complaint to Schedule a Special School District Meeting of the Litchfield School District, is on file with this office. The Court has scheduled the following: Hearing on Petition

Date: August 12, 2019 **30 Spring Street**
Time: 1:30 PM **Nashua NH 03060**
Time Allotted: 30 Minutes **Location:**

The Court ORDERS that the Litchfield School District:

- Post notice of the court date listed above within 24 hours after receiving this Summons at the Office of the School Board and at 2 or more other conspicuous places in the School District. If the district is a multi-town school district, the notices shall be posted at 2 or more conspicuous places in each town of the multi-town school district;
- Publish a copy of this Summons in the next available edition of the Hudson-Litchfield News and Union Leader;
- On or before August 12, 2019, Litchfield School District shall electronically file with this Court its Return substantiating that notice of the court date was posted as required herein, and a Return of Publication.

Any interested party may appear at this hearing and show why the Complaint for Special School District Meeting should not be granted. If you wish to be heard on this complaint, you must first electronically register as an Intervenor and file an Appearance with this court on or before August 12, 2019 and electronically send copies to the party/parties listed below.

Once an Appearance has been filed, you can access documents electronically filed through our Case Access Portal by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

Send copies to:

Michael Sumner Elwell, ESQ

Soule Leslie Kidder Sayward & Loughman PLLC 220 Main Street
Salem NH 03079-3166

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625.11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT

July 15, 2019

Marshall A. Buttrick
Clerk of Court

(293)

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RETURN – POSTING OF SUMMONS

Case Name: **In Re: Litchfield School District**
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A copy of the Summons was posted at the following locations in the school district or multi-town school district within 24 hours after the School Board received notice of the court date from the Court:

1. Office of the School Board

2. Griffin Memorial School

3. Litchfield Middle School

4. Litchfield Town Hall

5. Litchfield School District Website

6. Litchfield School District SPA Office

7. _____

8. _____

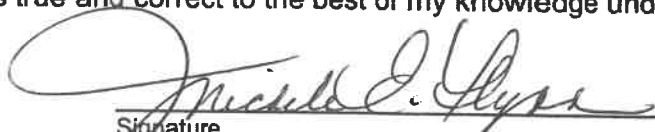
9. _____

10. _____

11. _____

I affirm that the foregoing information is true and correct to the best of my knowledge under penalties of law.

7/16/19
Date


Signature
Michele E. Flynn
Print Name

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RETURN OF PUBLICATION
AFFIDAVIT

Case Name: In re: Litchfield School District
Case Number: 226-2019-CV-00455

Acting for the publisher, I have published the foregoing citation for the above referenced case
on the following date: 7/19/2019 HUDSON LITCHFIELD NEWS



Signature

Leoway Lathrop

Print Name

THE STATE OF New Hampshire

THE COUNTY OF Hillsborough

On July 18, 2019, personally appeared the above named affiant made oath that
the foregoing affidavit by him/her subscribed is true.

Before me,


Justice of the Peace/Notary Public

BRENDA COLLINS
Notary Public - New Hampshire
My Commission Expires September 16, 2020

HLN 7/19/19 Edith

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SUMMONS
COMPLAINT TO SCHEDULE SPECIAL
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Soule Leslie Kidder Sayward & Loughman PLLC 220 Main Street
Salem NH 03079-3166

NHJB-2482-Sa (07/01/2018)

This is a Service Document For Case: 226-2019-CV-00455
Hillsborough Superior Court Southern District
7/15/2019 9:08 AM

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July 15, 2019

BY ORDER OF THE COURT
Marshall A. Buttrick
Clerk of Court

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RETURN OF PUBLICATION
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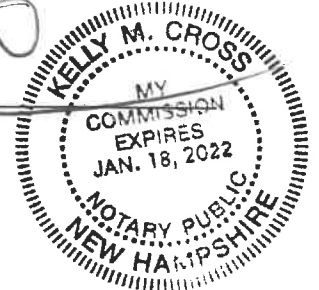
Acting for the publisher, I have published the foregoing citation for the above referenced case on the following date: 7/18/19

Rosa Gonzalez
Signature
ROSA GONZALEZ
Print Name

THE STATE OF New Hampshire
THE COUNTY OF Hillsborough
7/18/19

On Rosa Gonzalez, personally appeared the above named affiant made oath that the foregoing affidavit by him/her subscribed is true.

Before me, [Signature]
Justice of the Peace/Notary Public



uent date or dates as the
mortgagee may deem necessary or
reasonable, (ii) bid upon and pur-
chase the Mortgaged Premises at
the foreclosure sale, (iii) reject any
and all bids for the Mortgaged
premises and (iv) amend or change
the terms of sale set forth herein
by announcement, written or oral,
made before or during the foreclo-
sure sale. Such change(s) or
amendment(s) shall be binding on
all bidders.

Other terms to be announced
at sale.

U.S. Bank National Association,
as Trustee for Structured Asset
Securities Corporation Mortgage
Loan Trust Mortgage Pass-
Through Certificates
Series 2006-BC3
Present holder of said mortgage,
by its Attorneys
Susan W. Cody
Korde & Associates, P.C.
900 Chelmsford Street, Suite 3102
Lowell, MA 01851
(978) 256-1500

CXE 18-032750 Letter (July 18,
2019), (July 25, 2019), (August 1,
2019)
(UL - July 18, 25; Aug. 1)

Legal Notice

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BY ORDER OF THE COURT
July 15, 2019
Marshall A. Buttrick
Clerk of Court

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
SOUTHERN DISTRICT

SUPERIOR COURT

In re Litchfield School District

Case No. 226-2019-CV-00455

PETITION FOR PERMISSION TO HOLD
SPECIAL SCHOOL DISTRICT MEETING

NOW COMES the School Board of the Litchfield School District, with a place of business in Litchfield, New Hampshire, and a mailing address c/o Dr. Michael Jette, Superintendent, School Administrative Unit #27, 1 Highlander Court, Litchfield, New Hampshire 03052; and pursuant to RSA 197:3, respectfully represents as follows:

1. The Litchfield School Board (hereinafter "the School Board") is a public employer as defined in RSA 273-A:1, X.
2. The Litchfield Education Association (hereinafter "the Association") is certified by the New Hampshire Public Employee Labor Relations Board as the collective bargaining representative for all teachers employed by the Litchfield School District.
3. The School Board and the Association are parties to a two-year (2017-2019) collective bargaining agreement that will expire on August 31, 2019.
4. Negotiating teams of the Association and the School Board met several times between August 23, 2018 and December 3, 2018 to negotiate a successor collective bargaining agreement to their 2017-2019 collective bargaining agreement.

SOULE, LESLIE, KIDDER,
SAYWARD & LOUGHMAN
P.L.L.C.
ATTORNEYS AT LAW
SALEM & WOLFEBORO
NEW HAMPSHIRE

5. On December 3, 2018, the Association and the School Board reached an agreement for a three-year (2019-2022) successor collective bargaining agreement. That agreement included several changes in language and cost items from the 2017-2019 collective bargaining agreement. Among those changes were replacement of the current health insurance plans with less expensive plans; the School District paying 89% and 93% of the premiums for the new health insurance plans; salary schedule increases of 0% in 2019-20, 2% in 2020-21, and 2% in 2021-22; extra salary schedule step increases to make up for some past years when no agreement with step increases was in effect; and total cost item increases of \$1,115,114 over three years. The School Board and the Association both ratified the agreement.

6. The agreement was submitted to the Litchfield School District's legislative body through a warrant article at the School District's 2019 Annual Meeting on February 9, 2019 (deliberative session) and March 12, 2019 (voting session), pursuant to RSA 40:13. The School Board recommended the warrant article by a vote of 5-0, but the Litchfield Budget Committee did not recommend the article due to a tie vote of 4-4. The legislative body defeated the warrant article on March 12, 2019.

7. On March 21, 2019, the Association and the School Board reopened negotiations for a successor collective bargaining agreement, pursuant to RSA 273-A:3, II(b). The negotiating teams of the Association and the School Board exchanged proposals several times between March 21, 2019 and June 19, 2019. On June 19, 2019, the School Board and the Association reached agreement on a revised three-year (2019-2022) successor collective bargaining agreement. That renegotiated agreement includes several changes in cost items from the collective bargaining agreement that voters defeated on March 12, 2019. Among these changes are replacement of the current health insurance plans with less expensive plans, starting

in 2020-21; the School District paying 88% and 90% in 2020-21, and 87% and 89% in 2021-22, of the premiums for the new health insurance plans; salary schedule increases of 1% in 2019-20, 1.5% in 2020-21, and 1.75% in 2021-22; no make-up step increases on the salary schedule; and total cost item increases of \$855,007 over three years. The renegotiated agreement is contingent upon the Court granting this petition. The School Board and the Association both ratified the renegotiated agreement.

8. Because the collective bargaining agreement is to become effective on September 1, 2019, and sets forth terms and conditions of employment for teachers during the 2019-2020 school year, voters' approval of cost items and appropriation of the monies necessary to fund the agreement should not be postponed until the next Annual School District Meeting in February and March 2020. Thus, the School Board has concluded that a Special School District Meeting is needed to approve the cost items and to appropriate the funds for the renegotiated collective bargaining agreement. The School Board voted on June 27, 2019, to petition the Court for permission to hold a Special School District Meeting pursuant to RSA 197:3.

9. Should the parties be required to wait until the 2020 Annual School District Meeting to seek voter approval of the renegotiated collective bargaining agreement, teachers will not receive any salary increases for the 2019-2020 school year. The lack of raises during the 2019-2020 school year will cause a hardship to the teachers.

10. An unforeseeable and unavoidable emergency has arisen which requires the immediate expenditure of money within the meaning of RSA 197:3.

11. The harms to be avoided are no salary increases for teachers during the 2019-2020 school year, poor teacher morale, and potential disharmony in labor-management relations.

12. The School District's need for a special meeting also is urgent. If the Court does not grant permission for a special meeting, teachers will receive no raises during the 2019-2020 school year, and the School District may suffer disharmony in labor-management relations.

13. The cost item approval and the appropriation for the renegotiated agreement could not have been done at the 2019 Annual School District Meeting because the School Board and the Association did not renegotiate the 2019-2022 collective bargaining agreement until after the 2019 Annual School District Meeting defeated the original 2019-2022 collective bargaining agreement.

14. There is no alternative remedy because the law requires that voters approve the collective bargaining agreement's cost items and appropriate the necessary funds before implementation of the new agreement.

15. If the Court grants this petition, the article to be set forth in the warrant for the Special School District Meeting will read as follows:

“Shall the Litchfield School District vote to approve the cost items included in the collective bargaining agreement reached between the Litchfield School Board and the Litchfield Education Association, which calls for the following increases in salaries and benefits at the current staffing level:

<u>Year</u>	<u>Estimated Increase</u>
2019-2020	\$256,857
2020-2021	\$294,278
2021-2022	\$303,872

and further to raise and appropriate the sum of \$256,587 for fiscal year 2020, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels.”

WHEREFORE, the petitioners request that the Litchfield School District be authorized to hold a Special School District Meeting with the same authority as an Annual Meeting, pursuant to RSA 197:3, for the purposes stated herein.

EXECUTED on this 27 day of June, 2019.

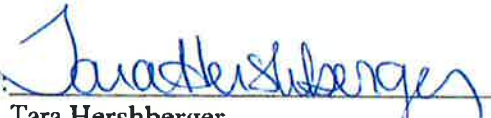
LITCHFIELD SCHOOL BOARD

By: 
Brian Bourque, Chairperson

By: 
Christina Harrison, Vice Chairperson

By: 
Elizabeth MacDonal

By: 
Robert G. Meyers, III

By: 
Tara Hershberger

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH - SOUTH, SS.

On this 27 day of June, 2019, before me, the above-signed persons personally appeared and made oath that the above statements are true and correct to the best of their knowledge and belief.


Notary Public

My Commission Expires: 8/23/22
{SEAL}

SOULE, LESLIE, KIDDER,
SAYWARD & LOUGHMAN
P.L.L.C.
ATTORNEYS AT LAW
SALEM & WOLFEBORO
NEW HAMPSHIRE

MICHELE ESPOSITO FLYNN
Notary Public - New Hampshire
My Commission Expires August 23, 2022

Respectfully submitted this 11th day of July, 2019.

LITCHFIELD SCHOOL DISTRICT
Through its Attorneys,
Soule, Leslie, Kidder, Sayward & Loughman, PLLC

By: 

Michael S. Elwell (NH Bar #4057)
220 Main Street
Salem, NH 03079
(603) 898-9776
elwell@soulefirm.com

CERTIFICATION

I hereby certify that, on behalf of the Litchfield School Board, I have notified the Commissioner of the New Hampshire Department of Revenue Administration, through the Director of Municipal Services of the Department of Revenue Administration, by certified mail, that an emergency exists in the Litchfield School District, by providing the Commissioner with a copy of the explanation of the emergency, the warrant article, and a copy of this petition to be submitted to the Hillsborough County Superior Court, Southern District.

LITCHFIELD SCHOOL DISTRICT
Through its Attorneys,
Soule, Leslie, Kidder, Sayward & Loughman, PLLC

By: 

Michael S. Elwell (NH Bar #4057)
220 Main Street
Salem, NH 03079
(603) 898-9776
elwell@soulefirm.com

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICT

SUPERIOR COURT

In re Litchfield School District
226-2019-CV-00455
Case No. _____

ORDER AND DECREE

The above entitled Petition came before the Court for hearing and the Court, having considered the evidence, finds that an emergency has arisen within the Litchfield School District which may require an immediate expenditure of money.

It is hereby ordered, adjudged and decreed that the said Litchfield School District is authorized to hold a special School District meeting (with the deliberative session on September 3, 2019, at Campbell High School, beginning at 6:00 p.m.; and the voting session on October 1, 2019, at Campbell High School, at 7:00 a.m. – 7:00 p.m.) for the purpose of acting upon the article set forth in the accompanying Petition, and the School District meeting shall have the same authority as that of an annual School District meeting.

The above approval is conditioned upon compliance with all statutory requirements relating to posting and notice which control such a special meeting.

This decree is made solely for the purpose of permitting the special meeting to be held, and it is not to be construed nor interpreted in any other manner nor for any other purpose whatsoever.

Dated: _____

Presiding Justice