

BROOKLINE SCHOOL DISTRICT  
ANNUAL MEETING  
FIRST SESSION (DELIBERATIVE)  
FEBRUARY 7, 2022  
**MEETING MINUTES**

The First Session (Deliberative) of the Annual Meeting of the Brookline School District was conducted on Monday, February 7, 2022 at 6:30 p.m. at the Captain Samuel Douglass Academy.

Moderator Peter Webb presided.

Members of the School Board Present: Kenneth Haag, Chairman  
Erin Sarris, Vice Chairman  
Karen Jew, Secretary  
Rebecca Howie  
Alison Marsano

Members of the School Board Absent:

Also in Attendance: Andrew Corey, Superintendent  
Gina Bergskaug, Asst. Superintendent of Curriculum and Instruction  
Brian Rater, Chairman, Brookline Finance Committee  
Adam Goff, Brookline Finance Committee  
Cindy LaCroix, Brookline Finance Committee  
James O'Shaughnessy, Esq., School District Attorney

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Moderator Webb led in the Pledge of Allegiance.

Members of the School Board and Administration were introduced.

This is an SB2 meeting under RSA 40:13 also known as the Official Ballot Referendum System. The School Board has created a Warrant having 12 Articles. Under SB2, the Warrant is effectively the Ballot. Before the voters was the opportunity to discuss each of the Warrant Articles and to consider any amendments. Although the Ballot could be changed, it could not be approved until before the voters on Tuesday, March 8, 2022.

Members of the Administration are not members of the Town, and, therefore, technically not permitted to participate. However, given what they could add to the discussion, the Moderator requested anyone objecting to allowing them to speak make that objection known. No objections were stated.

### **Article 1**

**Election of Officers.** To elect all necessary School District officers for the ensuing terms by official ballot vote on March 8, 2022, Captain Samuel Douglass Academy, 7:00 a.m. to 7:30 p.m.:

- To choose a Moderator for the ensuing year.
- To choose a Clerk for the ensuing year.
- To choose a Treasurer for the ensuing year.
- To choose two (2) members of the School Board for the ensuing three (3) years.

**Article will be placed on the official ballot as written.**

## **Article 2**

This article will be null and void if Article 3 passes. To see if the Brookline School District will vote to raise and appropriate the sum of **\$1,500,000** for the purchase and installation of an ADA compliant elevator and related entry-way/security improvements for Richard Maghakian Memorial School as recommended by the Brookline School District Facilities Committee; and to authorize the issuance of \$1,500,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33); and to authorize the School Board to issue and negotiate such bonds or notes; and to raise and appropriate the sum of **\$37,500** for the first year's principal and interest payment from taxation for debt service payments payable on such bonds or notes issued during the 2022-2023 fiscal year (3/5 ballot vote required). **The School Board recommends the appropriation 5-0-0. The Finance Committee recommends the appropriation 3-0-0.**

**Estimated Tax Impact: \$0.05/\$1,000.**

Brittany MacFarland, 16 Pigeon Hill Road

As a parent having a child who is in a wheelchair and has not had access to the bottom floor at the Richard Maghakian Memorial School (RMMS) for the past five years, she believes it important that the Town support this article for future students. For the past five years, her child has had to go outdoors, regardless of the weather, separate from his classmates, who can use the interior stairwells, to get down to the first floor. She believes there to be other ADA compliance issues that should be addressed at the school including the fact that there is no handicap stall in the boys bathroom in the right wing of the school. This is a good start to get the school up to current standards.

Eric Pauer, 12 Westview Road

Questioned the tax impact noting what is shown is the first year's impact. If that represents an interest only payment, the second year cost should be shown, as the impact would be much higher in succeeding years.

### **MOTION BY ERIC PAUER TO ADD THE SECOND YEAR TAX IMPACT TO THE ARTICLE**

*The motion did not receive a second.*

Mr. Pauer noted the school has been in place since the mid '60s and has not had an elevator. He questioned the need that is driving this at this time.

Superintendent Corey clarified the contingency article being discussed is a bond article request for the minimal needs to address ADA compliance. The fact that we have not had an elevator has limited the use of the square footage on the bottom floor. As a parent noted, their child has had to go outdoors to access that space. There is the need to upgrade the school to meet ADA compliance. We continue to see students come to the district with a variety of needs, and it is our obligation to meet those needs. This would open up a wealth of square footage and provide ADA compliance so a student who happens to be in a wheelchair or have another difficulty can access the entire building during their educational career and not be limited to select locations.

*No further discussion was offered on Article 2.*

*Article will be placed on the official ballot as written.*

### **Article 3**

To see if the Brookline School District will vote to authorize the School Board to enter into a 18-year lease purchase agreement for **\$2,485,280** to finance the acquisition and installation of energy conservation equipment and related energy, ADA and security improvements at Richard Maghakian Memorial School and Captain Samuel Douglass Academy as recommended by the Brookline School District Facilities Committee; and to raise and appropriate the sum of **\$177,500** for payments due under the lease purchase agreement during the 2022-2023 fiscal year. This lease purchase agreement will contain an escape (non-appropriation) clause. Article 2 will be null and void if this Article passes. (Majority vote required.). **The School Board recommends the appropriation 5-0-0. The Finance Committee recommends the appropriation 1-2-0.**

### **Estimated Net Tax Impact - \$0.25/\$1,000**

Superintendent Corey provided an overview of the Article:

The lease would cover the cost of the following items: at RMMS, lighting would be changed to LED lighting, efficiency controls for boilers, the elevator, lower level renovations, a new security office so that there would be a presence to greet and log in visitors, and ventilation. The current library on the first floor would become two classrooms (meeting state standards for classrooms). The new library would be located on the ground floor.

At the Captain Samuel Douglass Academy (CSDA), addressed would be the cost for LED lighting, efficiency control just to the boiler, and a new central boiler. The existing boiler system is at end of useful life.

The total cost is \$2,485,280. Were this article to fail, the contingency article (Article 2) would come into play.

Brian Rater, Chairman, Brookline Finance Committee

Wished to clarify; the Finance Committee does not recommend this warrant article on a vote of 1-2-0.

Moderator Webb noted throughout the articles, the wording “recommends” is used.

Eric Pauer, 12 Westview Road

Questioned why there is a lease purchase agreement on this article where the previous one was a bond request. If having a lease of HVAC equipment, LED lighting, an elevator, how can you have an escape clause? As things are installed or replace other equipment, it is not something that can be returned. What is the practicality of an escape clause, and why do that versus a bond?

Superintendent Corey responded bond/lease council has stated the escape clause is required to be in a lease. Article 2 is more brick and mortar (building renovations), and the majority of the article is construction, which lines up better with a bond. The majority of this article is in equipment. Those type of purchases are appropriate for a lease.

Mr. Pauer restated the question of a non-appropriation. If we have installed equipment and it is not appropriated, what is the course of action? He believes the article should be a bond.

Moderator Webb thanked the speaker for his opinion commenting the response was that of a different opinion.

Joseph Hartman, 51 Mountain Road

Questioned if the energy savings identified represent yearly savings.

Superintendent Corey stated the energy savings are yearly amounts. The low number shown as savings for the efficiency controls is representative of the first year when they are installed. The savings would increase in subsequent years after the ventilation systems are updated.

Mr. Hartman questioned the impact of a lease. Superintendent Corey explained “lease” is the borrowing mechanism that would be utilized. There are about \$2.5 million worth of projects some of which will not be able to be accomplished in the ten weeks of summer. By being in a lease you are able to generate some revenue off the money not expended and carry the project for completion in what would likely be two summers for phase I.

Webb Scales, 49 Dupaw Gould Road

Asked for clarification there is no bond in Article 3. Superintendent Corey stated Article 3 is a lease and Article 2, the contingency article, is a bond.

*No further discussion was offered on Article 3.*

*Article will be placed on the official ballot as written.*

#### **Article 4**

To see if the Brookline School District will vote to approve the cost of items included in a four-year collective bargaining agreement reached between the Brookline School Board and the Brookline Education Support Staff Association for the 2022-2023, 2023-2024, 2024-2025 and 2025-2026 school years, which calls for the following increase in support staff salaries and benefits at the current staffing levels:

<b><u>Fiscal Year</u></b>	<b><u>Estimated Increase</u></b>
<b>2022-2023</b>	<b>\$58,299</b>
<b>2023-2024</b>	<b>\$58,520</b>
<b>2024-2025</b>	<b>\$38,616</b>
<b>2025-2026</b>	<b>\$46,043</b>
<b>Total:</b>	<b>\$201,478</b>

and further to raise and appropriate a sum of **\$58,299** for the first fiscal year (2022- 2023 school year), such sum representing the additional costs attributable to the increase in support staff salaries and benefits required by the new agreement over those that would be paid at current staffing levels. **The School Board recommends this article 5-0-0. The Finance Committee recommends this article 3-0-0.**

**Estimated Net Tax Impact - \$0.08/\$1,000**

Moderator Webb noted State Statute: “No cost agreed to by the public employer and the employee organization shall be modified by the Legislative Body of such public employer.”

Eric Pauer, 12 Westview Road

Stated his belief this is the first time we have seen a sanbornized contract of more than 3 years. He questioned why it was believed appropriate to do for 4 years.

Superintendent Corey stated the district is currently finishing a four-year sanbornized contract with this same union. Four years with the Brookline Education Support Staff Association, which represents the secretaries, paraprofessionals, and custodians, has been the norm since his time in the SAU.

Mr. Pauer noted the contract is an expensive one in terms of percentages. There will be 4-5% increases in general and if looking at what the net impact would be over 4 years, there will be some employees who receive over a 40% increase. Many will get more than a 30% raise and nearly all at least a 20% increase over the four-year period. He is concerned about the expense to the taxpayers for these very large, guaranteed increases that are being locked in this year for 4 years.

The salary table shows the increases. The estimate in this article is low as it assumes the New Hampshire Retirement System does not increase after two years, which is likely an inaccurate assumption. You cannot make a real assumption, but it has been going up exponentially.

Erin Sarris, Vice Chairman, Brookline School Board

Spoke of the employees represented in this bargaining unit. She spoke of the work, particularly over the past few years, required of the custodians. Paraprofessionals are individuals we struggle to employ. There are continual vacancies in this area of critical need. Anything that is indicating less of a value than what they represent would not be responsible on our part in terms of negotiating their contract.

Eric Pauer, 12 Westview Road

Pointed out the increases per year are shown, but those accumulate. You are looking at this driving up the operating budget, in the end, by over \$200,000. If you approve this, you are spending over half a million dollars over the next four years. You have to take year one; you pay that for year one and in year two you pay years 1 and 2, in year three, years 1, 2,3, etc. He urged residents to vote no on this article and seek a more competitive contract for support staff.

Jessica Hartman, 51 Mountain Road

Has had the pleasure of substituting in the schools during COVID and understands these are the hardest working people in our building. We have lost one of the best this year on the custodial staff. She is uncertain if the position has been filled as it is very difficult to find replacements at the current rate of pay. We all know that the first step to keeping our children healthy is keeping our buildings clean. The paraprofessionals are working so hard, and there are not enough of them. She requested the taxpayers support those represented by this contract who have worked tirelessly particularly over these past few years.

Joseph Hartman, 51 Mountain Road

Questioned the wage table that was discussed and was told it could be made available if requested.

He questioned whether the district is competitive, even with Dunkin Donuts. Everywhere he goes he sees help wanted at \$15/hour. If we cannot fill the positions because of the salary, we will lose out to many places.

Superintendent Corey stated there was a retirement, and it took approximately 2 to 2½ months to find a replacement. Across the SAU we are down 4 custodians and actively hiring. Many of the wages for our custodians and paraprofessionals are equaled by retail environments that have a little less stress than some of our environments, especially during COVID. This brings us up to what we believe is competitive between the surrounding districts as well as those retail stores that we compete against.

Alison Marsano, School Board Member

To Mr. Hartman's point, we were not competitive. You could go to Target and get a better paying job with better hours and a discount.

Your taxes will go up, and these are your friends and neighbors, and they work hard. No they do not get benefits. That is not even part of it. We brought them up. Does she think they deserve a 20, 30 or 40% increase; yes, she thought they deserved more. This is a very small beginning for them. It is the bare minimum that we can do for them.

Brittany MacFarland, 16 Pigeon Hill Road

Agreed with the statements made by the previous speaker. However, we also have an obligation, as a school district, to provide paraprofessionals to children with IEPs and 504s. If not able to meet those needs, there could be legal repercussions that are much greater than the \$200,000 in staff increases over the next few years.

There are many people who have considered looking at paraprofessional positions and been offered them in Town that ended up working at the daycares in Town because they get better pay. These people work very hard and must possess specialized skills, especially when working with children with physical disabilities, etc. It is important to know they are following very strict guidelines and are trained for the position they have. They are providing a pivotal role for children to access their education.

Eric Pauer, 12 Westview Road

Referenced the salary table and questioned if there is a new category (8). Assistant Superintendent Bergskaug responded in between the prior contract and this one was a sidebar agreement when maintenance personnel was brought on. There was a shift in the salary table that was part of the sidebar agreement.

Mr. Pauer questioned who falls in the category 8 and was told those who were in category 7 previously have moved to category 8 and the maintenance to 7, which is the addition.

Mr. Pauer commented previously there were no steps 8-12 in categories 1-3. Those were empty and are now populated. He questioned if step increases are being given in categories 1-3 (above step 7) and was told that is the case. There are additional step increases so they do not move off the table as quickly; once again, as a method to stay competitive.

Mr. Pauer remarked if someone were already at step 7 and had been there for a few years, would they move to step 8 or jump up to 10, etc., and was told they would move to step 10.

Mr. Pauer commented those individuals will gain even larger increases than he was expecting. There is a lot in here that is increasing pay.

Dana Ketchen, 59 Russell Hill Road

Stated the desire for the article to identify the increases year over year so that the actual total increase could be seen, e.g., if adding the year 1 increase to the year 2 increase it would be \$116,819. The increase over four years is not truly the \$201,478. She questioned how that could be corrected.

Superintendent Corey stated this has been discussed in the past. The way the article is written is a requirement of the Department of Revenue Administration.

Jennifer Morrissey, 25 Laurel Crest Drive

Questioned the number of employees in this bargaining unit and was told there are approx. 30. Ms. Morrissey remarked \$58,299 across 30 staff members is not a lot of money. If you are making \$10/hour and get a \$2/hour raise it represents 20%. It is not a lot.

*No further discussion was offered on Article 4.*

*Article will be placed on the official ballot as written.*

### **Article 5**

To see if the Brookline School District will 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 vote of the first session, for the purposes set forth therein, totaling **\$10,429,549**. Should this article be defeated, the default budget shall be **\$10,397,099** which is the same as last year, with certain adjustments required by previous action of the school district or by law or the governing body 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. Majority vote required to pass. **The School Board recommends this article 5-0-0. The Finance Committee recommends this article 3-0-0.**

### **Estimated Net Tax Impact - \$9.49/\$1,000**

Superintendent Corey stated the changes result in an increase of \$403,772 or 4.0%.

He noted increases in the areas of academics (\$2,500), regular education personnel (\$51,074), special education personnel (\$40,400), copier replacement (\$5,000), shared services/software (\$12,146), and facilities/safety (\$20,200) for a total cost of new items of \$131,320.

Major changes include teacher salaries (reduction of \$61,656), retirement benefit (reduction of \$67,805); no retirements this year, contingency (reduction of \$40,000); article was replaced last year by the retained fund balance, special education contracted services/transportation/materials cost (increase of \$528,790; legally mandated), special education new position (increase of \$40,400), and discretionary/other (increase of \$4,043).

Should the proposed budget fail to pass and the default budget go in place, the total would be \$10,397,099, which represents the FY22 operating budget (\$10,025,776) plus required by law or contractual increases (\$479,079) and reduced by one-time FY22 expenses (\$107,757).

The brunt of the budget is funding special education needs. This budget will allow the district to move forward on behalf of all students and continue to make the progress we have seen over the past several years.

Webb Scales, 49 Dupaw Gould Road

Suggested the need for a comma to be included in the language as it goes from addressing the default budget straight into discussion of a special meeting. He requested a comma, semicolon or some sort of separator between the language regarding the default budget and special meeting.

James O'Shaughnessy, Esq., School District Attorney, stated there should be a semicolon following the word "law".

**MOTION BY WEBB SCALES TO AMEND THE LANGUAGE BY INSERTING A SEMICOLON FOLLOWING "LAW"**  
**MOTION SECONDED**  
**MOTION CARRIED**

Eric Pauer, 12 Westview Road

Stated concern with the budget, as a whole. If looking at the tax impact and revenues, it is a 9.7% increase. This article is the largest driver of that. We will see our tax rate go up by nearly 10%. We do have a tax cap in the Brookline School District of 8%. We overrode it last year and are coming close to overriding it here again. We should be able to stay within the 8% increase, but we have not.

**MOTION BY ERIC PAUER TO AMEND BY REDUCING THE TOTAL OPERATING BUDGET TO NINE MILLION EIGHT HUNDRED SIXTY SEVEN THOUSAND NINETY SEVEN DOLLARS (\$9,867,097)**  
**MOTION SECONDED**

ON THE QUESTION

Mr. Pauer stated the number to be that of the pre-tax cap budget we had last year. It is a reduction of about \$562,000 from what is being proposed this year. It is a minor decrease but makes a big difference in the tax impact. The Brookline School District makes up almost 40% of our taxes.

Joseph Hartman, 51 Mountain Road

Questioned if the number would replace the \$10,429,549 and was told that is the intent. He remarked, should the article be amended and then defeated, the default budget of \$10,397,099 would be what is in place.

Ken Haag, Chairman, Brookline School Board

The budget this year has been difficult. It is important to note that from a special education standpoint, we saw an increase of \$569,000 this year. That \$569,000 is mandated and necessary. By lowering this by \$500,000 you essentially take a million dollars from last year's budget to this year with that line of thinking. He encouraged voters to think about that.

Because we identified this as a difficult budget year and with all of the things we have included, the School Board came together for a special meeting to remove \$176,000 from the original budget proposal reached out of concern for the increase.

The motion on the floor would be detrimental to the school system, and he is strongly opposed to it.

**MOTION FAILED**

*No further discussion was offered on Article 5.*

*Article will be placed on the official ballot as amended by inserting a semicolon following "law".*

### **Article 6**

To see if the school district will vote to raise and appropriate a sum of up to **\$25,000** to be added to the previously established SPECIAL EDUCATION EXPENDABLE TRUST FUND, this sum to come from the June 30 unassigned fund balance available for transfer on July 1, 2022. No amount to be raised from taxation. **The School Board recommends this article 5-0-0. The Finance Committee recommends this article 3-0-0.**

**Estimated Net Tax Impact - \$0.04/\$1,000**

Webb Scales, 49 Dupaw Gould Road

He is generally in favor of the article; however, the phrase "No amount to be raised from taxation" while technically true, is a bait and switch. This is money that would be returned to the tax base (and used to offset the amount that must be raised through taxes) were the article not approved. He questioned if the statement is required and was informed it is.

*No further discussion was offered on Article 6.*

*Article will be placed on the official ballot as written.*

### **Article 7**

To see if the school district will vote to raise and appropriate a sum of up to **\$75,000** to be added to the previously established SCHOOL FACILITIES MAINTENANCE EXPENDABLE TRUST FUND, this sum to come from the June 30 unassigned fund balance (surplus) available for transfer on July 1, 2022. No amount to be raised from taxation. **The School Board recommends this article 5-0-0. The Finance Committee recommends this article 3-0-0.**

**Estimated Net Tax Impact - \$0.11/\$1,000**

**MOTION BY ERIC PAUER TO AMEND BY REDUCING THE AMOUNT TO FIFTY THOUSAND DOLLARS (\$50,000)**

*The motion did not receive a second.*

*No further discussion was offered on Article 7.*

*Article will be placed on the official ballot as written.*

**Article 8** – SAU Budget

Shall the voters of the Brookline School District adopt a school administrative unit budget of \$2,107,176 for the forthcoming fiscal year in which **\$407,208** is assigned to the school budget of this school district? This year's adjusted budget of \$2,018,210 with \$389,983 assigned to the school budget of this school district, will be adopted if the article does not receive a majority vote of all the school district voters voting in this school administrative unit. **The School Board recommends this article 5-0-0. The Finance Committee recommends this article 3-0-0.**

**Estimated Net Tax Impact - \$.58/\$1,000**

Moderator Webb noted, per State Statute, the number is not permitted to be changed.

Eric Pauer, 12 Westview Road

Stated the SAU budget continues to increase rapidly. It had a large increase last year. We have crossed over the \$2 million dollar mark. He is concerned with the cost to the taxpayers. There is the need to look at why we have to have such a large SAU. We have declining enrollment, but this budget continues to increase. An 18% increase in two years is excessive for administrative oversight of our three school districts.

*No further discussion was offered on Article 8.*

*Article will be placed on the official ballot as written.*

**Article 9** (By Petition)

“Shall the Brookline School District direct the Brookline School Board to adopt and implement a policy to ensure that each textbook or other assigned book used in the Brookline School District as well as a copy of all professional training materials provided to teachers, administrators, and staff of the district paid with school district funds be made available to the public at the Brookline Public Library in hard copy or electronic form organized by grade and teacher.” **The School Board recommends this article 0-5-0.**

Brian Rater, Chairman, Brookline Finance Committee

Questioned if the language “The School Board recommends this article 0-5-0” could be amended to accurately reflect that the Board “does not” recommend the article.

James O'Shaughnessy, Esq.

Stated the way the motion was put before the Board was, does the Board recommend. If the vote was 0-5-0 the wording should state, the Board voted 0-5-0 to recommend. It is technically correct.

Brian Rater, Chairman, Brookline Finance Committee

Remarked these votes have been changed to say "does not recommend" for all of the warrant articles in the past several years.

Webb Scales, 49 Dupaw Gould Road

Suggested, when votes are unanimous, that the language read either "The School Board unanimously recommends" or "does not recommend"

Tom Solon, 2 Shady Rock Road

Noted, on the COOP warrant articles, the same situation will be stating the school board does not recommend this article 0-5-0. They are going to use the phrasing that is being suggested, on the COOP ballots.

Brian Rater, Chairman, Brookline Finance Committee

Noted there was one article that appeared earlier on the warrant where the Finance Committee voted against, but it was not a unanimous vote. He would like that to be clarified as well. He questioned if that could simply be done or if a motion were needed for all.

Moderator Webb stated the desire to address this article and leave the broader discussion for another day.

Assistant Superintendent Bergskaug stated the Board is required to make a motion in the affirmative. The vote is 0-5-0. To change the wording would not legally represent the action taken.

Tom Solon, 2 Shady Rock Road

In the past, how we have resolved this is by acknowledging that the motion was made in the meeting to recommend. If it failed, however, the reporting did not have to abide by that confusing logic. The description at the bottom is not a statement of the motion. The note at the bottom was intended to be a statement of the outcome, and the outcome was that the Board did not recommend. He does see that there is anything that has been historically acknowledged that requires it to be this way. It is correct that the origin of it was the motion made in the affirmative and that is why the statement has sometimes mirrored that.

Jennifer Morrissey, 25 Laurel Crest Drive

Suggested it would be simple to provide a table explaining the meaning of the vote.

Questioned the problem that is looking to be solved with the petition warrant article.

Erin Sarris, Vice Chairman, Brookline School Board

Stated the article was put forward by members of the public. The School Board cannot interpret the intent.

Jennifer Morrissey, 25 Laurel Crest Drive

Spoke of her perception it is looking to solve a problem that does not exist. If there are people that want to understand what is being taught in the schools, there are multiple opportunities to do that. The schools host open nights where curriculum is reviewed, teachers specifically review what books and topics will be covered, and there are parent/teacher conferences throughout the year, projects and curricular is published on the teacher sites. She does not know what problem would be solved.

Ms. Morrissey commented we just spent a great deal of time tearing apart costs and expenditures on a bunch of different things. She asked who would be responsible for the work required to comply with this petition warrant article, and what the cost would be. If we are going to identify every aspect of the cost of every other article, it should be done here too.

Webb Scales, 49 Dupaw Gould Road

Stated the suggestion to be a good one in regard to identifying the positions of the School Board and Finance Committee. He suggested expanding it from straight numbers to zero in favor, five against, and zero abstained.

**MOTION BY WEBB SCALES TO AMEND THE LANGUAGE BY REPLACING “0-5-0” WITH “0 IN FAVOR, 5 OPPOSED, 0 ABSTENTIONS”**  
**MOTION WITHDRAWN**

Jennifer Morrissey, 25 Laurel Crest Drive

Questioned if the language could state “The School Board voted on a recommendation to recommend 0-5-0.”

Moderator Webb stated his impression the School Board and counsel are of the opinion this is the way it should be. His belief is that the Legislative Body has the right to change that. Legal counsel has suggested he may be mistaken.

Superintendent Corey noted legal counsel has indicated the suggestion made through the motion to replace the “0-5-0” with “0 in favor, 5 opposed, 0 abstentions” is acceptable.

Webb Scales, 49 Dupaw Gould Road

Noted another question raised was if the word “recommends” could be removed.

Moderator Webb responded, in his humble opinion, the Legislative Body can.

Dana Ketchen, 59 Russell Hill Road

Recollects that historically the language would read “The School Board does not recommend this article 0-5-0.”.

**MOTION BY DANA KETCHEN TO AMEND THE LANGUAGE IN THE FINAL SENTENCE TO READ “THE SCHOOL BOARD DOES NOT RECOMMEND THIS ARTICLE 0-5-0.”**

**MOTION SECONDED  
MOTION WITHDRAWN**

ON THE QUESTION

James O’Shaughnessy, Esq.,

Stated the Statute requires that it contain a notation whether or not the Board recommends the article. It does not tell you exactly what it has to say. One of the solutions is to say the School Board voted not to recommend this article and then it can say 0 in favor, 5 against, and 0 abstaining. For the ones where they vote in favor it can say the School Board voted to recommend this article; 5 in favor, 0 against. The School Board, in his opinion, can do that without the Legislative Body amending anything. He does not think the Legislative Body should be amending this because it can amend the article, but the Board really has an obligation to put its notation separate and apart from what you do tonight. He suggested to the Moderator that a vote today be made to support that action so the Board can do it and they know that they have your blessing.

**MOTION BY WEBB SCALES THAT THE SENSE OF THE MEETING IS THAT THE SCHOOL BOARD SHOULD MODIFY THE NOTATION OF ITS RECOMMENDATION NEXT TO EACH WARRANT ARTICLE**

**MOTION SECONDED  
MOTION CARRIED**

Webb Scales, 49 Dupaw Gould Road

Stated his opinion he does not believe the Legislative Body has the power to dictate to the Board to adopt policy. He does not believe they can require the Board to adopt policy. He asked for clarification.

Superintendent Corey stated the article would be advisory.

**MOTION BY WEBB SCALES TO AMEND THE ARTICLE TO INCLUDE, THE LANGUAGE “THIS ARTICLE IS ADVISORY AND NONBINDING ON THE BOARD”**

Kelly Zakar, 5 Cider Mill Road

Appreciates the suggested amendment and questioned whether it would go at the beginning or the end of the article and was informed it would come at the end.

**AMENDED MOTION BY WEBB SCALES TO AMEND THE ARTICLE BY INSERTING “THIS ARTICLE IS ADVISORY AND NONBINDING ON THE BOARD” PRIOR TO THE SCHOOL BOARD’S RECOMMENDATION**

**MOTION SECONDED**

ON THE QUESTION

Eric Pauer, 12 Westview Road

The contention that this would be advisory is a subject of debate up in Concord. There has been some discussion with the Attorney General's Office, State Senators and Representatives. To make the blanket assumption that this would be advisory is still a matter to be decided probably in the courts. It is still unknown if a duly passed warrant article is binding on the school board. That is still a little bit of an open question. There has not been a landmark case on this yet. He suggested leaving the article as it is.

**MOTION BY KELLY ZAKAR TO MOVE THE QUESTION  
MOTION SECONDED**

Moderator Webb noted historically those in line to speak when such a motion is made are allowed to provide comment.

Betsy Solon, 2 Shady Rock Road

There is a part of the article that has not been addressed being that all of these textbooks would be stored in the Brookline Public Library. Already much of the collection is stored in an annex. She is uncertain how feasible it would be to pass an article like this. The library has a collection development policy, and there is no guarantee that the textbooks would even fall under that policy and be allowed into the collection. It is advisory. There are a lot of RSAs that would have to be changed in order for this to pass.

**MOTION CARRIED**

Joseph Hartman, 51 Mountain Road

Is neither for nor against this article. He understands people had some emotions and discussed why this would come up. Going back to whoever wrote this, it is most likely just transparency. The political winds may flow in a different direction, and that might be what drives it, but that happens in both directions. If there were a lot of controversy in the other way of what might be needed to be put in the public schools and the other group that thinks that this is not a problem right now would be pushing for the exact same thing. That is where it comes from. People are looking to get the transparency into the school, to know what is in the school and what is being taught to students, what is going on with teachers, etc. He suggested it be considered from that standpoint.

He questioned if there should be a question mark at the end of the article. Moderator Webb agreed there should.

Erin Sarris, Vice Chairman, Brookline School Board

Stated appreciation for the question about transparency. This was discussed by the Board when making a recommendation. If the spirit behind the article is concern over transparency in the classroom, inappropriate teachings, etc., we have policies to address those concerns. Any parent that has a concern about something that a teacher is doing in a classroom has a process by which they can appeal/point that out. If that is the spirit behind this article, the Board felt as though it was unnecessary as there exist policies to address that.

Brian Rater, Chairman, Brookline Finance Committee

Noted the School Board will go through all of the articles and change the wording of how they recommend. He requested the wording of the Finance Committee recommendations be similarly changed.

*No further discussion was offered on Article 9.*

*Article will be placed on the official ballot as amended.*

**Article 10** (By Petition)

“Shall the Brookline School District hereby affirm our support for each student’s growth and enrichment? In doing so, we, the Legislative Body, hereby state the following as general principles:

- A. The Brookline School District values all students as individuals and welcomes students of all races.
- B. We affirm that no race or sex is inherently superior or inferior to another race or sex.
- C. No individual or group, by virtue of race or sex is inherently racist, sexist, or oppressive consciously or unconsciously.
- D. No individual or group should be discriminated against or receive preferential treatment based on race or sex.
- E. Each person should be treated and respected as a unique individual, without respect to race, sex, political or religious affiliation.
- F. An individual’s moral character shall not be assumed because of race or sex.
- G. Each individual is responsible for his/her own actions. Assignment of fault, blame, bias or accusation of oppression upon individuals, races or sexes due to actions of others in the present or in the past is unjust.
- H. Virtues such as punctuality, accountability, and hard work are not racist nor were they created by a particular race or sex to oppress another race or sex.
- I. The Brookline schools shall provide equality of opportunity not equality of outcome, to each of our students regardless of race, sex, national origin, religion or disability.

Therefore, WE the Legislative Body of the Brookline School District, with our vote, hereby direct that these principles be incorporated into the relevant policies, resolutions and curricular of our school district.” **The School Board recommends this article 0-5-0.**

Kelly Zakar, 5 Cider Mill Road

Wished to suggest several amendments to the article.

**MOTION BY KELLY ZAKAR TO AMEND ARTICLE 9 UNDER “A” BY REPLACING THE PERIOD AT THE END OF THE SENTENCE WITH “, ETHNICITIES, GENDER IDENTITIES, RELIGIONS, PHYSICAL AND INTELLECTUAL ABILITIES, SOCIOECONOMIC STATUS AND SEXUAL ORIENTATION  
MOTION SECONDED**

ON THE QUESTION

Jennifer Morrissey, 25 Laurel Crest Drive

Wished to compare her list; race, ethnicity, skin color, religion, gender orientation, gender identity, national origin, physical mental ability or disability...

Moderator Webb suggested if the two individuals were looking to combine their desires into a motion, they should gather the information and bring it forward.

Brian Rater, Chairman, Brookline Finance Committee

Questioned if a Petition Warrant Article could be amended. Moderator Webb stated that to be the case.

Ken Haag, Chairman, Brookline School Board

There are a lot of policies and procedures on this topic. There was a Diversity, Equity, and Inclusion Committee that worked for the entire year. It is felt we have already settled this, and we are opening up a can of worms unnecessarily. His recommendation would be to move forward. The School Board opposed the article, and has fall back on the policies, procedures, and DEI that is already in place as opposed to creating a new warrant article that we will have to follow on top of everything else.

Kelly Zakar, 5 Cider Mill Road

Was uncertain how to proceed.

Moderator Webb stated the Legislative Body does not have the power to disapprove this. It goes forward on the ballot.

Ken Haag, Chairman, Brookline School Board

Stated his understanding the article would be placed on the ballot. His point was that we get the word out to vote no on this. He is of the opinion adding another layer on top of all of the policies and procedures already in place will be very cumbersome.

Jessica Hartman, 51 Mountain Road

Clarified what was being said is that the Brookline School District does care about diversity and inclusion and already has policies and procedures in place to make sure that we are considering those things with what we are doing within our school district. We already have a process in place to consider diversity and inclusion making this somewhat redundant is what you are saying.

Ken Haag, Chairman, Brookline School Board

Responded that is correct. We have all of this in place. He understands the intent and does not dispute that. If the will of the Legislative Body, we can move forward. He voted against it knowing we have the mechanism in place and that it would add a layer of complexity unnecessarily because of all of the policies and procedures

already in place as well the DEI Committee that has already made their recommendation. In addition, most of this is advisory.

Jessica Hartman, 51 Mountain Road

Thanked Chairman Haag for the clarification. She stated agreement, she would not support the article based on the fact that we are a school district that does care about diversity and inclusion.

#### **MOTION WITHDRAWN**

**MOTION BY KELLY ZAKAR TO AMEND ARTICLE 9 UNDER “A” BY REPLACING THE PERIOD AT THE END OF THE SENTENCE WITH “, SKIN COLOR, ETHNICITIES, NATION OF ORIGIN, GENDER IDENTITY, RELIGION, PHYSICAL AND INTELLECTUAL ABILITIES, SOCIOECONOMIC STATUS AND SEXUAL ORIENTATION.”**

**MOTION SECONDED**

#### ON THE QUESTION

Jessica Hartman, 51 Mountain Road

Stated the article will be on the ballot regardless of what action we take tonight. If the amendment passes, she will have further amendments to propose, which may include striking some of the bullets so that when our governmental body goes to the poles on March 8<sup>th</sup>, they will be voting for an affirmation of the value that we as a school district put on the diversity and differences that exist in our student body and in our community.

Kristen Cospito, 5 Burge Drive

Believes it is a well-intentioned idea. She does not believe wasting a lot of time on a politically motivated recommendation, that really is couched political language made to sound like it is the school board, is doing anyone any good. We have to know what this is and cannot dress it up as something else. It is wasting everyone’s time. This is a script that is being passed out, and changing it to be pretty does not do anyone any good.

Eric Pauer, 12 Westview Road

Questioned if a warrant article is changed in a way such as this, would the School Board retake their vote on a recommendation.

Ken Haag, Chairman, Brookline School Board

Responded, if necessary, the Board would take another vote at the conclusion of the hearing.

Erin Sarris, Vice Chairman, Brookline School Board

On principle, the challenge the Board faces with an article like this is we prefer to deliberate on this sort of thing during the course of a Board meeting and could ourselves put an article on the warrant. As a citizens petition, the precedent of giving us something that we look at for the first time that is based on, particularly in this case,

an issue we have been discussing all year, we really want to be able to take the time to have the discussion and see something on the warrant that we have carefully considered and deliberated. This forum is not the optimal time for us to be deliberating that for the first time. The challenge for our vote will be in sticking with that principle we have had with regard to some of these articles.

She appreciates the emotions this article has generated, and the body can do whatever it wants with it, but when the Board deliberates it has its own principles it follows.

### **MOTION FAILED**

Jennifer Morrissey, 25 Laurel Crest Drive

Questioned who the Legislative Body is and was told the public is the governing body. She questioned what it means to be part of the Legislative Body and was told it means you make the laws.

Ms. Morrissey commented it was stated this is advisory in nature. She questioned the difference between making the recommendation as a citizen and as a legislative body. Moderator Webb explained the recommendation has been formally accepted by the majority of the people in the room at the time of the hearing and at that point becomes a decision of everybody because it is a majority decision.

Ms. Morrissey questioned, if by some set of circumstances this passes, things happen. What is the implication? This is a zombie article that has come up more times than she cares to count. She wants to know what happens if it passes.

Moderator Webb stated the Board could explain how it would react to it.

Ms. Morrissey commented the spirit of amending is in a world where potentially something like this passes it passes in the spirit that actually benefits students, teachers, administrators, etc. That is the risk people worry about. On the one hand it feels like a BS article and on the other hand if it passes there are implications. That is what she is worried about and wants to understand.

Superintendent Corey stated were the article to pass, he would bring it back to the then sitting board and they would discuss what they wanted to do. Right now, as legal counsel has stated, it is an advisory article. We hear the contention about the State Legislature. He suggested the issue be followed at the State level as well. If the sitting board were to decide to go forward, we would work with our policies to implement this. If the sitting board were to decide that this is something advisory in nature and wished to remain with existing policies, they could do that. There may be a legal challenge to that, which would be settled in the courts at some point in the future.

**MOTION BY WEBB SCALES TO AMEND THE ARTICLE TO INCLUDE, THE LANGUAGE “THIS ARTICLE IS ADVISORY AND NONBINDING ON THE BOARD”**

**MOTION SECONDED**

**MOTION CARRIED**

Kelly Zakar, 5 Cider Mill Road

Noted the article language is verbatim to House Bill 2. As Mr. Pauer stated there is already a law. We do not need to do it at the town level. She does not understand why the Legislative Body for the Town of Brookline needs to vote to enforce something locally that is already superseded by State law.

She noted in bullet I, it says the Brookline Schools shall provide equality of opportunity. However, some of the same petitioners who signed this document questioned whether or not we needed to have an elevator in RMMS, which directly counters equality of opportunity.

*No further discussion was offered on Article 10.*

*Article will be placed on the official ballot as amended.*

**Article 11** (By Petition)

“Shall the Brookline School District rescind authorization of RSA 198:4-b II so that the Brookline School District returns 100% of the year-end unassigned general funds to the taxpayers?” **The School Board recommends the appropriation 0-5-0.**

Ken Haag, Chairman, Brookline School Board

Stated the article was personally frustrating to him since the authorization was passed just last year as a Town body, and we are immediately trying to strike it.

From the standpoint of the School Board, they discussed the spirit of the warrant. To him, the spirit of this is transparency around what these funds are utilized for now that we no longer have a contingency fund. The Board discussed implementing a policy for this coming year that requires a public hearing to authorize use of these funds. He can appreciate that being documented and transparent to the community. As far as the article, as it is written, he is very much opposed to it.

Brittany MacFarland, 16 Pigeon Hill Road

Asked the Finance Committee if there would be any benefit to this as written. Since we are already looking at increasing the budget each year, this would just be putting money back and then asking for it again.

Brian Rater, Chairman, Brookline Finance Committee

Potentially there could be a benefit to the taxpayers. When the school ends the fiscal year and has a surplus, in the past they have always had to return those funds to the town’s general fund, which goes to offset the amount that has to be raised through taxes the following year. Now the district is permitted to retain a percentage for what is really contingency purposes.

If not permitted to retain funds, whatever funds remained at year end would be returned to the tax base. However, before we had this in place each year, we had a warrant article to allocate funding to a contingency fund, and that fund came from that same pool of money. Essentially, we were just giving them funding each

year, but we voted on it at Town Meeting. Currently, they have a built in mechanism to retain a percentage of funds remaining at year end.

Brittany MacFarland, 16 Pigeon Hill Road

We voted last year to authorize the retention of funds, and then the School Board determines what the funds are used on the following year.

Superintendent Corey stated this to be Unreserved Fund Balance as opposed to a Contingency Fund. What this allows the Board to do is set aside a certain dollar amount. For those funds to be utilized, the Board conducts a public hearing and the Administration details to the Board and community the proposal for what the funds would be utilized for. It would be to address expenses that were unanticipated when the budget was prepared, e.g., enrollment increase resulting in the need for an additional teacher, a boiler breaks down.

Ken Haag, Chairman, Brookline School Board

Noted if looking back over the past few years, the district has had in place a Special Education Trust Fund, Maintenance Trust Fund, and a Contingency Fund. What this does is allocates funding from the bottom line (up to 2%) that goes into the Unreserved Fund Balance that can be called upon if needed. We are no longer requesting a \$40,000 contingency allocation each year.

From a spirit of transparency, there is an opportunity there that the Board recognizes. This was just passed last year; moving from a contingency fund to an unreserved fund balance.

Tom Solon, 2 Shady Rock Road

One of the benefits of doing it through this mechanism that is being proposed to be rescinded, versus a contingency fund, is the timeliness and ability for both the Board and community to understand how the money is being expended. When you put a contingency in place, it is a guess. The mechanism by which funds are expended through the retention of fund balance, as the Superintendent addressed, involves a public hearing that offers a detailed list, and it is not an arbitrary or anticipated expenditure. The downside if you want to call it that is that it is a larger amount than is typically supported on a contingency article. But if you look at the typical budgets that occur in our communities, with the exception of the COVID periods, we have run really tight budgets with very little opportunity to have this amount of money for unplanned activities.

The contingency has been required to stay safe. This has proven, to be an easier mechanism and in most cases saves time because you do not have to have the warrant article every year. It is a repeatable process that works better for the Board in the long run.

***No further discussion was offered on Article 11.***

***Article will be placed on the official ballot as written.***

**Article 12** (By Petition)

“Shall the Brookline School District pursuant to RSA 194-C, I, create a planning committee to study the advisability of the withdrawal of the Brookline School District from SAU 41 in accordance with RSA 194-C:2, IV (1), for its organization, operation and control, and the advisability of constructing, maintaining, and operating a School Administrative Unit to serve the needs of the Brookline School District?”

Ken Haag, Chairman, Brookline School Board

Stated the School Board does not recommend the article (vote of 0-5-0). The recommendation of the Board was reached following the Public Hearing conducted earlier in the evening.

Eric Pauer, 12 Westview Road

Heard discussion following the Public Hearing that lead him to believe there may be some misunderstanding regarding the purpose of the article. The article is to create a new SAU for the Brookline School District. It would not take Brookline out of the COOP School District, would not withdraw from the COOP, result in a grade reduction, etc. It is simply creating an SAU for the Brookline School District that would then be under that Superintendent and Business Administrator. There were comments made that this was getting out of the COOP. It is really just about the SAU unit that oversees the district. This is a study to explore that.

Webb Scales, 49 Dupaw Gould Road

Asked for additional clarification of the intent of the article. He can understand how a Brookline SAU would function, but we are in a COOP School District, and he is trying to figure out how our SAU would coordinate with the other SAU to administer the COOP schools.

Eric Pauer, 12 Westview Road

Stated occasionally in the State there is a new SAU created. There was a new one created (SAU55) for which Bob Thompson became the Superintendent. There was a withdrawal of one school district from another creating an SAU. If the study committee found it to be suitable it would recommend an SAU for the Brookline School District, which would oversee that district, and SAU41 would oversee the Hollis and COOP school districts.

Webb Scales, 49 Dupaw Gould Road

Commented we would be discussing the Brookline elementary schools' withdrawal from the SAU. They would be joining this new SAU. His concern is that in doing so we would lose economies of scale in terms of purchasing, the ability to share substitutes between the buildings, share staff, etc. He does not believe Brookline would benefit from the split. We would have to put in place our own Office of Superintendent, special education support and all of the services we currently receive from the SAU. It is possible it would be less expensive, but it seems like long odds that would be the case.

Alison Marsano, School Board Member

Asked for clarification instead of paying for 1 SAU she would be paying for 2.

Eric Pauer, 12 Westview Road

Stated there would be 2 SAU's. SAU41 would hopefully get smaller. There are certain services that an SAU has to provide. His opinion is that we are doing more than we should be doing in SAU41 and it is time for Brookline to look at doing a streamlined one and see what happens after that. It is a first step. This is a study to see what that means. This was done in Timberlane successfully. They did the study and were presently surprised. They voted for it, and it passed. That is where Bob Thompson got his job.

Superintendent Corey remarked because that example was brought up, he wished to inform the citizenry he has spoken to Mr. Thompson. It cost Hampstead, the brand new SAU with two buildings and approx. 1,000 students, \$1.1 million. We charge you \$407,000.

Christopher Henchey, 16 Pigeon Hill Road

Spoke of concern that by creating another SAU our non-competitive funding of how we pay salaries and our proposed plan of not actually keeping up with inflation, would put the district in a position of being unable to hire on the proposed budget.

Ken Haag, Chairman, Brookline School Board

Is very much opposed to this and would hope that we could stop bringing this to the ballot every year. He believes it has come up almost every year of the 7 years he has been on the School Board. The Towns do not want this. The studies show it does not make any sense. The cost per pupil is lower than the State average. Our test scores are higher than the State average. We talked about a compliance position earlier. This is the cost that drives why we have extra staff because of these yearly requests for these onerous activities. There is a lot of fatigue coming from everyone for the constant push for this. We have a great school district. Let us work together to make it better instead of trying to tear it apart.

*No further discussion was offered on Article 12.*

*Article will be placed on the official ballot as written.*

Dana Ketchen, 59 Russell Hill Road

Questioned the projected increase if all of the articles pass.

Eric Pauer, 12 Westview Road

Stated it to be a 9.7% increase. That was posted online.

Dana Ketchen, 59 Russell Hill Road

It is tough to continue to live in this Town as an older person with tax increases at that rate.

Brian Rater, Chairman, Brookline Finance Committee

Noted the changes in the tax rate that were calculated there also include changes in estimated revenue. Revenue is estimated to go down, but estimates vary a lot from year to year. It is not all increases in expenses.

**MOTION BY KEN HAAG TO ADJOURN**

**MOTION SECONDED**

**MOTION CARRIED**

*The February 7, 2022 first session (Deliberative) of the Annual Meeting of the Brookline School District was adjourned at 8:42 p.m.*

\_\_\_\_\_  
Kenneth Haag, Chairman, Brookline School Board

Date: \_\_\_\_\_

\_\_\_\_\_  
Erin Sarris, Vice Chairman, Brookline School Board

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen Jew, Secretary, Brookline School Board

Date: \_\_\_\_\_

\_\_\_\_\_  
Rebecca Howie, Brookline School Board

Date: \_\_\_\_\_

\_\_\_\_\_  
Alison Marsano, Brookline School Board

Date: \_\_\_\_\_

\_\_\_\_\_  
Alana Justice, Clerk, Brookline School District

Date: \_\_\_\_\_