

MINUTES
SPECIAL MEETING
WASHINGTON CENTRAL UNIFIED UNION SCHOOL DISTRICT
February 19, 2019 at 6:00 p.m.

Approved by the WCUUSD Board 6.5.19

Stephen Looke, East Montpelier, opened the meeting at **6:04 p.m.**

He explained that he will facilitate the meeting until a moderator is elected.

He read the following:

The legal voters of the Washington Central Unified Union School District (the “District”), comprising the voters of the Towns of Berlin, Calais, East Montpelier, Middlesex and Worcester, are hereby notified and warned to meet at the Union 32 High School in East Montpelier, VT on Tuesday, February 19th, 2019, in the Auditorium at 6:00 p.m. to conduct the following business:

He explained the voting procedures.

- i. To elect a temporary presiding officer and clerk of the District from among the qualified voters of the district.*

Allen Gilbert, Worcester, asked how many people we will be electing, and how long will they serve?

He asked for clarification about the clerk and “temporary presiding officer” in item “i” and the moderator and clerk in item “iii.”

Stephen Looke explained that Article i is to elect a temporary presiding officer, who will take the meeting through Article iii.

Kyle Landis Marinello, Middlesex, nominated Susan Clark of Middlesex to be temporary presiding officer and clerk for the meeting.

John Brabant, Calais, seconded the nomination.

Matthew DeGroot, Worcester, nominated Paul Hanlon, Worcester, to be temporary presiding officer. Seconded by Flor Diaz Smith, East Montpelier.

No other nominations were heard. Stephen Looke noted that the nominations are closed.

Michael Duane, East Montpelier, asked what Superintendent Kimball and Paul Hanlon were talking about before the meeting. He would like this information to be made public before a vote is taken.

Stephen Looke suggested that the two nominees make a brief statement.

Susan Clark stated that she would be happy to take the role if that is the will of the group.

Mr. Hanlon stated that he had been asked if he were willing and able to moderate the meeting, and that before the meeting he, Superintendent Kimball, and legal counsel had met to discuss Roberts Rules.

Matthew DeGroot called for a division of vote.

Stephen Looke asked for voters to stand to designate their votes for either Susan Clark or Paul Hanlon.

Susan Clark was voted to serve as moderator for the meeting.

Allen Gilbert stated, as point of order, that officers are required to take an oath.

Susan Clark swore aloud and signed an oath.

She reviewed some points of order for the meeting.

Susan Clark asked Lisa Stoudt to take the notes for the meeting, to act as clerk.

- ii. *To adopt Robert's or other rules of order, which shall govern the parliamentary procedures of the organizational meeting and all subsequent annual and special meetings of the District.*

Barbara McAndrew, Calais, moved to adopt Robert's Rules of Order, as stated in Article ii. Seconded by John Brabant. This motion carried.

- iii. *To elect the following officers of the District from among the qualified voters of the district, which officers shall assume office upon election and serve for a term of one year or until their successors are elected and qualified:*

- *Moderator*
- *Clerk*
- *Treasurer*

Michael Duane moved to table and to adjourn the meeting to event certain, until such time as the judicial process (which could include any appeals) is resolved.

Craig Line of Calais seconded this motion.

Discussion: Some discussion followed about whether a motion to adjourn is debatable. Matthew DeGroot noted that a motion to adjourn to a time certain is, in fact, debatable.

Flor Diaz Smith asked for clarification: what would be the consequence of tabling the meeting?

Some in the room looked to legal counsel to answer this question. It was pointed out that, this being a meeting of the voters, only members of the towns are permitted to address the body.

Susan Clark asked whether there is objection to a statement by the attorney representing the school.

John Brabant asked: who asked the attorney to attend/ speak, and what is his role?

Carl Etnier, East Montpelier, moved to allow the attorney for the schools to speak.

Seconded by Allison Mindel, Worcester. A vote was taken. It was unclear whether two thirds voted in favor.

Discussion followed. John Brabant stated his concern that, procedurally, we are not aware of why the attorney is present tonight, and what he perceives his role to be.

Charles Merriman, Middlesex resident, stated that he would like to have the attorney's input.

Flor Diaz Smith and Carl Etnier stated that they believe having more information, e.g., having the input of legal counsel, will be helpful in making a decision.

A vote was called, and Justices of Peace counted the votes. **The vote was 178 to 50 in favor of allowing the lawyer to speak.** Colin McNeil of McNeil, Leddy & Sheahan introduced himself and explained that he had spoken with Superintendent Kimball and he was attending the meeting to help facilitate parliamentary rules and to provide clarification, if sought, about some of the legal aspects.

He spoke to the question of what the consequences might be, regarding the lawsuit that is pending, and whether this meeting tonight continues or is adjourned. He explained that as it stands, the statute provided direction and until the court has ruled otherwise, he believes that the direction to the boards is to continue to follow Act 46 as statute.

Charles Merriman stated regarding the pending legal action re: Act 46, that he expects a decision very soon. The pending case is a very important one, seems to be taken seriously and given priority, and he believes that within three weeks, a decision will be made. If we wait until final adjudication, it may take us until after the July 1 deadline. He suggested that the motion to adjourn be upheld until the date that the decision is handed down regarding the preliminary injunction.

Motion was made to amend the motion *to adjourn until the Act 46 judicial process reaches a decision on the preliminary injunction or stay* by Charles Merriman.

Marylynn Strachan, Middlesex resident, seconded this motion.

Discussion:

Alice Agney, East Montpelier resident, asked, what is the law now?

Julio Thompson, East Montpelier resident asked, does the Supreme Court have the authority to issue a stay of the injunction?

Michael Duane stated: if the schools get a preliminary injunction, the state can appeal this to the Vermont Supreme Court. He stated that the law now is very unclear. He stated that last night,

Orleans Central Supervisory Union, in a similar situation, held a meeting and voted to adjourn the agenda until March 15th.

Rubin Bennett, East Montpelier, stated that asking the citizens of five towns to come out and have a meeting to do nothing and then to do that again in the future, is not “no harm, no foul.” He stated that the law is Act 46; that is the law of the land right now. We, as elected bodies, are compelled to uphold the law. Right now, unless and until something changes, the law is Act 46.

Kyle Landis Marinello stated that the list that we’re supposed to vote on that was created for tonight was not created by the people in the five towns. He stated that representation on the transitional board does not allow for “one person, one vote;” that is not a lawful representation. He believes it is important for the courts to settle this issue, before we move forward. He stated that Rumney School will be hiring a new principal for the fall. He would like to see his local school board take part in the hiring of a new principal; he spoke about the value of local control through the lens of Act 46.

Richard Kehne, Calais, stated that he will continue to come back for meeting after meeting if needed; it is his obligation as a citizen. He stated that this process is splitting our communities, because we are losing the piece of democracy that we have trusted. If it means standing up to the legislature, then we need to do this. Our voice has been loud and has been falling on deaf ears for four years.

Matthew DeGroot stated that, at this moment, Act 46 is the law of the land. The judge has an opportunity to vote and has not yet. He noted that, given the timeline that is laid out before us, if we delay even for a month, we are running the risk of not having a budget in place by July 1st. He stated that this is a very real consequence. He noted that there is a very good chance of the law going forward as stated.

John Brabant moved to call the question on the amendment.

This motion was seconded. A vote was called. The motion carried by voice vote; the debate closed.

A vote was called on the amendment. A voice vote was unclear, so a standing vote was called.

Motion carried in favor of amending the motion by a vote of 171-50.

Matthew DeGroot moved to amend the motion to state: *date certain being four business days following the decision on the preliminary injunction, or stay.*

This motion for an amendment was seconded by Chris McVeigh of Middlesex.

Craig Line asked about the thirty day requirement to warn a meeting.

Kyle Landis Marinello stated it might be cleaner to wait to see what the court order is.

Carl Witke, Worcester, asked what is the cost to hold a meeting such as this, and what budget is used to cover the cost?

Calais resident Barry Bernstein: four days is not enough time. He stated that he had taken an evening out of his busy schedule to come here and support not moving forward.

Julio Thompson: having the four day window does not allow for open meeting law rules.

Berlin resident Pat McDonald: Right now Act 46 is the law. We need to plan for enough time to do this right.

Allen Gilbert stated that if a meeting is adjourned until a date certain then the 30 day warning does not apply.

Calais resident Teegan Dykeman-Brown - can we state an “either/ or” in the amendment? for example:

“Amend the original motion until either... or March 12th, whichever comes first.”

Vote was called on the amendment of the main motion (“adjourn until the Act 46 judicial process reaches a decision on the PI or stay”) to indicate: “adjourn until 4 business days following, when the Act 46 judicial process reaches a decision on the PI or stay” - **the vote on this amended motion failed, by voice vote.**

The question was called on the main motion by Barry Bernstein: “*to adjourn until the Act 46 judicial process reaches a decision on the PI or stay.*” Seconded.

The outcome of the voice vote on calling the question was unclear, so the moderator called for a division. **The vote to call the question on the main motion carried, 154 to 60.**

Upon return to discussion of the main motion, Allan Ferver, Berlin, asked for a paper ballot. Seven people concurred, as required.

A vote by paper ballot was held on the motion “*to adjourn until the Act 46 judicial process reaches a decision on the preliminary injunction or stay.*”

8:29 p.m.: Susan Clark declared that **the motion carried, 168 to 81.**

The meeting adjourned at 8:30 p.m.

The following items were not addressed:

- iv. *To determine a date and location for the first annual meeting of the District and all subsequent annual meetings, which shall be not earlier than February 1 and not later than June 1 in each year.*
- v. *To determine whether to vote on the District’s budget and all other public questions by Australian ballot.*
- vi. *To determine whether to elect members of the District Board by Australian ballot.*
- vii. *To determine and approve compensation, if any, to be paid to officers of the District.*

- viii. *To determine and approve compensation, if any, to be paid to members of the District Board.*
- ix. *To establish provisions for the payment of any expense incurred by the District before it becomes fully operational on July 1, 2019 under a voter-approved budget for the fiscal year beginning on that date.*
- x. *To authorize the District to borrow money pending receipt of payments from the State Education Fund by the issuance of its notes or orders payable not later than one year from date: provided, however, that the District is authorized by Vermont Statutes to borrow sufficient funds to meet pending obligations.*
- xi. *To determine whether to authorize the Board of School Directors, pursuant to the provisions of 16 V.S.A. § 563(10) & (11)(C), to provide mailed notice to residents of the availability of the Annual Report and proposed school budget in lieu of distributing the Annual Report and proposed budget.*

Respectfully submitted,
Lisa Stoudt, Board Recording Secretary