

**TIMBERLANE REGIONAL SCHOOL BOARD  
MEETING MINUTES**

**Special Meeting Following Deliberative Session  
February 8, 2018  
8:57PM**

**Timberlane Regional High School Library  
36 Greenough Road  
Plaistow, NH**

**Call to Order**

Chairman Boyle opened this February 8, 2018 Timberlane Regional School Board special meeting at 8:57pm.

**Board Members Present**

Peter Bealo, Brian Boyle, Stefanie Dube, Kimberly Farah, Donna Green, Dan Guide, Gregory Spero, Susan Sherman and Kelly Ward.

**Seated at the Board Table**

Dr. Earl Metzler, Superintendent of Schools  
Attorney James O'Shaughnessy

**WARRANT ARTICLE RECOMMENDATIONS**

The board reviewed the two warrant articles that were amended on the deliberative session floor and took the following recommendation action:

***Article 2 – Operating Budget***

Shall the voters of the Timberlane Regional School District 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 \$72,800,000? Should this article be defeated, the operating budget shall be \$71,870,607 which is the same as last year, with certain adjustments required by previous action of the Timberlane Regional 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. Note: Warrant Article 2 (the operating budget) does not include appropriations proposed under any other warrant articles. (MAJORITY VOTE REQUIRED)

**MOTION: Mrs. Sherman motioned to recommend Article 2 as amended at deliberative session; seconded by Mr. Bealo. The motion carried 5-4-0 (Mrs. Sherman, Mr. Spero, Mr. Guide, Mr. Bealo and Mr. Ward in favor and Dr. Farah, Chairman Boyle, Mrs. Green and Mrs. Dube opposed.)**

**The warrant article recommendation for Article 2 will read: Recommended by the School Board 5-4-0.**

***Article 6 – Artificial Turf by Petition of John Sapia et al***

Shall the district vote to raise and appropriate the sum of \$800,000 for the purpose of decreasing district operating costs, increasing athletic player safety and promote a positive environmental impact by professionally installing an artificial turf surface to an existing sports playing field, with \$350,000 from the School Building Construction, Reconstruction, Capital Improvement and Land Purchase Capital Reserve Fund, \$175,000 from the unassigned fund balance of June 30, 2018, and the remaining \$275,000 from taxation. This will be a multi-purpose field supporting a host of district sports. It shall be made available for a fee to outside parties when not in use by the district for the purpose of generating additional revenue to further offset costs and shorten the time to maximize return on investment. (MAJORITY VOTE REQUIRED)

**MOTION: Mrs. Sherman motioned to recommend Article 6 as amended at deliberative session; seconded by Mr. Bealo. The motion carried 8-1-0 (Mrs. Sherman, Mr. Spero, Mr. Guide, Mr. Bealo, Mr. Ward, Dr. Farah, Mrs. Green and Mrs. Dube in favor and Chairman Boyle opposed.)**

**The warrant article recommendation for Article 6 will read: Recommended by the School Board 8-1-0.**

Chairman Boyle then announced that in addition to the recommendation action on warrant articles as noticed for this special meeting, he wished to discuss a recent no trespass order relative to a Pollard School parent.

Discussion ensued on whether or not to hold this discussion in public session. Atty. O'Shaughnessy advised the board that any discussion relating to a person's reputation, students or discussion that could result in the identity of a student should be held in nonpublic session. He cited the provisions of RSA 91-A that provides for such nonpublic session. A motion by Mrs. Green to fire the attorney was made but not seconded.

**MOTION: Mr. Bealo motioned to adjourn the meeting; seconded by Mr. Guide. The motion failed 4-5-0 (Mr. Guide, Mr. Bealo, Mrs. Sherman and Mr. Ward in favor).**

Discussion ensued on references made about a student, the matter being an adult matter and the potential for the student's identity to be known by virtue of discussion about or with the parents.

**MOTION: Mrs. Green motioned the board direct the Superintendent to immediately rescind the no trespass order and cease the investigation; seconded by Mrs. Dube.**

Discussion ensued of the lack of board authority on the matter and on which statute could be cited for entering into nonpublic session.

**VOTE: The motion failed 2-7-0 (Mrs. Green and Mrs. Dube in favor).**

**MOTION: Dr. Farah motioned the board go into nonpublic session under RSA 91-A:3, paragraph (c), matters which, if discussed in public, would likely affect adversely the reputation of any person; seconded by Mr. Spero.**

The board was polled:	Bealo – no	Farah – yes	Sherman – no
	Boyle – yes	Green – no	Spero – yes
	Dube – yes	Guide – no	Ward – no

**The motion to go into nonpublic session failed.**

Discussion ensued on the rights of an individual whose reputation is in question to waive the nonpublic meeting provision and holding the discussion in public session, not being able to predict what would be said in nonpublic session and concerns about board liability, requiring a nonpublic session for discussion pertaining to the Superintendent as he is an employee of the district and not a public official, the Superintendent's position to not discuss an ongoing investigation in public or nonpublic session, the parent's request for nonpublic session only, understanding the process of how the incident in question was handled, the sharing of legal opinions between the board and the Superintendent as it relates to attorney client privilege, the status of the board as agents of the district with the Superintendent serving as the CEO, the school district being a separate entity from SAU55 and the Hampstead School District, the disclosure of all information to the school board chairman, and the release of a legal opinion.

**MOTION: Mrs. Sherman motioned to adjourn; seconded by Mr. Guide. The motion passed 7-2-0 (Mrs. Green and Mrs. Dube opposed).**

The meeting adjourned at 9:35 pm.

Respectfully submitted,



Catherine Belcher  
Recording Secretary

Approved by the Board on February 15, 2018