

**TIMBERLANE REGIONAL SCHOOL DISTRICT**  
**Atkinson, Danville, Plaistow and Sandown, New Hampshire**  
**Minutes of the Deliberative Session**  
**2022 Deliberative Session, held at the Timberlane Regional High School, 36**  
**Greenough Road, Plaistow, NH,**  
**February 10, 2022**

2022 TIMBERLANE REGIONAL SCHOOL DISTRICT WARRANT

**District Moderator Robert Harb** called the February 10<sup>th</sup> meeting to order at 7:02 PM. The Moderator led the assembly in the Pledge of Allegiance, which was followed by a performance of the Timberlane Regional High School Chamber Choir under the direction of Robert Finch.

**School Board Members in attendance:** Brian Boyle, Atkinson, Kimberly Farah, Danville (chair), Steven Finnegan, Sandown, Amy Gentile, Atkinson, Barbara Kiszka, Plaistow, Katie Knutsen, Plaistow, Sheila Lowes, Sandown, Shawn O’Neil, Danville, Kristin Savage, Plaistow (Vice Chair),

**Budget Committee Members in attendance:** Kristi Auclair, Marissa Brown, Kathryn Consalvo, Julie Hammond, Julian Kiszka, Michael Mascola, Susan Sherman (vice chair), Todd McCormick (chair) and Mark Sherwood.

**Also seated with the Board and Committee:** Superintendent of Schools Christopher Kellan, District Legal counsel Attorney James O’Shaughnessy.

**Moderator Harb** reviewed the rules of the meeting to the qualified voters in attendance and directed all makers of motions and seconds state their names for the record. With no objections, the standard moderator rules were adopted for the conduct of the meeting. Also, if you do not wish to wear a mask then there are designated places for you to sit. General comments are limited to 5 minutes. Makers of motions must state their name and address. All votes will be a hand count by raising your card. If it is close the 3 assistant moderators on the floor will count.

Voters in attendance: Atkinson (50), Danville (35), Plaistow (52), and Sandown (52)

**MOTION: Kim Farah made a motion, seconded by Kristin Savage to allow non-resident District Legal Counsel Attorney James O’Shaughnessy, to speak. Approved by card vote.**

To the inhabitants of the School District of the Towns of Atkinson, Danville, Plaistow, and Sandown, New Hampshire, qualified to vote in District affairs:

This first session of the annual meeting shall consist of explanation, discussion, and debate of warrant articles number 2 through number 13. Warrant articles may be amended subject to the following limitations: (a) warrant articles whose wording is prescribed by law shall not be amended, (b) warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended, and (c) no warrant article shall be amended to eliminate the subject matter of the article.

**Second Session of Annual Meeting (Voting)**

Voting on warrant articles number 1 through 13 will be conducted by official ballot to be held in conjunction with town meeting voting to be held on Tuesday, the 8th day of March 2022, at the Town Election Polls of Atkinson, Danville, Plaistow, and Sandown, New Hampshire

Atkinson Voting will be conducted at the Atkinson Community Center from 7am-8pm

Danville Voting will be conducted at the Danville Community Center from 8am-8pm

Plaistow Voting will be conducted at the Plaistow Public Works Garage from 7am-8pm

Sandown Voting will be conducted at the Sandown Town Hall from 8am-8pm

**ARTICLE 1 – ELECTION OF OFFICERS**

To choose the following school district officers:

Danville Voters	School Board Member	3-year term
Plaistow Voters	School Board Member	3-year term
Plaistow Voters	School Board Member	2-year term
Sandown Voters	School Board Member	3-year term
Atkinson Voters	School Board Member	1-year term
Danville Voters	Budget Committee Member	3-year term
Plaistow Voters	Budget Committee Member	3-year term
Sandown Voters	Budget Committee Member	3-year term

**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 **\$75,753,607**? Should this article be defeated, the operating budget shall be **\$76,300,383**, 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)

*Recommended by the School Board 7-0-0*

*Recommended by the Budget Committee 7-1-1*

**MOTION: Kim Farah made a motion to put Article 2 on the ballot as written; seconded by Kristin Savage**

**DISCUSSION: Budget Committee Chair, Todd McCormick** –These are the numbers that we presented at the public hearing. The proposed budget is .47% over what last year’s voted operating budget is. We worked over the course of about 10 meetings throughout the budget season and worked hand in hand with the Business Administrator, Maria Watkins, and came out with pretty much a level funded budget much like we have done over the past four seasons that I have been on the Budget Committee.

*With no further discussion Moderator Harb declared that Article 2 will be placed on the ballot as written*

**MOTION: Kim Farah made a motion to restrict reconsideration of Article 2, seconded by Kristin Savage**  
**Motion passed by: show of cards vote**

**ARTICLE 3 - COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TIMBERLANE ADMINISTRATIVE ASSISTANTS AND MAINTENANCE UNION**

Shall the voters of the Timberlane Regional School District approve the cost items included in the collective bargaining agreement reached between the Timberlane Administrative Assistants and Maintenance Union and the Timberlane Regional School Board, which calls for the following increases in salaries and benefits at the current staffing levels over the amount paid in the prior fiscal year:

Fiscal Year	<u>2022-23</u>
Estimated Increase	\$135,552

And further to raise and appropriate the sum of \$135,552 for the 2022-23 fiscal year, 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 the current staffing levels? (MAJORITY VOTE REQUIRED)

*Recommended by the School Board 5-0-0*

*Recommended by the Budget Committee 6-0-0*

**MOTION: Kristin Savage made a motion, seconded by Kim Farah to put Warrant Article 3 on the ballot as written.**

**DISCUSSION: School Board Chair, Kim Farah** – This article represents a one-year collective bargaining agreement between the Administrative Secretaries, and Skilled Maintenance Union, in contrast to the next two articles you will see represent collective bargaining agreements for 3 years. This is a one year because we are still trying to adjust the wage scale for this group, and we hope to do that in the next fiscal year and come out with another 3-year contract, but we felt that we should move forward with this agreement to ensure that this group had benefits and raises that would be in line with what we were looking for.

*With no further discussion Moderator Harb declared Warrant Article 3 would appear on the ballot as written.*

**ARTICLE 4 – AUTHORIZATION FOR SPECIAL MEETING ON COST ITEMS**

Shall the voters of the Timberlane Regional School District, if Article 3 is defeated, authorize the Timberlane Regional School Board to call one special meeting, at its option, to address Article 3 cost items only? (MAJORITY VOTE REQUIRED)

*Recommended by the School Board 4-1-0*

**MOTION: Kim Farah made a motion to place Article 4 on the ballot as written; seconded by Kristin Savage**

**With no further discussion Moderator Hard declared Warrant Article 4 would appear on the ballot as written.**

**Article 5 – Three Year Collective Bargaining Agreement (Timberlane Custodians Union)**

Shall the voters of the Timberlane Regional School District approve the cost items included in the collective bargaining agreement reached between the Timberlane Custodians Union and the Timberlane Regional School Board, which calls for the following increases in salaries and benefits at the current staffing levels over the amount paid in the prior fiscal year:

Fiscal Year	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>
Estimated Increase	\$137,283	\$99,146	\$119,050
3-Year Total			\$355,479

And further to raise and appropriate the sum of **\$137,283** for the 2022-23 fiscal year, 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 the current staffing levels?  
(MAJORITY VOTE REQUIRED)

*Recommended by the School Board 7-0*

*Recommended by the Budget Committee 6-0*

**MOTION: Kim Farah made a motion to place Article 5 on the ballot as written, seconded by Kristen Savage.**

**DISCUSSION: School Board Chair, Kim Farah,** stated that this represents a 3-year agreement. As you noticed a wage increase in year one is higher than the subsequent two years. As people know, starting salaries are getting higher and we are trying to make sure that we are comparable to other districts and other job offerings so that it does represent a higher increase this year to bring us back up to where we need to be.

*With no further discussion Moderator Harb declared Warrant Article 5 would appear on the ballot as written.*

**ARTICLE 6 – AUTHORIZATION FOR SPECIAL MEETING ON COST ITEMS**

Shall the voters of the Timberlane Regional School District, if Article 5 is defeated, authorize the Timberlane Regional School Board to call one special meeting, at its option, to address Article 5 cost items only? (MAJORITY VOTE REQUIRED)

*Recommended by the School Board 6-1-0*

**MOTION: Kim Farah made a motion to put Warrant Article 6 on the ballot as written, seconded by Kristen Savage**

**With no further discussion Moderator Harb declared Warrant Article 6 would appear on the ballot as written.**

**ARTICLE 7 – THREE YEAR COLLECTIVE BARGAINING AGREEMENT (TIMBERLANE FOOD SERVICE WORKERS)**

Shall the

voters of the Timberlane Regional School District approve the cost items included in the collective bargaining agreement reached between the Timberlane Food Service Workers Union and the Timberlane Regional School Board, which calls for the following increases in salaries and benefits at the current staffing levels over the amount paid in the prior fiscal year:

Fiscal Year	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>
Estimated Increase	\$40,887	\$26,464	\$33,450
3-Year Total			\$100,801

And further to raise and appropriate the sum of **\$40,887** for the 2022-23 fiscal year, 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 the current staffing levels?  
(MAJORITY VOTE REQUIRED)

*Recommended by the School Board 7-0*

*Recommended by the Budget Committee 6-0*

**MOTION: Kim Farah made a motion to put Warrant Article 7 on the ballot as written: seconded by Kristin Savage.**

**DISCUSSION: Kim Farah** – Just so the public is aware that this does not represent all the food service workers that we have in the district. The majority of our food service workers are contracted out. This article is related to any of the food service workers that are still working under the Timberlane employees. As those workers retire the board from prior years has decided that all food service workers will move to a contractual basis. So, these are workers that were here before the district moved away from providing its own food service that the district is still supporting.

**Barbara Kiszka** – asked how many people are covered by this agreement. Kim Farah, I know it is under 10 but do not know the exact number. It is under 10 right now.

*With no further discussion Moderator Harb declared Warrant Article 7 would appear on the ballot as written.*

**ARTICLE 8 – AUTHORIZATION FOR A SPECIAL MEETING FOR COST ITEMS**

Shall the voters of the Timberlane Regional School District, if Article 7 is defeated, authorize the Timberlane Regional School Board to call one special meeting, at its option, to address Article 7 cost items only? (MAJORITY VOTE REQUIRED)

*Recommended by the School Board 6-1*

**MOTION: Kim Farah made a motion to put Article 8 on the ballot as written; seconded by Kristin Savage**

*With no further discussion Moderator Harb declared Warrant Article 8 would appear on the ballot as written*

**ARTICLE 9 – CAPITAL RESERVE FUND BY SURPLUS**

Shall the voters of the Timberlane Regional School District raise and appropriate up to **\$250,000** to be placed in the School Building Construction, Reconstruction, Capital Improvement and Land Purchase Capital Reserve Fund established in 1996, with such amount to be transferred from those funds in the June 30, 2022 unassigned fund balance available for transfer on July 1 of this year which were apportioned as Capital Expenses in 2021-2022 in accordance with Article 6 of the Timberlane Regional School District Articles of Agreement? No amount to be raised by additional taxation. (MAJORITY VOTE REQUIRED)

*Recommended by the School Board 7-0*

*Recommended by the Budget Committee 6-0*

**MOTION: Kim Farah made a motion to put Article 9 on the ballot as written. Seconded by Kristin Savage**

**DISCUSSION: Kim Farah** – This \$250,000 is only put into the Capital Reserve Fund if there are only unexpended Capital Funds at the end of the fiscal year. Typically, the past few years the board has been assuring that we are spending money on capital improvements, and I think that last year there was \$28,000 to \$30,000 left so the majority of this does not raise through taxation but any money at the end of the budget year in the capital reserve lines is moved into this budget to a maximum of \$250,000.

**Barbara Kiszka** – As a member of the Capital Improvement Committee I just want you to know where this money is scheduled to go. We are planning to spend most of this on HVAC systems

**Point of Order:** Kim Farrah stated that this is not where this money is being spent.

*With no further discussion Moderator Harb declared Warrant Article 9 would appear on the ballot as written*

**MOTION: Jennifer Silva –16 Summit Drive, Atkinson, seconded by Kathy Slade, 124 Willard Way, Plaistow.  
To restrict reconsideration of Articles 3-9  
Motion was withdrawn to allow a resident to speak on the main motion**

**Discussion on the Main motion Article 9 –**

**Nolan Pelletier** – 24 North Ave, Plaistow asked if there was a special meeting where there was roughly \$940,000 that went into this fund or is it a different fund.

**Kim Farah** stated no it did not go into this fund. That went into the current operating budget.

**Nolan Pelletier**, - I was mistaken. I thought it was earmarked for school construction and reconstruction.

**MOTION: Jennifer Silva resubmitted her motion to restrict reconsideration Article 3- 9, seconded by Kathy Slade  
PASSED BY SHOW OF CARD VOTE**

**Point of Order:** – resident requested a hand count

**Mr. Nolan Pelletier** would like a hand count to be done one at a time not 3-9 at once.

**Moderator Harb** stated that the ladies made a motion for 3-9 which is not out of order. If you wish to speak on a particular article that you do not want to be reconsidered, we will recognize you at the mike to speak to that article. Since no one has approached the mike, I will ask again is on whether we restrict 3-9

**Vote passed by show of card count vote: YES: 100 NO: 54**

**Article 10 - General Acceptance of Reports**

Shall the voters of the Timberlane Regional School District accept reports of agents, auditors, and committees as written in the 2021 Annual Report? (MAJORITY VOTE REQUIRED)

*Recommended by the School Board 7-0*

**MOTION: Kim Farah made a motion to put Article 10 on the ballot as written. Seconded by Kristin Savage.**

*With no further discussion Moderator Harb declared Warrant Article 10 would appear on the ballot as written*

**ARTICLE 11 – CITIZENS’ PETITION QUESTION**

Do you support the Timberlane Regional School District’s requirement for a face mask mandate?

**MOTION: David Kiley 17 Knightland Road, Atkinson to place Article 11 on the ballot as written, seconded by Nolan Pelletier**

**DISCUSSION: Maker of the Petition – Shawn O’Neil** 16 Jade Drive, Danville stated that as he has previously stated at a prior meeting it was my hope and desire that the School Board would have taken the advice of Brian Boyle by utilizing the tools that we have at the district level to send home a survey to the parents requesting their input on mask mandating and issue that affected their children on a daily basis for the last two years. The board never moved forward with Mr. Boyle’s suggestion, and I strongly suspect it was the answer that they were more concerned about. This citizen partition warrant article before you changes that situation and now asks the entire district their view on the topic. I am not here to sell you one way or another as most likely you have made up your mind and views on this topic. As a side bar ask yourself why the school board didn’t ask us this question directly. I know why and I am sure you do as well. If you think the school board was right in requiring a mask mandate, then you would support that by voting in the affirmative. If you think the school board was wrong in requiring face masks as a mandate, then you would vote no. So let this warrant article live and die to go before the public. Let them declare their voice and their viewpoint on supporting an issue that has been faced by our district over the last two years. This mandate has affected all out students, teachers, and district members.

**MOTION: David Kiley - Do you support that TRSD shall acknowledge that all powers of the local government stem from the legislative and that only the legislature may explicitly grant the authority to implement a face mask mandate to the district. Mr. Pelletier seconded the motion**

**Discussion: School Board member Brian Boyle** – I am going to speak against the motion. I am going to stick with Mr. O’Neil’s suggestion. Since I have served on this board there has been a lot of questions I hear from the general and fellow board members the big unknown – what do the families, what the employees and the most affected people what their viewpoint is. Let’s find out what their viewpoint is once and for all. Me personally, I do not want to confuse this motion. We have received advice of counsel that no matter what happens on this warrant you cannot overrule the school board on this subject matter. I am trying to keep it crystal clear so the people who sit up here as well as people who run our school district hear loud and clear the voices of the people who work here and the directly affected families.

**Steve Maglio**, 2 schoolhouse Lane, Sandown - I would like to make a motion to amend the motion that there are enough legal people in the legislature that are determining these things that we voted for specifically for making laws and mandates. We don’t need a school board to overrule them. We have state law, and we have federal law we don’t need school board law.

**School Board Member Sheila Lowes** – 47B Hawkewood Road, Sandown – Asked Attorney O’Shaughnessy, am I correct in saying that the governing body of the school districts provide policy. Am I correct on that? That the state of NH pushes it down to the local districts and their school boards to make these decisions? Is that an RSA?

**Attorney O’Shaughnessy** replied yes.

**School Board member Sheila Lowes** asked which RSA it is -

**Attorney O’Shaughnessy** stated it was RSA 189:1-A is the general authority of the school board to issue policies. There is a variety of other statues. Several courts have given the school boards the authority to issue mandates to keep students and employees safe during the school day.

**School Board member Sheila Lowes**– so it is not up to the legislative body in Concord but up to the board members and that is how the legislation in Concord made it so that it was local control. I just wanted you to understand where this is coming from. Unless it has changed in Concord this is how it is in NH. It comes down the road to the school boards to make policy.

**Kerry Patles**, 260 Mains Street, Plaistow – Is a citizen’s petition not a binding legal question that the school board would have to take action on regardless of the language it is written in or the amendment? Is that correct? It is essentially an opinion poll and that the school board is not legally obligated to take action on regardless of the outcome of a yes or no vote and regardless of originally written or the amendment.

**Attorney O’Shaughnessy** – Generally it depends on the nature of the Citizen’s Petition because some Citizen’s Petitions are binding. The difference here is where the Citizen’s Petition is trying to issue a directive to the School Board on an issue that really is in the peruviol of the board, so the legislative body is trying to direct the school board to do something that is legally in the School Board’s power. You cannot do that because state law has delegated that to the board. So, it is really an advisory. It is a way of the community saying to the

2022 TIMBERLANE REGIONAL SCHOOL DISTRICT WARRANT

board this is what we want and that is how we have always treated these situations, but it really depends on the nature of the petition warrant article.

**Kerry Patles** -To be clear – in this petition it is not binding regardless of how the language is currently or an amended. This board does not have to act based on the vote on this Citizen’s Petition.

**Attorney O’Shaughnessy** – Correct – both versions are advisory and not binding

**Steve Maglio** – With all due respect with those that feel they have the power of the legislature we have a constitution that provides for us have our legislatives in our general court that make the laws, the RSA’s. Our constitution is the law of the land. The other thing that I will point out is that safety especially with respect to health has already been delegated to the health department not to the school boards. We have specific statutes as it is already on record the 141C which deal with communicable diseases. They are meant to do that so that we the people have the right to recurse in order to object when people place mandates on us that are unjustified and the reason they are unjustified is because we have a school board that does not do their own homework. They only take recommendations. They take recommendations from the same health department that doesn’t enforce because they don’t feel it is necessary. So, when it comes to having an understanding on what your authority is I agree that it is very important that the school board keeps us safe. The primary objective is to keep our children educated and provide an adequate education. It is not their primary objective to keep us safe. We have policemen, firemen, health departments and legislative to change laws as need be. One more reminder is that our state is a Dillons Rule State which means that all your power and authority comes from the legislator. It does not come from you. You can have policies for sure, there is no question, but when there is a question as to whether or not there is ambiguity with respect to what your delegated powers are you don’t have any. That is how the Dillons Rule works. Can you speak to the Dillons rule and how it applies to our district?

**Attorney O’Shaughnessy** – I think what you are saying is that NH is not a home rule state that we are a subdivision a school board and that the district is a subdivision of the state only has the powers that are either expressed or inherent based on what the legislature has given under state law so. I think this issue has been litigated in four or five courts and all those decisions the court has determined that it is inherent that we have given the school board the mandate to issue mask mandates as an obligation to keep students and employees safe in NH.

**Chris True** – 41 Pond Lane, Sandown – Just for a clarification, to the best of my knowledge the NH legislator has never said to the Timberlane School Board you have the right to enforce a mask mandate. Courts have interpreted varies RSA” saying you have the authority to do that. Nowhere in the RSA does it say school boards have the authority to enforce mask mandates. With that said, I believe the amendment that is offered clouds the issue. The Citizen’s Petition as originally presented is a straightforward position. The school board can do whatever they want to do with knowing that say 65% of the voters say no. The school board can ignore that all they want. It is just an advisory position. But it is a clear statement that will come from the voters at the next election on where they stand on masks.

### **Motion: Failed by show of card vote**

#### **Back to the Main Article 11 as written**

**Melissa Marr** – 6A Laura Road, Plaistow – I think the intent of this question is good and it would be nice to see how the community and how the last two years and it would have been better if the parents had an input on this , however, I feel like there is a change up in the next week as we will be going to mask optional that it might be confusing to the voters as far as what they are voting on because of that moment when they are voting it will be masks optional. We got emails stating that as of the 21<sup>st</sup> masks will be optional

**School Board Member – Brian Boyle** asked if the school board had voted on this. Asked the Superintendent if the school board had to vote on this change.

**Superintendent Mr. Kellan** stated it does not need a school board vote.

**School Board member Mr. Boyle** asked wouldn’t you like to know so the following week it does not go back.

Mrs. Marr stated that she feels that the original person who made this could clarify a little or amend it to because in its original form it is confusing, so if you are going to vote they are asking for face mask mandate. During the voting in March should be optional so if they are going to vote they may say so am I in favor of the optional or not. Do you see where that is confusing?

**Nolan Pelletier** - The only vote by the board was to follow that matrix, correct, and that happened in roughly the beginning of August and that is what determined if the kids were wearing masks or not.

**School Board Chair Kim Farah** answered – The board voted on a return to school plan

**Nolan Pelletier** -So, the board decided if the kids wear masks or not with. Was there another board vote regarding masks?

**School Board chair Kim Farah**- again the board voted on a return to school plan. The board did not vote on masks or no masks explicitly. There was a very detailed involved plan that the board voted on.

**Nolan Pelletier** - So was there another vote. So, you made an announcement for two weeks and if that matrix changes, then the kids will be wearing masks, correct.

**Superintendent Chris Kellan:** The matrix was removed. The NH health and human services no longer provides that matrix. We are continuing to move forward following that original guidance and at this time we anticipate that we will the low substantial even following that guideline and based on all the date that we have that we are planning to move to mask optional on February 21, 2022

**Nolan Pelletier** - So that is not a given but just a projected date

**Superintendent Chris Kellan** – it is a projected date using all of the data that we had and with the understanding that the collection of data has changed and so that validity of that data will have changed but it is essentially going to disappear much of that data if not all.

**Nolan Pelletier** -What data are you referring too – the matrix data?

**Superintendent Chris Kellan** -the data of case per 100,000 or the positive 14 day per 100,000 or the local data which I can begin to explain the calculation. Mr. Patterson could but I do not know that data that is necessary at this time.

**Nolan Pelletier** - I just want to speak to the affirmative that it once again shows that parents to not have control that this is just a petition, I would like for you to vote for this because it could be masks again at any time.

**MOTION: Melissa Marr made a motion to amend the article saying Do you support the Timberlane Regional School Districts’ change of guidelines to make face masks optional; seconded by Tracy Hernandez, 177 Main Street, Atkinson**

**Budget Committee member Mark Sherwood** - 11 Excalibur Drive, Sandown – Just a point of inquiry and honestly this is intended I am not certain of the intent is right now. I would personally vote yes as I think it should be. 6 months ago, I would have voted no just because of the difference between Omicron and Delta. I am not certain of what the intent would be with this. Is this for currently are we supporting mandatory or are we supporting going into the future in regardless of what happens. I am just curious of the intent. If you could would you amend the amendment to state in this point of time. If so, then you have my vote.

**Melissa Marr** - I will not change the motion

**Nicholas Tildan**, 6A Barker Street, Plaistow – are you saying that if you want your kid to wear a mask you can still vote yes because it is optional. If you want our kids to have to wear a mask, then you would vote no and make it not optional. The answer is I still vote no because the optional not mandatory for all kids so if she wants her child to still wear a mask yes, it is ok to make it optional because then her child can still wear a mask where my child will not have too. If she wants it not to be optional and wants my kids to wear a mask as well, you would vote to make it mandatory. She is trying to make a decision for my kids.

**Superintendent Chris Kellan** – to address Mr. Pelletier’s question. You have received some information that we anticipate to be through any of the cases that we have identified as clusters and out breaks. If you look at the daily Covid numbers, you will see that those numbers are coming down and, in the end, any new data which is no longer being collected we expect all of that data will reflect we are below substantial, and it is the intent for us to go to masks optional February 21<sup>st</sup> barring some other extreme circumstance.

**Keri Patles** – 260 Main Street, Plaistow – Point of clarification – the way that this is written if I am a voter and I want my kids to wear a mask I can vote no, correct? So, it is not truly an accurate yes or no. It gives everyone a choice to say I do not want optional because I want it mandatory, correct. The way that this language is written.

**Nolan Pelletier** - If the current were not warranted to be. so, if that level maintained until the 21<sup>st</sup> all children would be wearing masks, correct

**Superintendent Chris Kellan** – not necessarily we could look at targeted mask wearing

**Jackie Wydola**, 2 Balsam Court, Atkinson – point of clarification – how it works with the matrix. What does that look like?

**Superintendent Chris Kellan** – that will be discussed at another school board meeting when we bring the plan forward. That is what we are still working on.

**School Board member Shawn O’Neil** – I do understand the intent of the amendment, but I will be voting against this because of the points that were just brought up here regarding the confusion. In the original article when I thought about it, I was trying to make it very simple and to the point. We talk about a face mask mandate in a sentence that becomes itself and I would like to keep it that way. That is my personal recommendation to everybody, so we find out where this district stands.

**Dave Drislane**, 12 Quimby Court, Danville – just for the record for the change coming up on the 21<sup>st</sup>, can we find out who made the change just for the record.

**Superintendent Chris Kellan** – I did with our team.

**Jim Sierpien**, 29 Cottonwood, Plaistow – Is there still a mandate in place with the new mask optional if a certain number get above a threshold.

**Superintendent Chris Kellan** - I am struggling with the term mandate

**Jim Sierpien** – point being let’s say 100 whatever 100 is then that means masks are mandated at 100, again

**Superintendent Chris Kellan** – we would consider the guidance of the Health & Human Services and their recommendation and give consideration to the safety of our students and our staff.

**Jim Sierpien** – then my opinion there could still be a mask mandate in place even with an optional plan because it has that top level layer

**Superintendent Chris Kellan** – potentially but we are looking to try to limit mandates

**Motion failed by show of card vote**

*With no further discussion Moderator Harb declared Warrant Article 11 would appear on the ballot as originally written*

**MOTION: Jen Silva made a motion to restrict reconsideration of Article; seconded by Kathy Slade  
Vote by Card Vote – Yes - passed**

**ARTICLE 12 – CITIZENS’ PETITION QUESTION**

To see if the Timberlane School District shall vote to withdraw its membership in the New Hampshire School Administrators Association. Upon passage of this Article, the Timberlane School District shall no longer be a member of the New Hampshire School Administrators Association, and no money shall be transferred, spent, or contributed by the Timberlane School District to the New Hampshire School Administrators Association.

**MOTION: Chris True, 41 Pond Street, Sandown made a motion to put Article 12 on the ballot as written, seconded by Osvaldo Hernandez, 177 Mains Street, Atkinson**

**DISCUSSION: David Kiley, 17 Knighland Road, Atkinson** – The reason why I submitted this Citizens’ Petition was to specifically address the partisanship that has been swayed by the NH School Administrator Association. With respect to the adversarial position, they have taken against several bills in legislator that have been supportive pro parents own choice in education. There have also been several partisan taxes on certain politicians specifically on our Commissioner of Education, Frank Edelblut, who addressed his constituents which is fundamentally required by Article 8 yet was told pretty harshly that he went behind the backs on the school superintendents of the state. That was quite astounding to me hear the lack of understanding on how elected and accountable to us. He has also been sited coming out against bills that protect parent’s rights regarding bullying, he has been anti vouchered, anti-choice, and certainly came out against the 554-bill last year that got passed and was sent to the budget act for devised topics. I feel the taxpayer’s money should be neutral as possible and if our taxpayer’s money is funding organizations like the NH School Administrators Association, we are really funding an organization to be adversarial against our own tax dollars.

**Kerri Patles, 260 Main Street, Plaistow** – Point of Clarification Question – Is this petition a non-binding petition regardless of language that the school board does not have to action based on the results on either direction of this citizens’ petition?

**Attorney O’Shaughnessy** – There is a component of this where it is quite clear the prohibition against spending money or making contributions to the association directly is binding. There is a law RSA 32:10 that prevents the district from spending money that the legislative body has voted that no money has been spent for that purpose. That component of this is clearly binding

**Kerri Patles** – This citizens’ petition is different than the previous citizens’ petition in that this is a binding yes or no and that the school board would have to take action on depending on the results?

**Attorney O’Shaughnessy** – Yes, I think it would bar them from spending money for this purpose if it was voted by the majority of voters.

**Kerri Patles** – Will that apply to both articles?

**Attorney O’Shaughnessy** – Yes, it would apply to both Articles 12 & 13. They are both binding Citizens’ Petitions with respect to the money

**Superintendent Chris Kellan** – explanation of the NH School Administration – The district does not pay a membership or fund. The district has contractual obligations to a number of administrators where the district funds their individual memberships. This organization provides extensive professional development and training. They provide graduate course work for administrators for a very low cost. The provide legislative updates to assure compliance with state and federal laws, rules and they provide administrative support and coordination across the state with other administrators. In addition, they provide legal advice. Just to give you an understanding of the cost a 6-year

average that we have spent has been \$9,016.00. The benefit that the administrators receive at that cost is extraordinary compared to what that cost would be if we were having to go out and fund all those activities and provide learning for all of us.

**MOTION: Sheila Lowes made a motion to add ADVISORY ONLY at the end of this article, seconded by Kathy Slade**

**DISCUSSION:** Kathy Slade asked Attorney O’Shaughnessy – Would that motion then make it non-binding or with the prior wording still make it binding.

**Attorney O’Shaughnessy** – I think it would be non-binding if it was advisory. It would mean we are asking you not to spend money on membership rather than we are prohibiting you from spending money on a membership. So, if it was advisory, it would not be binding. It would not trigger no means no under RSA 32:10 in my opinion.

**Dennis Griffiths**, 131 Emerald Drive, Danville - Thanked Superintendent Cullen for his explanation on what the NH School Administration does. What would I like to add is a resolution that they passed and asking the school board for a roll call is they support this specific resolution that they had adopted?

**Moderator Harb** – this does not have any relation to the motion to add advisory only.

**Nicholas Tildan**, 6A Barker Street, Plaistow – The motion to add advisory is an attempt to create a “dictatorship”, is that my understanding?

**Moderator Harb** – does not allow people to say things like “dictatorship”

**Nicholas Tildan** – Attorney stated that if without the advisory only, the motion got voted on then it would be binding. If advisory then you do not care what the people say, you will make your own decision anyways. So, that is an attempt to override the rules and turn it into no matter what the people say I can do what I want anyways. I am against the motion. So, you are not going to answer the dictatorship question? Asked if he could use a different word next time he came to the mike. Is Totalitarian acceptable?

**Moderator Harb** stated he does not have an answer for Mr. Tildan

**Mr. Tildan** stated, I already have the answer, that it is pretty clear.

**Mr. True** – Do we have legal counsel here tonight? As the Citizens’ Petitions reads it is basically saying no means no. I would like your ruling on whether this amendment would do away with the Citizens’ Petition that means no means no by saying what every you want to do is a legal amendment?

**Attorney O’Shaughnessy** Yes, it is legal. It does not change the subject matter. It modifies the outcome of the vote but that is not illegal to do at deliberative session.

**Michael Boucher**, 19 North Broadway, Atkinson – I if understand correctly with the amendment it is not binding. I feel it should stay with Advisory with the explanation that Superintendent Cullen gave. I feel it does a lot of good.

**Peter Torosian** – 18 Pinehill Drive, Atkinson – Speaking against the amendment. I think it is pretty clear what the intent of the petition is as it is written. I feel that anytime you can give the citizens you represent, the parents and the students that are 18 and older the chance to vote on what they believe is right that is good business. I think that by making it advisory only you can just ignore what people say. I hope you vote against advisory only and give the voters of the district the chance to speak.

**Steve Maglio** – Speaking against the amendment - This is very plain; the voters want to vote on it and then they want it to happen. They vote on school board members to carry out their desires for their children. So, when you say you want to change this to an advisory so when it they tell you what they want so you can do something else it is telling them you want them to vote for someone else. That goes for both amendments

**Nolan Pelletier** – against amendment, I feel it does change the intent of the proposed petition. It changes it from actually doing something do a strongly worded opinion.

**Barbara Kiszka** – against amendment, having submitted a citizens’ petition before and having the people taking the teeth out of it felt awful. I don’t like to see the teeth taken out of a citizens’ petition.

**Kathy Slade** – 124 Willard Way, Plaistow – I am for this amendment. This membership brings a tremendous amount of value to us and has made a difference on what we have been able to accomplish in our staff. I think it is ill-advised and not a general understanding on what really would be lost if that passed.

**Oswaldo Hernandez** – This amendment to advise is why I pulled my children out of the school system. This money being distributed is basically teacher’s union, correct? You guys act in the same manner, You are teaching our kids CRT. When you take the teeth out of our vote even if it is yes or no or no or yes who are you to decide. Then one person can decide over everyone else. What do you do with all that money giving to the administration?

**Moderator Harb:** This is not related to the motion to add advisory only which you have already stated you are against.

**Ernie Cullen**, 110 Willard Way, Plaistow – Anyone is allowed to put in a petition. This is the voter’s body for tonight and anyone sitting here is allowed to voice their opinion and to change it and if the majority of the people here decide to change it then that is what it is. The majority wins.

**Budget Committee Chair Tod McCormick**, 90 Walker Road, Danville – I applaud new faces for coming and being involved but this is the first vote and the second vote in March. There are some here and some on the stage that have taken the teeth out of a citizens’ petition,

and I have seen this for years. This is how it works. You show up and vote and you can make amendments. You can change the words. We are an SB2 – you meet at deliberative and then you go and votes in the towns.

**Eric Soucy**, 21 Amberwood, Atkinson – Question – If we do not have this membership would the money, we save adversely affect the additional spending that we would have to do for subsequent budgets? So, if we say spend \$10,000 on this but then we have an incremental \$50-\$60,000 of expenses. That is a real thing, correct?

**Superintendent Chris Kellan** – two-fold. We would incur additional expenses well in excess of the cost we are paying, and we would be violating contractual obligations that would probably result in additional legal costs to resolve those matters.

**Nolan Pelletier** – I still feel it changes the intent. The answer is to not change the intent but let it go out to the voters.

**David Kiley** – speak to the spending. I realize that there maybe consequences but there may not be. The consequences to allow organizations to get us in a lot of hot water with legislations with articles that have been pushed. If forces us legal recourse in other ways. I am not so sure we really know where the money stands. I don't feel that saying we can do good and bad is a good relationship with the taxpayer's money. I am against the amendment.

**Steve Maglio** – is the \$9,000 the only money being transferred that averaged over 6 years.

**Superintendent Chris Kellan** – that is the average I did, and it ranged from \$3,000 is based on the salary of the individual

**Steve Maglio** - Clarification – is that the only monies that is transferred to the association. Is any of that training SEL training

**Superintendent Chris Kellan** – Yes that is the only monies transferred and yes that the training is SEL training

**MOTION: Passed by Card Count Vote: Yes 99 No 72**

**Article 12 is amended by adding Advisory Only at the end**

**Discussion on the motion that was amended:**

**MOTION: Michael Boucher made a motion, to the amendment – To see if the Timberlane School District shall vote to withdraw its membership in the New Hampshire School Administrators Association. Advisory Only. There was no second, therefore the motion was withdrawn**

**Attorney O'Shaughnessy** stated he is not comfortable with this amendment. The law says you can change the intent and the outcome of any warrant article, but you cannot change the subject matter. There are some amendments that take it a little too far enter this sort of gray area and I am a little less comfortable with striking sentences in original article. With adding advisory only will accomplish what you are trying to accomplish with striking the sentences. From a legal standpoint, I am not that comfortable with that amendment.

**Rob Collins** – 27 Walker Road, Danville – Asked Attorney O'Shaughnessy if he can guarantee for us that no means no will not be challenged in a court of law as it is written currently?

**Attorney O'Shaughnessy** – My insurance carrier is not available right now so I cannot make that guarantee.

**Rob Collins** – saying it is advisory only where it also states in the second sentence which is a directive isn't that conflicting?

**Attorney O'Shaughnessy** – No, I think the advisory only means that the whole article is advisory. The decision to spend the money or not would be up to the board if the article passes as amended.

**Kristin Savage** – stated to Attorney O'Shaughnessy she has the same concerns that Mr. Collins has. If the article were amended to say the word study. If we do not have that in there, are we potentially open ourselves to litigation and other problems. Would change to study change the intent?

**Attorney O'Shaughnessy** – it is the lesser of two evils because either way there is no guarantee. I know this has been asked by the same person, Mr. Collins, in the past years whether that would prevent us from spending the money if it passed as worded. I am more comfortable with that than striking out the expenditure language which would run the risk that you have gone to far and actually have modified the subject matter of the article. Just to be clear, I am giving a legal opinion. I am certainly not telling the body what to do and I don't make that decision. That is up to you

**Nicholas Tildan** – Question – to Superintendent Cullen – If this passed is there another alternative to this program that you are aware of?

**Superintendent Chris Kellan** – There is not another organization that would provide the specific type of support and connection to the NH laws and rules in respect to education. As far as professional development there would be another number of opportunities but would not have access to an organization that specifies in that kind of professional development and leadership training specific to NH. The short answer is, no, but there are other professional development opportunities and leadership that are not NH specific and would likely cost

more ultimately. I cannot say that definitively, but it is something that could be studied. One more question you can answer if you want or not. Do you feel this organization has made you a better administrator being involved?

**Superintendent Chris Kellan** said having participated in a number of professional development opportunities that they have provided and the connection that they provide to other administrators, my answer is yes.

**Peter Torosian** – After hearing the Attorney’s suggestion that the first amendment we did probably does not change the subject matter but if this other amendment to go through it would, I suggest that we do not want to do that other amendment to make it a legal issue if that was violating the subject matter. I support the petition as it originally done. I hope we can move the question

**Steve Maglio** – changing after it is made advisory to remove transfer spending to contribute monies would change the content of the Citizens’ Petition to begin which is illegal but totally changing it from something would be come law basically saying something that you have to follow to something that is just “this is what we are thinking,” is legal? That doesn’t make sense. You are totally changing it not just clarifying something. You are making a totally different amendment than what the petitioner submitted.

**MOTION: Rob Collins made a motion but a motion to move the question was vote by card vote: Yes. So this motion was not accepted**

*With no further discussion Moderator Harb declared Warrant Article 12 would appear on the ballot as amended adding ADVISORY ONLY at the end*

**MOTION: Kathy Slade made a motion to restrict reconsideration for Article 12; seconded by Ernie Cullen  
Motion passed by show of card vote**

**ARTICLE 13 – CITIZENS’ PETITION QUESTION**

To See if the Timberlane School District shall vote to withdraw its membership in the New Hampshire School Boards Association. Upon passage of this Article, The Timberlane School District shall no longer be a member of the New Hampshire School Boards Association, and no money shall be transferred, spent, or contributed by the Timberlane School District to the New Hampshire School Boards Association.

**MOTION: Kim Farah made a motion to place Article 13 on the ballot as written; seconded by Kristin Savage**

**DISCUSSION: Superintendent Chris Kellan** stated that similar to the last association. We do pay an annual membership of approximately \$6400.00. That membership provides us with collective bargaining agreements data base, legal support, legislative information, draft policies which we built all our policies from. Our former policies are policies that are being forwarded to be amended by the association. They also provide professional development and training, and they provide strategic planning support. They provide several resources at a very reasonable price. The policy piece alone would cost us tens of thousands of dollars and other legal fees. The support from this association is important to address our policies at a reasonable cost.

**David Kiley** – Again, I will acknowledge that this organization provides a very good benefit to the district, however, once again we are faced with critical things that have happened either very recently NH School Board Association is a member of the national and if you are not aware of what that entail is that \$21,000 of our taxpayer’s money goes to the National School Board Association. So, we are directly connected with an organization that sent a letter to the Department of Justice and the White House which in turn went to the Department of Justice to intimidate parents coming to School Board meetings referring to as domestic terrorists in speaking out against masks and speaking out against CRT which I find is very disheartening. So, I do commend the NH School Board Association for withdrawing as of October 31,2021, but it took them very close to a month that they needed to withdraw from this Organization. They already paid their dues so they are in for the year and there is no guarantee that they will not rejoin. If they are going to be anti-

parent, if they are going to be partisan then they really have no reason to get our tax dollars. We are just a flow through for our tax dollars to go to organizations that are attacking us.

**Dennis Griffiths** - Three questions – Do our dollars that we contribute to the school board association - are those dollars used in any kind of lobbying effort to our legislature or other federal legislatures

**Superintendent Chris Kellan.** The funds are disbursed among their association. I do not know if they have a lobbying group.

**School Board member Barbara Kiszka** – I go to the state delegates and we as delegates vote on the number of laws that coming up in our position and they do take positions on different pieces of legislature. It is voted by the school board members that attend the annual meeting.

**Dennis Griffiths** – Just to be clear my tax dollars are some ways contributing to this organization who ultimately could be by vote of school board members at that meeting lobby against my best interest.

**School Board member Barbara Kiszka** – that is correct, but it is by vote of your elected members that go and represent you.

**Dennis Griffiths** – second question is the resolutions that the NH School Board Association passes – are those binding to our local school board meaning whatever rules that they decide to vote on means you are bound to follow those.

**School Board member Barbara Kiszka** – No, these are pieces of legislature that goes to our state legislature.

**Dennis Griffiths** – I think you are misunderstanding my question. Are there resolutions that are taken at the NH School Board Association meetings, correct

**School Board member Barbara Kiszka** – correct they do take positions

**Dennis Griffiths** – The positions that they take and once they take that position is it passed by majority. Is this school board bound by those resolutions that they vote?

**School Board member Barbara Kiszka** – no these are more opinion things, and it takes three years for something to become a position of the New Hampshire School Board. So, three years running, it does not take just 1 year. It takes 3 years to become accepted.

**Dennis Griffiths** – Once it becomes accepted are you bound to follow those

**School Board member Barbara Kiszka** – It is an opinion. It is not a regulation. It is an advisory motion

**Dennis Griffiths** – Last question is a resolution – NHSBA supports language and legislature that provides parents rights to opt out of content and programs that they feel are not appropriate for their children. However, NHSBA post this language require parents to opt in for certain content and programs for their children. Opt in language creates an undue burden on the school districts to account for every student that would participate vs the few who do not participate. With that being said, I feel that is an opinion that it is more than others how many people in a majority. Question – is it an undue burden and if so for an opt in option for parents. If it is an undue burden I would like to know why. I would like a roll call on every member to tell me why it is an undue burden to allow parents to opt in.

**Moderator Harb** rules his question to the board as out of order because we are only talking about the Citizens’ Petition. To ask the board their opinion that is not in the motion is out of order. I let you speak because you have the right to speak. You started speaking, in my opinion, you were giving your opinion that you were for this motion, so I let you speak. To ask the board something that is not in the motion and how they feel I think that is Out of Order. You are in favor of this motion as written, correct?

**Dennis Griffiths** - No, I did not give my opinion, I did not offer it, but I think I have my answer. The school board will not stand up and say that they would do that. It is pretty straight forward, thank you.

**Joshua Manning** – 121 Drive, Danville - Earlier Mr. Cullen stated that this association provides with legal advice and policy. My question is in anytime over the last two years during Covid did they advise this board that it was ok to continue to mask our kids? Was that part of any of the policies or advice that they gave you?

**Superintendent Chris Cullen** – In my time here I have not had any conversations with NHSBA regarding with anything in respect to masks.

**MOTION: Kathy Slade made a motion to add ADVISORY ONLY to the end of the article, seconded by Ernie Cullen**

**DISCUSSION: Kim Farah** stated she was in support of the motion. The NHSBA is the association that provides us with all the policies that allows the school board to govern as the governing body. There are literally hundreds of policies that this board has to work through, and they provided for us the major policy changes every year. They have lawyers on their staff that any board member is allowed to contact. They are not going to weigh in as something like a hot button of masks. They will refer you to your local school board attorney. The town level has the same sort of organization, the NH Municipal Association. When the default budget rules changes, we had two attorneys come down for several hours explaining to us how these rules are changing.

**Barbara Kiszka** – counterpoint. I am going to vote against the amendment. This is a learning opportunity to know what a great organization the NH School Board Association is and the other organization as well. It is a highly valued organization, but it is up to us to let the voters know that but again, I cannot take the teeth out of a Citizen’s Petition.

**MOTION: Passed by Card Vote YES 103 NO 60**

*With no further discussion Moderator Harb declared Warrant Article 13 would appear on the ballot as amended with adding ADVISORY ONLY at the end.*

The 2022 Deliberative Session of the Timberlane Regional School District concluded at 9:14 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sharon Boyle".

Sharon Boyle  
Timberlane Regional District Clerk

2022 TIMBERLANE REGIONAL SCHOOL DISTRICT WARRANT