

Merrimack School District Budget Committee

Minutes

November 14, 2023

Present: S. Albuquerque, L. French, M. Mackey, J. McCormack, C. Mower, M. Murphy, R. Paepke, N. Schoenfeld, E. Wilson and Schol Board Liaison N. Halter.

Excused: G. Groff

Absent: D. Coakley

Also Present: Business Administrator M. Shevenell

N. Schoenfeld called the meeting to order at 7:00 PM and led those present in the Pledge of Allegiance.

Public Participation

There was none.

Approval of October 17, 2023 Minutes

S. Albuquerque made a MOTION to approve the Minutes of October 17, 2023.

Second: E. Wilson. MOTION PASSED: 8 – 0 – 2 (M. Mackey and R. Paepke abstained.)

Follow up business

N. Schoenfeld told the Committee that she had included a copy of the email correspondence between her and D. Coakley that had been referenced during the October 17th meeting in the meeting packet. She said a copy of the email would be attached to the minutes of the meeting and become part of the Committee's record.

Member Resignation

N. Schoenfeld said she had received a letter of resignation from M. Bronchuk and asked the Committee how it wanted to proceed. C. Mower said that it is customary for the body to act on a resignation.

C. Mower made a MOTION to accept the resignation. Second: L French. MOTION PASSED unanimously.

C. Mower made a MOTION to advertise the vacancy requesting letters of interest from registered voters to fill the position. Second: M. Murphy.

Discussion included:

- Past practice has been to advertise the vacancy in several venues as well as suggest that members encourage people to apply.
- Setting a due date of December 8th for letters of interest and holding candidate interviews at the next meeting (December 12th) were proposed.

N Schoenfeld suggested that those dates be added to the motion. C. Mower agreed.

REVISED MOTION: “Advertise the vacancy requesting letters of interest from registered voters to fill the position due by December 8th and to hold candidates interviews on December 12th.”

MOTION PASSED unanimously.

Financial Updates

FY 2022-23 Year End Review

M. Shevenell told the Committee that the District had ended FY 2022-23 with a total surplus (Fund Balance) of \$6,245,957. Of this amount, \$4,901,189 was Appropriation Surplus and \$1,844,768 was Revenue Surplus. He said much of the Appropriation Surplus was due to Salaries and Benefits: there were 111 staff turnovers and there are currently almost 40 vacant support staff positions. In addition, he said due to lack of Maintenance staff, the District has had to hire a cleaning service in order to meet District needs. He said the Revenue Surplus was the result of a larger amount of Medicaid and Special Education Aid and a rebate from the NH Retirement System. He indicated that normally the District has a surplus of about \$3 million dollars. He also told the Committee that the School Board had voted to retain \$500,000 of the surplus as allowed by a recently passed warrant article. He further explained that the Food Service Surplus, which is kept in the Food Service Fund for future needs, was due to Federal reimbursements.

FY 2023-24 1st Quarter Review

M. Shevenell said that the District was surprised by an increased Kindergarten enrollment at Reeds Ferry School this year. He said that the District is now reviewing plans for new housing developments and doing student population projections in an attempt to predict staffing needs at all schools. He predicted that that additional staff will be proposed in next year’s budget. He said other than enrollment jump, expenditures for the first quarter were more or less normal.

(Draft) Capital Improvement Plan (C.I.P.)

M. Shevenell shared a draft C.I.P. with the Committee. He indicated that the District is almost finished replacing all of the school roofing with roofs that have 30-year warranties. He said the next major repair issue in the schools will be replacing rotting window sashes. He indicated an annual amount for Technology Infrastructure has returned to the C.I.P. He mentioned other future projects will be upgrading the Locker Rooms at the High School and adding “split” Air Conditioning systems at the elementary schools. He also said that the District may get a Safety/Security grant. He told the Committee that Maintenance has reviewed all schools and developed a list of projects and issues that need to be addressed. If a grant is not received, these projects may be put in the operating budget. Finally, he told the Committee that a new Central Office building will be on the ballot. He said the middle school bond is now paid off and the yearly cost to bond a new Central Office will be less than what the District had paid each year for the middle school.

Discussion included:

- The Score Board at the high school football field is broken and needs to be replaced. There is a possibility a new scoreboard will be privately funded; otherwise, it may be in the operating budget.
- Any of the surplus funds retained by the School Board for use this fiscal year but not used this year become part of this year’s fund balance. The School Board decides each year if, and how much, it wants to retain of the total fund balance.
- Work is continuing on finalizing the Master Plan for the High School complex.
- The District is looking at all schools relative to student population, programming needs and possible upgrading.
- The tax rate for single family homes has gone up.

N. Halter told the Committee that the School Board unanimously voted to put an article on the ballot for a new Central Office and hopes the Budget Committee will support it, too.

C. Mower made a MOTION to support the new SAU facility as proposed by the School Board. Second: S. Albuquerque.

Discussion included:

- This project has been discussed and put off for many years.

- The plan is not yet finalized yet.
- The School Board is actively pursuing architectural plans and building costs relative to the plans for a new Central Office to present to the voters.

M. Mackey asked what the motion was asking of the Committee.

C. Mower suggested that the motion asks the Committee to support the School Board unanimous decision to put a new SAU on the warrant this year.

Further Discussion included:

- Preliminary information has been presented to the School Board, but a plan has not been finalized.
- The School Board is currently planning ways to reach out to the community.
- The Committee could vote to show its support for the School Board decision to present a plan to the voters.
- The language of the motion does not lock the Committee into a budgetary decision.

S. Albuquerque made a MOTION to AMEND the motion as follows: The Budget Committee's supports the School Board's decision to pursue a proposal to put a new SAU on the ballot because the project is a necessary and immediate need.

Second: E. Wilson.

N. Schoenfeld called for a vote and declared the MOTION PASSES 8 – 1 – 1. (J. McCormack opposed and N. Halter abstained.)

C. Mower made a MOTION to ask School Board to put a Performing Arts Center on C.I.P. and to create a C.R.F. to accumulate funds for that purpose. Second: S. Albuquerque

Discussion included:

- The School Board is looking at a lot of priorities and goals for the District which may include a Performing Arts Center.
- The focus this year should be on a new SAU and meeting staffing needs.
- This may be premature or pre-emptive.
- Maybe a Performing Arts Center could be on the C.I.P 5 – 10 years out or date TBD.
- The motion is simply to ask the School Board to do something.

R. Paepke made a MOTION to AMEND the motion to request that Administration and the School Board look to see what the right time would be to put a Performing Arts Center on the C.I.P in the out years. Second: L. French.

N. Schoenfeld called for discussion but no one had any comments.

C. Mower asked for a POINT OF ORDER that any public meeting is an appropriate time for any public official to make a motion.

N. Schoenfeld said she thought it was appropriate to have a vote to bring the current conversations to a resolution and asked for the amendment to be read.

R. Paepke WITHDREW her amendment. L. French agreed.

N. Schoenfeld called for a vote on the original motion.

MOTION FAILED: 1 – 9 – 0. (C. Mower in favor.)

Preparations for FY 2024-25 Budget

Materials Needed/Wanted for FY 2024-25 Budget Creation

N. Schoenfeld said if no one objected, this item would be postponed until next month. No one did.

Department Contacts & Site Visits

N. Schoenfeld announced a potential re-tooling of the liaison team process. She said she is currently talking with the Administrative team about setting up a schedule of evening (Tuesday or Thursday) site visits when 3 or 4 Committee Members might visit a department and learn about the department and its needs. She said this would not be a meeting to discuss budget, but rather an opportunity to visit a site.

Discussion included

- Members like the current process where small groups meet with the department heads to discuss the budgets.
- There would be a need to pre-coordinate who goes to each site so that no more than five members attend any one session.
- There may need to be a need to pre-coordinate so that all sites are visited.
- Going to a site visit would be optional but each member should go to at least one site.

- No one will be assigned to particular departments.
- The initial budget book should be available though the School Board budget proposal may not be available.
- There would not be a member who was the lead contact.
- A new way can be tried: if it works, great! If not, the Committee could return to liaison teams.

N. Schoenfeld provided a chart of potential visit dates and asked members to fill in their availability but this would not be a commitment to a particular site or a date.

Next Meeting

N. Schoenfeld announced the next Committee meeting is on December 12th.

Public Participation

There was none.

Committee Comments

N. Halter told the Committee that she had shared the new budget “terms” and the School Board was in favor of them.

Non-Public Session

N. Schoenfeld told the Committee that elected bodies may meet in Non-Public Session, outside of public view, to discuss specific topics. She explained what those topics were, the process that needed to be followed and stated that minutes were required.

C. Mower made a MOTION to go into Non-Public Session under RSA 91-A:3 (1): Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

Second: M. Murphy.

A roll call vote was held. MOTION PASSED unanimously.

The Committee went into Non-Public Session at 9:13 PM.

The Committee resumed Public Session at 9:25 PM.

N. Schoenfeld made a MOTION to seal the Non-Public Minutes. Second: C. Mower.

A roll call vote was held. MOTION FAILED unanimously.

E. Wilson made a MOTION to adjourn. Second: M. Murphy.

N. Schoenfeld declared the meeting adjourned at 9:30 PM.

**Record of Correspondence Between
Dan Coakley and Naomi Schoenfeld**

Summer, 2023

Formatted for clarity by Naomi Schoenfeld, Oct 18, 2023.

EXCHANGE #1: June 8, 2023 – June 10, 2023:

On Jun 8, 2023, at 4:02 PM, Dan Coakley <coakdj@aol.com> wrote:

Madam Chairwoman:

I hope it is apparent my respect and admiration for you from our liaison service together and from my putting forth a motion to make your election as Chairwoman unanimous. That support, respect, and admiration, remains unchanged.

However, there is a matter that concerns me greatly. There is a “Shadow” Budget Committee that is meeting or has met on issues related to the Committee’s functioning. It first came to my attention during the Carol Lang debacle (which I voted “No”) and you spoke to me about it after the vote. I indicated I was for “Inclusion”. I felt then and now that there was a decision made before that matter came to a vote.

The second vote that confirmed my feelings was the recent election of the Co-Chair. It was the reaction of the Committee when I offered a name for consideration. The looks on many faces indicated that it was a big surprise. More than one Budget person indicated that Dan Coakley was the only one not called. The vote was forced and rushed; I didn’t really know what we were voting on. (I voted “Yes”, but in retrospect should have voted “Abstain”)

Transparency is a process spoken of often theses days, in these two situations in was non-existent.

I must protest this on many levels. One the embarrassment of making a motion which in essence was NOT going to be entertained. Second, the disenfranchisement of an elected member of the Budget Committee, and third the utter disrespect of a member of the Budget Committee. Furthermore, I would question the legality of a non-public meeting. This action smells of the Old Boys network of decisions made in smoky back rooms, of a group of selected committee persons deciding ahead of any vote what the results would be. And that stinks. And it has no place under your Leadership.

I write this as a personal private message to you. I hold you to no confidence. You may do whatever you want with this or do nothing. My purpose was to make you aware of this

so, this situation should not reoccur.

Dan

Dan Coakley
coakdj@aol.com
603-440-3600

On Jun 8, 2023, at 7:28 PM, Naomi Schoenfeld <waystone@mac.com> wrote:

Dan,

Thank you for this. I appreciate your candor, your directness in approaching me, and the topic itself. I hope you will always do so, whether in relation to the Budget Committee or any other ways we may work together.

The fact that you feel this way is important in and of itself, and worth addressing in its own right — however, there are some inaccuracies in your description of what you believe happened.

Perhaps the simplest remedy is for me to lay out a timeline of my actions.

Regarding the motion to restrict distance participation:

About a month before my motion, Chuck approached me and asked if I would be willing to put forward a motion to help resolve the issues relating to distance participation in Budget Committee meetings. I agreed. Between that agreement and my putting forward the motion itself, I initiated conversation on the topic with not a single committee member (with one exception, more on that in a moment), although I was present for a few side-conversations where enough frustration was voiced that I knew it was an issue worth pursuing. I also twice stepped in to ask committee members in liaison settings to tone down their complaining to a professional level.

The only committee member I spoke with, in fact, was Carol herself — who I initially called to let her know I was intending to offer the motion, since I do not believe in blindsiding individuals with something so directly related to them. After that first call she and I spoke some fifteen times, sometimes multiple times a day, in the run-up to the meeting. I shared my draft motion text, and it benefitted several times from her recommendations, including (as I mentioned publicly at the meeting), the 'sunset' element rather than it coming into effect immediately.

The goal Carol and I shared was not to come to agreement — that, of course, was not an option — but to create a motion that would bring the issue into public conversation, and that she felt was a fair representation of the topic.

Prior to the meeting where the motion was entered, I shared the planned text of the motion, as a courtesy and to ease its inclusion in the minutes, in an email to Pat.

I was disappointed, as was Carol, that more discussion did not take place. I came prepared for a great deal more than happened, and the silence was a bit of a let-down. The lack of discussion also opened the opportunity that the outcome might have been pre-determined, which you voiced, and that I agreed with you that such a thing would indeed be good reason to enter a 'no' vote. Your reason made sense not because that is what had happened, but because I well understood it might feel that way from your vantage point.

Regarding the most recent reorganization:

Over the past six or seven months, increasing community members approached me to ask if I might consider running for chair of the budget committee. I was undecided. As I was making the final decision in terms of whether or not to pursue that role, Chuck's thoughts on the topic were very much on my mind. I asked MacKenzie if she would consider putting herself forward for the vice-chair position, and then contacted exactly three committee members, to ask for their thoughts — Rachel, Shayne, and Lee. I spoke to each by phone, and at no time did I ask for their endorsement or commitment in terms of a vote, nor did I receive one.

After this, I met with Chuck over coffee to let him know I was interested in the chair position. I asked him if he felt strongly about keeping the position. He indicated that he was comfortable stepping aside. We also discussed simply nominating each other, and letting the vote go from there, but that was not his preference. Chuck and I agreed that if the chair was to change hands, a re-org meeting in the summer (which should have been happening anyway) would make transition away from him easier. He and Pat then posted the meeting, according to established procedure.

Even without speaking with more individuals, it was not hard to guess that with Chuck's nomination, I would generally be favored for the role — and it did occur to me rather powerfully that if it was a strong showing, it might seem to you to be similar to what you believed you saw regarding the earlier motion. I considered calling you before the meeting to head this off at the pass, but ultimately decided that would not be a helpful move — as likely to increase suspicion that there /was/ some sort of conspiracy, as it was to reassure that there was not. My wry side-comment to you was an expression of this (the sense I had that you would probably respond a certain way to the meeting). And, of course, as your email indicates, it did indeed come across that way.

I have no doubt that there is gossip a'plenty between committee members, and am certainly open to examining whether it is at inappropriate levels, and if so, how. However, in terms of a 'shadow' budget committee, if there is one, I am not a member.

I am open to any feedback you might have on my conduct, and to discuss any changes you believe I should make. I am also happy to offer (although it is not required, it can be helpful when there is broader mistrust) to publicly report out any communications I have with committee members between meetings, during 'member comment', if you would find it helpful.

I look forward to your thoughts,

Naomi

On Jun 9, 2023, at 9:30 AM, Dan Coakley <coakdj@aol.com> wrote:

Dr. Schoenfeld;

I wrote this to simply make you aware.

There was no need for you to respond.

It was two separate committee members who told me: "Dan Coakley was the only one not called"

That reinforced my feelings from the Lang situation.

In Looking at RSA 91 I realized if this telephone communication had taken place (and having not been included, I have no firsthand knowledge of such) it could be construed as a illegal non-public meeting under RSA 91.

And if you were called, then you are part of that "Shadow" committee whether you knew it or not. If the statement "everyone was called...." is true, that includes you.

That then made me aware that not being included was disrespectful and disenfranchising.

That demanded a response.

You need never question whether I will respond to an issue.

I think if the Lang situation was presented as you have stated below, it may have generated some discussion. I was unaware of what was going on and had nothing to discuss.

The second situation was the vice chair nomination and when I put Shane's name forward there was faces made and a discomfort in the room and things moved fast without discussion to a vote. I didn't really know what I was voting for, as I said in retrospect I would have abstained.

As we say in corporate: Perception is reality

You are now aware, I would leave this as presented. Any discussion would lead to a opening a Pandora's box of non-public meetings.

I don't think that is something you want or the committee needs

Thanks for listening

Dan

Dan Coakley
coakdj@aol.com
603-440-3600

On Jun 9, 2023, at 10:14 AM, Naomi Schoenfeld <waystone@mac.com> wrote:

Dan,

(Please know that I use that address because you are using it as your sign-off, and intend no disrespect. If you prefer 'Mr. Coakley', please do not hesitate to let me know.)

Thank you for the continued conversation.

Discussions between individual elected officials (i.e., one member speaking with another) are not, and have never been, a non-public meeting, nor disallowed under any regulations, including RSA 91.

Every phone call I have had is entirely and completely legal and ethical, and I have absolutely no problem or concerns regarding public discussion of any aspect of those actions. If it needs to be aired in order to be clarified, then, as you say, transparency requires that that happen.

The question of whether 1:1 conversations are permitted is something that will need to be clarified if it is misunderstood — and it is probably a good idea to place it on an upcoming agenda in order to make sure everyone understands and is in agreement regarding those regulations. You are welcome to step into that conversation however you wish, but I will bring it up in a way that does not require you to enter the conversation.

I continue to consider it important that you feel disenfranchised, however, and hope there will be a way to address that as well.

You are indicating that you do not wish to continue this conversation — and so, unless I hear otherwise from you, I will consider this something on hold until it is addressed in meeting.

As always,

Naomi

On Jun 9, 2023, at 2:21 PM, Dan Coakley <coakdj@aol.com> wrote:

Mr Coakley was my Dad!

Dan is certainly fine for me!

My question was if one member called every other member save one, that would be a quorum and subject to legal interpretation as a Non-public meeting.

If this goes to a public meeting, I will file for an “Objection” to be entered into the record under my name to indicate that I was NOT included in any perceived phone meeting.

1:1 conversations I am sure are ok, but 1:11 conversations on the same topic related to a vote by the committee would require a Legal decision

I don't think the Committee wants to go that route for many reasons, but it may increase public participation.

You seem to indicate that I am accusing you of something, I am not. I wanted you to know what I observed and what two members said to me.

Why would two members of the committee lie to me? If what they say is true, there is the question of a non-public meeting.

Regardless what they said was disrespectful and disenfranchising of my position as a committee member. I can deal with that.

Please note I am not a thin skinned person who takes things personally. I am a corporate executive who survived the battles by pointing out what was happening as it happened.

I was sharing those observations with you as Chairman nothing more, nothing less.

I hope our relationship remains intact as that is important to me.

Dan

Dan Coakley
coakdj@aol.com
603-440-3600

On Jun 9, 2023, at 3:45 PM, Naomi Schoenfeld <waystone@mac.com> wrote:

Dan,

You may not have intended it as such, but the email you sent does include an accusation of illegal actions while holding public office that I take very seriously indeed — as I hope

anyone would. In your second email, you further suggested that there are problematic elements to the committee that I might prefer to keep hidden while holding capacity in public office, which I take even more seriously.

Our relationship remains very much intact, and I continue to both respect and think highly of you — but at the same time, suggestions that I am breaking the law or supporting others in doing so, are always something that I am going to give the full weight they deserve, and resolve clearly and unambiguously. It is my goal to do just that in this matter, and I appreciate your clarification.

But, to the heart of your most recent email:

You said:

"My question was if one member called every other member save one, that would be a quorum and subject to legal interpretation as a Non-public meeting."

You ask an excellent question. No. If one member called every other member save one, and conversed with each separately on the same topic, it would not break public meeting rules.

Depending on the circumstances it might be ethically dubious, certainly, and I personally would not do it (which is why I keep my one-on-ones to a limited number) but it does not violate the RSA.

In fact, it's not even all that uncommon a course of action in terms of conducting business at all levels of government in the United States. If you think, for example, about the House or Senate at the state or federal level, of course they speak to each other individually, and extensively, between meetings, and negotiate space for support for one vote or another, frequently and legally, outside of times when the body is in session.

(Non-public meets are something else entirely. They are intended to allow a body to meet as it normally would — at full quorum, with binding motions passed and official action taken — with the only difference being that the minutes are not made available to the public. Such non-public meetings can only be evoked in very specific ways, and for very specific and limited reasons, that I'm happy to talk about — but I think that what you are actually asking is at what point do private communications cross the line into territory where they would be illegal if not conducted as part of public, minuted meetings, so I'm going to stay in that territory for now.)

The rules regarding this in New Hampshire fall under the Right to Know statutes, which are gathered in RSA 91-A, which you mentioned in your first email.

RSA 91-A.1 defines a public meeting, as having ALL of the following traits:

- 1) The gathering consists of a quorum of the membership of a public body, or, any equivalent to a quorum that that body might have. For the budget committee, that is seven or more members.
- 2) The gathering happens contemporaneously — in other words, whether in person, by phone conference, or online, the group of participants at or exceeding quorum can all communicate with each other in real time.
- 3) This quorum-sized, contemporaneous group that has convened has done so for the purpose of conducting business of the body — whether by actively making decisions or discussing matters under its purview. A quorum of members who, say, find themselves inadvertently at the same social event, can all stay at the party without breaking the law. There are some other protective exclusions as well, but they are not germane to our situation.

In other words, there is nothing inherent in being elected to a public body that revokes one's first amendment rights to speak to whomever one chooses, whenever one chooses, on whatever matters one chooses. There IS clear space for regulation of when and how an elected body comes together as a quorum and enacts its official business as a group.

The above is my best understanding — and, to the best of my knowledge, is the generally understood implementation.

We do have an option open to us, if you remain unsure or if there is a possibility that I am wrong. We can refer this to legal counsel. The budget committee does have the ability to request legal opinion from the counsel retained by the district — and I, at least, would be very interested in any additional clarity they could bring. Alternatively, we could refer it to the Attorney General's office for resolution. I am not entirely clear on when one would choose legal counsel and when the Attorney General, but I'm sure we could find out.

[Naomi Schoenfeld's note to readers, added Oct 18, 2023 – I was incorrect here. Referring the matter to the Attorney General is not an option that is open to us in this instance.]

As it stands right now, my intent is to place a discussion of RSA 91 on the next agenda, so that we can establish shared understanding of what it includes, what it forbids, and what it allows. I think it is a good and important discussion to have, and possibly one that should happen every year, or at least whenever we have new members.

If problematic differences in our understanding of the RSA emerge, my intent is to suggest the committee refer it to the appropriate venue for resolution (whether that is legal or the attorney general), and then retain that opinion for future reference.

So, to sum up — is it possible that committee members talked extensively with each other, leading to many of them knowing what others intended to do when the

reorganization meeting convened? It's possible, and even likely. I did not myself, but others may well have.

If they did so, while one can certainly hold opinions on the practice, it is not in violation of New Hampshire statutes governing elected bodies such as the Budget Committee.

And, last but not least, it would appear we are long overdue, as a group, for a conversation that will make sure the boundaries that do exist are clear, unambiguous, and enforced.

As always,

Naomi

On Jun 10, 2023, at 8:45 AM, Naomi Schoenfeld <waystone@mac.com> wrote:

Dan,

Good morning,

One more detail, that may be valuable to you:

In 2015, the Attorney General's office published a memorandum on RSA 91 that affirms the reading that I give below. It can be found at <https://www.doj.nh.gov/civil/publications.htm>.

Apologies for not mentioning it in the original email — I only just found it myself (or rather, in terms of giving credit where it is due, Pat made me aware of it) while double-checking to ensure my reading of the statute was as correct as I could make it.

Best,

Naomi

On Jun 10, 2023, at 10:03 AM, Dan Coakley <coakdj@aol.com> wrote:

Dr Schoenfeld:

Thanks for the correspondence.

I started this correspondence to make you aware of an issue so you (as Chairwoman) could assure it would not happen again.

I feel this correspondence has hit a low that I would not want to be part of.

I would point out that any legal opinion either you or I would put forth is moot as neither of us is an Attorney Specifically with this specialty.

As I have indicated any discussion of this at any meeting I will ask to record an objection under the RSA.

Until that time, I will have nothing to offer to you, any member of the committee, or anyone else.

Thank You for listening.

Dan

Dan Coakley
coakdj@aol.com
603-440-3600

(No further communication until Exchange #2, below.)

EXCHANGE #2: June 27, 2023:

On Jun 27, 2023, at 6:24 AM, Schoenfeld, Naomi (Budget Committee)
<Naomi.Schoenfeld@Sau26.org> wrote:

Dan,

I have received affirmation from the legal counsel for the district that communications between committee members (and/or between the chair and committee members) regarding NH state RSAs do not fall under RSA 91-A, since they are not "*...for the purpose of discussing or acting upon any matter over which the committee has supervision, control, jurisdiction or advisory power.*"

Similarly, if we meet in person to continue the discussion, there are no issues or complications related to RSA 91-A.

With this clarity, while I was not sure how you would view such an offer before — I would be happy to meet to continue our email discussion in person. You may prefer, of course, to continue to wait for the next Budget Committee meeting, but the offer is open should you wish to avail yourself of it.

As always,

Naomi

On Jun 27, 2023, at 9:40 AM, Dan Coakley <coakdj@aol.com> wrote:

I would call your attention to the 9th slide from the training meeting by Counsel:

Meetings Among Public Body Members Outside of Public Meetings
Meetings of public body members that are less than a quorum to discuss public business should not be undertaken – all public business should only be discussed at properly convened public meetings.

91-A:2-a Communications Outside Meetings. –

I. Unless exempted from the definition of "meeting" under RSA 91-A:2, I, public bodies shall deliberate on matters over which they have supervision, control, jurisdiction, or advisory power only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III.

II. Communications outside a meeting, including, but not limited to, sequential communications among members of a public body, shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

You may need to highlight to see it.

Dan

Dan Coakley
coakdj@aol.com
603-440-3600

On Jun 27, 2023, at 11:09 AM, Schoenfeld, Naomi (Budget Committee)
<Naomi.Schoenfeld@sau26.org> wrote:

Dan,

I am confused. What in that slide are you drawing my attention to?

The legal counsel — and I, in quoting them — already cite the text on that slide to in demonstration that our discussion not fall under 91-A.

Please take a look at my original email for the matching quote.

-N.

On Jun 27, 2023, at 11:12 AM, DAN COAKLEY <coakdj@aol.com> wrote:

Then we'll agree to disagree?

Dan
Sent from my iPhone

On Jun 27, 2023, at 11:36 AM, Schoenfeld, Naomi (Budget Committee)
<Naomi.Schoenfeld@sau26.org> wrote:

Sure — except it's not my opinion you're disagreeing with. It is the legal opinion.

Here is the reply from Kathleen C. Peahl, Esq., of Wadleigh, Starr & Peters, PLLC:

"Does it meet the definition of a public meeting under RSA 91, for the chair of the Budget Committee to communicate one-on-one with a single member of the committee, to facilitate their understanding of statute such as RSA 91?"

A one-on-one discussion between the Chair and an individual member of the committee would never be considered a meeting because the two members do not represent a quorum of the committee. Further, a discussion about the meaning and application of RSA 91-A is not for the purpose of discussing or acting upon any matter over which the committee has supervision, control, jurisdiction or advisory power.”

My offer to discuss in person is in keeping with RSA. The offer remains open indefinitely if you decide you would like to talk.

-N.

(No further communication)