

North Berwick Board of Selectmen Minutes February 20, 2018

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
FEBRUARY 20, 2018**

Present: Chairman Hall, Selectman Johnson, Sr., Selectman Johnson, Jr., Selectman Cowan, Selectman Galemmo (via computer from vacation)

Also Present: Dwayne Morin, Jeannie M. Provencher, Richard Braly, S. Braly, Karen Cordier, Richard Cordier, Kristen Cole, Steve Connolly, Rebecca Reed, Mark Reed, Lynn Manley, Dustin Price, Rep. Beth O'Connor, Rep. Karen Gerrish, Chris Gilpatrick, Becky Hanson, Janet Hooke, William Chandler, Heidi Chandler, Toby Bowden, Rebecca Hopper, Rebecca W. Beal, Beverly Gray, Alan G. Gray, Shawn M. Works, Stan Cowan, Deborah Wilson from Lebanon Maine Truth Seekers

Chairman Hall called the meeting to order at 6:30 pm.

1. Pledge of Allegiance

2. Review and Approve Minutes of February 6, 2018

Selectman Cowan stated that on Page 3 in the 10th sentence of the first complete paragraph, we should change the word "children" to "owners".

Selectman Johnson, Jr. motioned to approve the minutes of February 6, 2018 as amended. Selectman Cowan seconded the motion. VOTE: 5-0

3. Public Input

Chairman Hall read a statement and gave guidelines for the public input process.

The North Berwick Board of Selectmen, on behalf of the Town of North Berwick are appalled at the behavior of our school partners, the Select Boards of Berwick and Lebanon. Our trust has been broken and he is unsure how or if that trust can be recovered. North Berwick will take the appropriate actions to protect our town and the education of our students. He wants to make that very clear and public to everybody. Everybody on our Board has seen the video of the meeting of January 25th. The divisiveness of the remarks made toward our Town Manager and our town generally as well as some made about other individuals is something that he would hope the Select Board of Berwick and Select Board of Lebanon would address. It is unacceptable to talk about partners in that way.

As far as our public input goes, our general guidelines are to try and keep comments to under 3 minutes. We will listen to anybody and everybody as long as the discourse is civil. He would hate to stoop to the level that he saw on that video.

Beth O'Connor, who represents House District #5, which is Berwick and part of North Berwick stepped forward to speak. She stated that she takes her job very seriously and would like to clear the air. She also served on the School Board for 8 years and she is absolutely appalled at how her name was thrown around at that town meeting. She stated that she spoke to the Berwick Town Manager, Steve Eldridge and he asked her to put in a piece of legislation. She stated that he didn't know what it was going to say or what it was going to do. She told him that she would listen to him and if it was fair and equitable, she would do it. However, she told him that because it was emergency session, there was no way that she could possibly submit any legislation at all or get it passed right now. She does not have a great relationship with the Legislative Counsel. She is a strict constitutionalist and they have too much emergency legislation.

Ms. O'Connor stated that at about a week to 9 days before the meeting took place, she went into Mr. Eldridge's office and he gave her a piece of legislation to submit. She immediately looked at it and told him that this was prescriptive. There is no way that she could put this in and even if she wanted to, she couldn't put anything in until next year. She asked him if he had spoken to the School Board. She was told that the School Board did not want anything to do with this and didn't want to look at it. She then asked him if North Berwick knew and also that she could attend the meeting in Lebanon. Mr. Eldridge told her that she didn't have to attend.

Ms. O'Connor stated that the Legislative process would have made it impossible for her to put this piece of legislation in. She stated that she is absolutely appalled that they used partisan language when they stated that "She's a Republican but she's okay.". The discriminatory language used to call the Speaker of the House a "good looking woman" was also appalling. She said that she was also even more appalled when the Selectman from Lebanon said that he was a "greedy bastard". She stated that she is very upset about all of this. Also when she heard one of her Selectman, Mark Pendergast say that they wanted to "hold the cards close to the vest" so North Berwick wouldn't know what was going on is reprehensible behavior. She stated that she will always work for her constituents. If any of us wanted to put in new legislation, she is always happy to put it in but she will not do it without having all of the facts. She asked Mr. Eldridge for more facts and he was not forthcoming. She does not want North Berwick to pull out of the District. She did meet with Tom Wright, Mark Pendergast and the Town Manager first thing Friday morning. She told them that she wouldn't blame North Berwick if they wanted to pull out of SAD 60. She told them that they were so stupid because North Berwick could probably get a better deal in South Berwick. She also told them that possession is 9/10 of the law and the High School is in North Berwick. She told them to look at the funding formula and look at how many of our kids have issues. She said that they have 10 kids that come in that are severely disabled and 8 of them are from Berwick.

She stated that each and every one of the citizens and the kids are important. She said that this would hurt our kids more than anything. Ms. O'Connor stated that anything that she could do to help repair this, she will be more than happy to do. She stated that if we needed help with the legislation that allows a municipality to withdraw, she will help with it because that is her job. She would never deliberately hurt North Berwick, Berwick or anybody else. She feels that we are stronger together and are NOBLE strong.

Chairman Hall asked Ms. O'Connor about her stating that she wouldn't do it this session but what about in the next session. She said that she told Mr. Eldridge that the only way she would do it is if it was fair and equitable and she asked for more information. Selectman Cowan told her that she appreciated her comments. She also told her that it is not our intent to seek leaving the District as the first recourse. However, we are also not going to be passive and essentially be stonewalled or rolled over by the other 2 towns. She stated that they are going to protect the interests of the town as they see fit. She stated that Dwayne is a good source of information. She asked Ms. O'Connor about when she asked Mr. Eldridge directly if he had any contact with Dwayne and what was his reply. Ms. O'Connor stated that he said he had not spoken with North Berwick and they had not spoken to Lebanon yet but they were going to and that the School Board knew. Ms. O'Connor said that she continued to try and ask questions. She said that she tries to believe in the good in people but she feels that a lot of this was disingenuous. When she first saw the video, she called Mr. Connolly, Dwayne, Dustin Price (Chairman of the School Board), Rebecca England (Berwick Board of Selectman) who was not at the meeting, and Ed Ganiere (Berwick Board of Selectman) who was at the meeting for a short time. They all told her that the way that this was presented to them was that it was on public record through the Berwick Selectmen meetings and they didn't really think anything of it at all. She stated that Ed and Rebecca both trust her and have known her for years and didn't think that she would do anything to hurt the towns.

Ms. O'Connor stated that she knows now that this is definitely not fair and equitable, she will not ever put this piece of legislation in. As she sees it, it could only do harm.

Rebecca Beal stepped forward. She is a School Board member that represents Lebanon and is on the Budget Committee in Lebanon. She stated that this is not why she is here. She is here because she cares about the towns and the school district. She said that this district was born when her Mom was on the School Board and the district will not fall on her watch. She stated that she helped to blow this story wide open. Chris Gilpatrick posted the video and she watched it. She was appalled as well. She commented on the video and stated how unacceptable it was. They should all be very ashamed of themselves. She can't believe this is happening. She said that there have been hundreds of comments on their post and not one single comment supports what the Selectmen were discussing. She stated that she is talking it up in Lebanon as lack of experience. They have had such a turnover of Selectmen. The longest serving member has been there 3 years and is up for re-election this year and Chip and Laura have been on the Board for less than a year. They don't know the lay of the land and have no kids in the district anymore. They just see the bottom line on the budget and see it as a lot of money. She doesn't believe that they are malicious. She believes that they were misguided in that conversation. She said that they should have shut it down from the get go and say that they would not continue the conversation until North Berwick was present. She stated that because of this, they owe us all a huge apology. She said that Lebanon is so much better because of the District and their kids have had wonderful education. They couldn't do it without 3 towns working together. Ms. Beal stated that she wanted to apologize for whatever part their Selectmen in this. She will be attending their meeting on Thursday night to discuss it. She stated that Beth O'Connor, Karen Gerrish and Deborah Wilson from Lebanon Maine Truth Seekers also be attending. She said that someone told her that the last time they went through this, North Berwick protected Lebanon and she appreciates it.

Karen Gerrish stepped forward. She is the State Representative for District 20 which are the towns of Lebanon, Acton and Shapleigh. She serves with Representative O'Connor and they work closely together for their caucus and the communities within this district. She has also served on the Lebanon Budget Committee and the Board of Selectmen and finishing out her term as Chairman in 2014. She has taught Technology in this District for 26 years at the Berwick Elementary School, Lebanon Elementary School and Hanson School where she currently is on a leave of absence while she finishes the legislative session. Her roots in this community run deep. She is a 9th generation Lebanon resident.

Ms. Gerrish stated that what brought her here this evening is to help mend what she expects is a very broken bridge. As a current and former public servant, she hopes that her reputation here tonight precedes her and that the people in this room know how she governs and represents them which is honestly and with integrity. Last Wednesday, she received a call from Superintendent Connolly, with whom she works very closely with on all education bills that flow through the Legislature. He asked her if she had seen the now infamous video and I told him I had not. He also asked her if she had any knowledge of any Legislation that Representative O'Connor was bringing forward regarding the State Funding Formula. She told him that she did not and told him that they couldn't put a bill in at this point. She was not able to look at the video until the next evening. Ms. Gerrish stated that it was very hard for her to explain her range of emotions while viewing the video of the meeting between Berwick and Lebanon Selectmen. She felt ashamed, embarrassed, furious and frustrated. She stated that it was immediately evident to her while watching the video, the immense and irrevocable damage that it would cause. She was floored that anything like this would occur while the participants knew they were being videoed. In addition, it was evident that the meeting between Lebanon and Berwick Selectmen was pre-planned purposely leaving North Berwick out of the conversation.

She stated that her name is mentioned a couple of times but certainly not to the extent of Representative O'Connor. In the video it states that Representative O'Connor has Governor LePage's ear. She stated that anyone that has watched the news in the last 7 years, clearly knows that Governor LePage has not waivered on his goal for increasing school consolidation and not less. This is the last idea that he would be in favor of changing. Ms. Gerrish stated that after viewing the video, she did some research on 2nd session bills and the Education Committee and found LD 1336 An Act to Amend the Laws Governing the Process for a Single Municipality to Withdraw from a Regional School Unit sponsored by Representative Ginsler from Bridgton. This bill, if anything, makes it even more difficult for towns to withdraw. She would like the folks to know here tonight that this bill was passed unanimously out of the Education Committee 6 days ago. She expects that they will see it on the House floor very soon.

Karen Gerrish stated that, in regards to the negative talk about Representative O'Connor being a Republican and asking if she was a Republican as well. She wondered why this matters. She said that this was totally inappropriate to talk about any State Legislator of either party like that. She stated that this is about school funding and is not a partisan issue. The most difficult part for her was when it was suggested that they don't show North Berwick their hand and put it on the ballot. Did they not realize again that this was a public meeting and would be on the internet? Clearly they did not or it was utter ignorance. She stated that for one of the Selectman to refer to

himself as a “greedy bastard” and laugh and jest about how they will spend the extra tax payer money is appalling and the residents of Lebanon deserve better than that. There seems to be no understanding as to what North Berwick contributes to this community as a whole. She stated that they do pay their fair share with regard to student count. She also said that North Berwick’s industries of Pratt & Whitney, Hussey Seating and Hannaford Brothers are huge employers of our district parents. There seemed to be no acknowledgement of that immense contribution to our community.

Ms. Gerrish stated that she has lived in this community and taught here long enough to recall when this was happening in Lebanon. She believes that it was at or around 2007. It was a scary time to live in the district and to be a teacher. She will be forever grateful for the Town of North Berwick advocating for Lebanon to stay in the district. She stated that in all of the hundreds of municipal and legislative meetings that she has participated in, she has never witnessed anything as unprofessional as that public meeting. She totally understands North Berwick’s distrust moving forward and if there is anything that she can personally do to assist in rectifying the situation in any way, she is committed to doing so.

Stan Cowan stepped forward. He sits on the SAD 60 Board for North Berwick. He would just like to clarify a point for the public record. He stated that the School Board were never informed about any public meeting between Berwick and Lebanon. They never had any opportunity to discuss this. They were informed after the meeting had taken place. He said that a statement had been made that the School Board did not want to deal with the matter but they had no idea that this matter was going on. Chairman Hall asked Mr. Cowan what happened at the recent School Board meeting since this has all come out. He stated that the 3 representatives from Berwick and Lebanon were angry about it as were the representatives from North Berwick. They were all blindsided. This is the time of year when it is difficult for us anyway with working on the budget and other matters. To have this issue thrown into the mix was really difficult. Mr. Cowan stated that, personally, he was outraged that our Town Manager was not made aware of this meeting, let alone invited to it. He stated that the Superintendent, Mr. Connolly was also blindsided.

Chairman Hall asked if they had voted on anything in regards to this. Mr. Cowan said that there was no vote. He said that it is very difficult for him to express how angry he is about this. There was no consideration on those 2 Boards for the welfare of the kids and this school district and the work that is done by the staff. Mr. Cowan stated that North Berwick pays more than its fair share per pupil.

Dustin Price who is the Chairman of the School Board and is from Berwick. He said that while some folks have been very gentle with how they described the meeting, he was not as gentle when he posted on Facebook and notified Representative O’Connor. He said that people have mentioned a loss of trust. He said that there is a loss of trust of the citizens of Berwick who watched their representatives act cowardly and motivated by greed. The School Board with the 3 towns is very collaborative. They never think about we only have so much money in the budget and Berwick is going to get their share. It’s everybody together. We are Noble strong. North Berwick is part of that community. He believes that this was the action of short sidedness and not understanding on how this funding works and short memories. The Lebanon folks don’t remember that Lebanon was in this seat not too long ago and North Berwick came to the rescue.

Mr. Price stated that it is absolutely shameful and he was totally disgusted with them. He stated that everyone he has spoken to in Berwick is totally disgusted with it. They are being misrepresented by a couple of cowards. Mr. Price stated that even though they thought they were getting the short end of the stick, it is still a discussion for all 3 towns. That is how it should have happened and Mr. Price apologizes for it not happening that way.

Chairman Hall asked if at the 2/6 meeting that Mr. Price and Mr. Connolly spoke at, were they not aware of this situation. Mr. Price said that they had just become aware. He had not watched it yet but Mr. Connolly had and told him a few things about it. The first thing that Mr. Price did was send an email to the Town Manager because they had just talked about better communication. They had talked about ideas on how the Town of Berwick and the School Board aren't communicating well and they need to get better at this. And then this happens. He told the Town Manager that this was not how communication worked. He said that he was also at the meeting where Representative Plante stated what civility should have been. Mr. Plante told them how it wasn't an act of good faith and that we are part of a partnership. He was immediately shut down by Pendergast and Wright which shouldn't have happened. Mr. Price said that he believes that they will not see 2 people get reelected because this is not something that will go away. Mr. Price said that Noble would not be the same without North Berwick. He hopes that North Berwick does find a way to protect their interests but hopefully not separate the strong. Chairman Hall asked if Mr. Price would ever consider bringing a vote to change the funding formula before the people. Mr. Price stated that the funding formula is not something that is under the School Board purview. It is his understanding that this goes through legislation and is voted on by the public. Their job as School Board members is to present the most fiscally responsible budget to approve. They cannot do anything as a Board to change the formula. Selectman Cowan stated that the actions of the Berwick Select Board just reflects the total ignorance of the history of how this district was formed. The biggest travesty of this is the total disregard of Dwayne's involvement and the amount of information that he could have brought to their discussion. She stated that our Board is well aware because they have had the benefit of the information that he has provided to them about the potential for disruption. She said they are already seeing it with this meeting tonight and knowing how it will spread around the communities. Selectman Cowan stated that they have no idea what they have created. Dustin Price said that he hopes they are starting to figure that out. He said that everything they are doing is deceiving North Berwick and also deceiving the public.

Steve Connolly, the Superintendent of Schools stated that either the end of the last school year or the beginning of this one, the Finance Director, Maureen Finger and the Town Manager, Stephen Eldridge asked to speak with him regarding funding. The Business Manager, Denise Van Campen, Sue Austin and Mr. Connolly met with his office with them. There was an explanation by Ms. Finger about the 20-A funding which about 85% of the school districts in the State follow. They explained what the private and special Chapter 67 Law was and how it worked. When Mr. Connolly asked what his stance was regarding the formula, he said that his stance was to provide a budget, oversee curriculum instruction and make assessments. He also spoke to the roles of the schools and was very clear that the School District would have a neutral stance in any discussions regarding this matter. He thought that he had answered all of their questions and time went by and he heard nothing else about it. The next time he heard anything was when Dwayne contacted him and asked if he was aware of a January 25th meeting between Berwick

and Lebanon. He told Dwayne that he knew nothing about the meeting. He met with Mr. Eldridge to inquire about it because it wasn't posted at that time. He was very specific about what he understood to have happened at the meeting and wanted to know what Mr. Eldridge had to say. Mr. Eldridge stated that it was blown out of proportion and there was no information to share at this time. There were no documents shared. Mr. Eldridge stated that it was a 20 minute meeting which was more of a meet and greet. When Mr. Connolly saw the video, he realized that there were specific documents shared such as tables, sample legislation, the District ED279 and some other forms. It was also longer than the 20 minutes mentioned. It was actually 58 minutes and 58 seconds. He was very displeased and shared the link with other people that he felt should know about this. He has not had a follow up meeting with representatives from Berwick because, frankly, he got the information he needed in the fashion that it was intended.

Mr. Connolly stated that he is here tonight to say that SAD 60 is a strong educational administrative district of students. He thinks that North Berwick, Berwick and Lebanon should be equally strong partners. He stated that it was discouraging to see those actions but he also realizes that if he counts the number of people that were involved in these actions, he doesn't think they represent people who live in the communities. Mr. Connolly asked Dwayne when the towns had gone through this before. Dwayne stated that it started in 1999 and went through to 2000. At that time, the thinking presented by Berwick representatives was that Lebanon would owe more dollars than it was paying through the formula. The process was followed according to legislation to the extent that Governor Angus King got involved. A meeting was held at the Blaine House and there was no understanding after that meeting. Mr. Millett, who was involved in education and a number of facets in the State was recommended to be the facilitator. He got involved in the discussions and there was agreement by a panel of 9 that there would be a 55/45 cost sharing to the taxpayers. Mr. Connolly stated that he believes it was soundly defeated in Lebanon, soundly defeated in North Berwick and moderately defeated in Berwick. It did not pass in any of the communities. It did cause quite a rift. He stated that when he started his tour of the district in 2012, it was one of the things that was brought to his attention so it is still a raw piece so many years later. He is disheartened that we might be back to those kinds of conversations. Mr. Connolly stated that he will support all 3 communities to work toward a positive resolution for our students but he does not feel that this is how any process should have begun.

Chairman Hall said that it was a little hard to hear on the tape what exactly they were talking about at some parts. He thinks they were talking about the essential funding formula parts and that not being equal. Mr. Connolly stated that there is a document that is called the ED279 that goes down through what the ratio of text that you are allowed. The essential programs include the number of ed techs, teachers, nurses, programs and everything else. It also includes the property valuations, which are not the same valuations that the 3 towns see in their management but it is represented slightly differently and the student ratio which is averaged over a couple of years. At the bottom of the 279, there is this thing that says 20-A and it explains that this will be the cost sharing for those districts. Our district doesn't follow this. We follow P & S 67. Mr. Connolly stated that the original question posed to him was why we follow this one. He stated that he wasn't here when the district was incorporated but as to whether he thinks it's fair that we use this formula and not the 20-A, he thinks that it is extremely fair. He feels that other districts should look at it as well.

Chairman Hall asked Mr. Connolly that, after watching the video, does he think that they had the form in front of them that broke it up by town. Mr. Connolly said that he knew that they did because the Berwick Town Manager mentioned the document and held up the sample of the legislation. The Finance Director had a couple of charts and the Lebanon Selectman pulled out information and said that this is what he had agreed to bring to the meeting. Mr. Connolly stated that it was obviously a discussion that went on in advance and people had agreed to bring certain documents. Selectman Cowan stated that when Dwayne attempted to get some level of understanding in terms of what kind of information the Berwick Selectmen were working from, they were not forthcoming with sharing that information. He had to file a Freedom of Information Act request to obtain some of that information from Berwick. She stated that this process has been so wrong on so many levels.

Selectman Johnson, Jr. asked Dwayne if he had heard from Mr. Eldridge. Dwayne stated that he has received one email from him since the meeting and it was regarding his request with the Freedom of Information Act. He was requesting to see the draft legislation that they were proposing. They had shown it to the Town of Lebanon so it was now a public document so anybody can request that document. When Mr. Eldridge sent the document, he said that they were all very busy right now but in the spring when they are done all of the budgets, they would like to host a meeting.

Deborah Wilson stepped forward. She tries to help out and share information with the people in her town of Lebanon. After she saw the video, she did reach out to her Select Board to ask them about this. She said that she received a statement back saying that they had not done anything and that Berwick was the one that called them. She stated that they slammed Ms. Beal for putting the video out there for her to share but they still maintain that they did nothing. She said that she is just a resident and doesn't carry any more weight than 1 vote. She said that, as a resident, she is very sorry that the meeting happened. She was disgusted about the way they talked about the Speaker, Mrs. O'Connor and Ms. Gerrish. She is just representing the few people that talked to her on her Facebook page and everyone is very embarrassed that the meeting was allowed to take place. Ms. Wilson stated that she was told that once they started telling them things, they really couldn't shut them up. A North Berwick resident commented on her page and said that they could have and they should have shut it down. Ms. Wilson stated that that attitude and action may have been okay back in the day, but most Lebanon residents did not support what happened at that meeting.

Alan Gray stated that this is whole thing is appalling to him. Watching the lack of professionalism with people that are getting paid from the communities to represent them in that way is unacceptable. He stated that we have an excellent School Board with great representation and a great Superintendent. They are here at this meeting. Mr. Gray stated that he likes politics and likes to keep it clean and fair. He is here because he is curious and he loves the community. He has worked with School Boards for the last 35 years in this district. He was on a championship football team. He said these are all good feelings. He feels that the programs that we have at Noble are superior to anywhere else. We have people that come to this community because of our school. Mr. Gray stated that he used to know the Selectmen and School Board members from the different communities before but doesn't know the new breed that is over

there. He thinks that it is time that some of these communities clean house. He doesn't believe that they represent the people that elected them. He is just infuriated about the whole thing. We are all trying to do what is right for our children and we want our children to stay in the area. Mr. Gray stated that he is a Republican and is not afraid to admit it but he looks at both sides of the fence when voting.

Karen Cordier stepped forward. She stated that her maiden name is Littlefield and comes from a family that is half from Berwick and half in North Berwick. She currently lives half in Berwick and half in North Berwick. She is ashamed of the Berwick part and that is where she grew up. She grew up on Allen Street just up from Cumberland Farms. Her mother's family is the Littlefield side of the North Berwick. Her dad was Chairman of the Selectmen in Berwick when the Governor said that they had to form a school district. He was told that they would need to do it with either North Berwick, South Berwick and Berwick or North Berwick, Berwick and Lebanon. South Berwick did not want to be part of it. Ms. Cordier stated that she graduated in 1972 and was the 3rd graduating class from Noble High School. She had some of the best teachers and best friends from all 3 towns. They all became a unit. They went from Foster's Marauders and then came up with the name Noble through a contest. A lady from Lebanon came up with the NO for North Berwick, B for Berwick and LE for Lebanon and won the contest. She stated that people forget that because they don't know the history. She stated that she is shocked and appalled and that her father would roll over in his grave if he would have heard what came out of the Selectmen's mouths. She said that her dad was Chairman of the Board when it was the good ole boys system. Ed Muskie thought nothing of showing up on a Sunday afternoon to discuss setting up the district. The Governor at the time did not think they were moving fast enough on setting one up. Her dad felt that honesty was the best policy and he refused to do anything until people knew what was going on. He believed on telling the truth to the people that he was elected by. She is ashamed and appalled that it has come to this and she believes that her dad would say that it is time to pull out of the district. She has 4 grandchildren and she would hate to see that happen.

Dustin Price wanted to clarify something about the ED 279. He said that people might look at them and ask why the numbers don't match what is coming in for the budget. They are essential services so it is basically the State's view of the minimum amount possible that you need for education. The voters of all 3 communities have voted for above the essential services. He stated that he is not sure if this is something that Berwick understood when they were reviewing the numbers. Beth O'Connor stated that she did see the funding formula when Mr. Eldridge showed it to her. She looked at it and told him that she didn't understand and said that it didn't look fair to her. She believes that this is how he sold this bill of goods to the rest of the Selectmen sitting on the Board. Selectman Cowan said that she was speaking to Dwayne earlier and he told her that he could understand where they would question the process and want to find out if there was another way to look at this. It would be perfectly understandable and he would have happily been part of that conversation. Selectman Cowan stated that this was the biggest travesty. To approach this issue in such an underhanded manner and not allow your communities to be part of the process from the get go is just not right. Ms. O'Connor apologized because she should have called and made sure that Dwayne, Superintendent Connolly and my Board Chair were aware.

Stephen Connolly stated that towards the end of the video, there were sidebar conversations and there was discussion about a certain house. He stated that it is the Ryan House and it is a 501C3. There are no district funds being used towards that project at all right down to the paper that the flyers are printed on. He stated that there will be an announcement shortly that the 501C3 has the funds needed to do the down payment on the home. That is an incredible feat.

Rebecca Beal stated that it was only 9 people that were pretending to speak for their communities. She asked that North Berwick not judge their communities on the basis of those few. She said that she will do battle to make sure that the district is fair and equitable and that we can trust each other.

Selectman Cowan stated that the Berwick Selectmen were meeting tonight. It will be interesting to see what the outcome of their discussions will be. She is hoping that their community will speak out.

Chairman Hall closed the public input at 7:27 pm.

Chairman Hall stated that they were throwing out a lot of numbers at that meeting and one of them was about the amount of districts that have a similar funding formula to us. He looked into the data and found RSU 30, RSU 35, RSU 40, RSU 57, RSU 74 and RSU 75 have the same funding formula that we have. He said there are currently 11 districts that do use some sort of valuation to pupil ratio. He feels that the meeting itself had a lot of misinformation and it is really too bad that it went on.

Selectman Cowan stated that she would like for Dwayne to provide a brief overview history of what happened the last time this issue was raised 17 years ago and also provide some information about the process and the formula so everyone here understands. Dwayne stated that the formation of SAD 60 was not an easy task. There were about 6 town votes. The Governor was so intent on getting the district formed that he actually created the district before we actually voted for it. The Town of North Berwick sued the State of Maine and went to the Supreme Court. We won that case and the district was dissolved. One of the main reasons was because the Town of North Berwick wasn't going to go into partnership with Lebanon and Berwick until we actually shared our costs 50/50. The question is how do you take a high valuation and low pupil town and match it with a low valuation and high pupil town, which is what we have. He feels that we have found the answer. He stated that we are not quite satisfied because we pay higher on our per pupil cost and they are not so happy because they pay higher on the mil rate. Usually the idea of compromise is that everyone goes away unhappy. At the time, there was a thing called the Sinclair Act which stated that we would share costs by valuation. He stated that property taxes is not a representation of how rich you are. It just happens to be what you own. 80% of the school districts followed the Sinclair Act. However, the school districts that were formed were usually similar in size. The towns are similar, have similar pupil count and have similar valuations. The districts that aren't like that have a per pupil and per valuation change because they are not equally matched. If we did do it just on valuation, North Berwick would be paying about 15% more compared to our pupil count.

In 1999, the same thing that happened these past 2 weeks also happened then. It was Lebanon that started the process. They were trying to meet secretly with the Berwick Board of Selectmen but an email came across his desk in error. It was meant for the Town Manager in Berwick but they wrote the wrong email address. At that time, they wanted a 75/25 split which would have been a 75 on valuation and 25 on pupil. North Berwick was not acceptable to that switch. When this happened, the North Berwick Board of Selectmen went to the voters and the people voted to withdraw from the district. At that time, this was the only option that we had. The law was structured so that once you were in a school district, two towns could gang up on a third. There is still some of that structure that exists in State of Maine law but they have changed some of it. Dwayne stated that they looked at the numbers and found that they would lose if it went to vote. The School Board created the cost sharing formula.

Dwayne stated that when this all started happening, we contacted the Department of Education to let them know where we were going. We were trying to be open and transparent. We told them that we had not been part of the discussions and Lebanon and Berwick have been meeting and we don't know what is going on. If what we were hearing was the truth then we only had a few options and one of them was to withdraw from the district. We did not want to withdraw from the district but there were circumstances that lead to that decision making. Governor King found out about it and called Dwayne to find out what was going on. He invited all 3 towns to come up to the Blaine House for lunch and to discuss the situation. It did not go well. There was lots of yelling and screaming, but Lebanon and Berwick stated that they were still going to move forward with their plan. The Governor told the Commissioner of Education that he had to fix it and make sure that North Berwick is not penalized. Dwayne stated that they met about 3 times with the Commissioner and it only got worse. The School Board created a school funding formula committee and Mr. Millet was hired as the mediator. They looked at the effect on the district. Not only was there animosity among towns but it filtered down to the kids in school.

Dwayne stated that for North Berwick to leave the district at that time, it would have cost us \$90,000 more. Berwick and Lebanon's numbers were going to far exceed our increases. North Berwick brings a lot of cash to the table as it relates to the school budget. We showed Berwick and Lebanon the numbers and they thought that we were making up the numbers. The Department of Education double checked our consultant's numbers and came to almost the exact numbers. The 45/55 split was going to be about a \$90,000 increase to the town which is what it would have cost us to leave so they agreed. The citizens did not approve it. He stated that there was still a big push between most of the Selectmen and a lot of the citizens, that if it the 45/55 split was approved, we were still going to leave the district. In 2000, there were 2 votes. There was one to change it and the other was that if this doesn't pass, we never talk about this for 10 years. The 45/55 split failed but the never discussing for 10 years passed.

Dwayne stated that people can have 2 sides to a story but we are partners in educating our children. We have been partners for 50 years so there should be at least the common courtesy that if one side has concerns, there should be open discussions. He stated that you can be passionate about your discussion but at the end of the day, you are open and honest. This is the concern that he has with this. Berwick and Lebanon have broken that trust. Dwayne stated that even when he contacted them to talk about what we heard was going on, they flat out gave us mistruths. They have said mistruths to him, Beth O'Connor and the Superintendent. He said

that he watched the Berwick Board of Selectmen meeting of February 6th where their Chair told mistruths to our School Chair. They told him that nothing has been decided and they are just looking at stuff and doing their due diligence. Dwayne said that it was not due diligence. It was conspiring against the Town of North Berwick.

Chairman Hall stated that he has a personal stake in all of this. He graduated from Noble High School and has come back to teach at Noble because he loves it. He has been a teacher in the district for 14 years and the last thing he wants to see is for this district to dissolve. However, if Berwick and Lebanon continue on their path, we will bring that vote to our citizens. He wants to see our district succeed and want us to continue to educate our children the way that we are educating them. He is recommending that we hire some lawyers. Dwayne stated that our law firm is actually SAD 60's law firm. If something was to happen, they cannot represent both of us so they have opted not to represent either of us. As the Town of North Berwick moves forward with our legal strategies, we are going to need Legal Counsel to do that. Selectman Cowan stated that she is very appalled by this whole situation. She stated that it is not only the impact on the communities but now we have to have the discussion of legal representation and what that is going to cost each of our towns. Our own legal representation has to recuse themselves from this process so there is a disruption there. She stated that all of this is so unnecessary. She believes that the majority of the Berwick and Lebanon communities would in no way support this initiative and yet here we are because of the actions of these misguided individuals. She hopes that there is some price to pay on their part other than the price that we are all going to pay to fund this foolishness.

Selectman Galemme spoke via the computer. He stated that right now they should be doing 3 things. One is that we need to get all of the information and perhaps a letter from our attorney to the 2 towns to request it and prompt them to be a little bit more forthcoming. Dwayne stated that he was able to receive everything. Selectman Galemme stated that he doesn't think that they have the support from their towns from what he is seeing from the people present tonight. He thanked them all for coming tonight and showing their solidarity on this issue. He stated that we should request a meeting with all town Boards. He said it may come to nothing but he thinks that we need to make that effort. Another thing he feels that we need to do is to start laying the preliminary ground work for pulling out of the district, should that have to happen. We would have to have a broader well-advertised meeting of the town. It is a pretty big decision and we need to get everyone's approval.

Selectman Cowan stated that she is a little reluctant to formalize a process going forward to withdraw us from the district. She stated that once we put that cart in motion it will take on a life of its own. She agrees with the 3 Boards getting together and she is hoping that we can nip this in the bud so none of us have to proceed. She would like to try and resolve the situation at a meeting level before we get into legal action. Selectman Galemme agreed that they should not do anything concrete until after they have the meeting with the other Boards. He definitely does not want to see us pull out of the district. Chairman Hall stated that pulling out of the district would be a hit on our taxpayers and probably a bigger hit on the Berwick and Lebanon taxpayers. He agreed with Selectman Cowan and Selectman Galemme but he thinks that they should start with hiring another attorney since our attorney cannot represent us. Dwayne is recommending that they hire Bryan Dench. He is with Skelton, Taintor and Abbott and is the

one that our attorney recommended. Dwayne stated that our attorneys won't discuss school funding formulas with us at all. So even looking at processes and making sure that we are doing the correct things, we still need to have legal representation for the town. Unfortunately, the deal that we have with Drummond Woodsum is a very good deal. We only pay \$150 per hour but the attorney with Skelton, Taintor and Abbott charge \$325 per hour. Mr. Dench did say that he would give us some reduction because he does do some work with Drummond Woodsum but we don't know that number yet. He is highly recommended and is one of the best education attorneys in the State of Maine. Mr. Dench was Berwick's legal counsel until about 10 months ago when they fired him.

Stan Cowan asked Mr. Connolly to clarify for everyone who pays for these legal fees. Mr. Connolly stated that he is in the discussion point with seeking separate legal counsel and it is a little unclear. There is some piece out there that says that the School Department picks up the tab but then there is another piece out there that shows some recent history of consolidation issues that show it is a shared cost. He has ironed that out and they haven't gotten legal counsel on board yet. Dwayne stated that if they ever get to a formal cost sharing discussion, it becomes the district's cost. However, the town's need legal representation until that point. Mr. Connolly stated that they have added \$50,000 into the legal fund.

Selectman Cowan motioned to approve the hiring of Bryan Dench to represent the town. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Selectman Johnson, Sr. asked if they could have gone through and changed this without our vote. Dwayne said no they couldn't. Dwayne stated that the legislation that they were looking to submit would have circumvented our private and special law. If they did get that accomplished at the Legislature without us having any knowledge of it, the way that the legislation was written, the 3 towns would have had to vote on it. Selectman Johnson, Sr. asked how we can make sure that the current formula stays the same and they can't change it. Dwayne stated that there are competing legal perspectives. One states that if you have a private and special law, the only way that it can be amended is under 1487 § 2. It states that the districts have created an agreement and created an RSU, therefore every member has to agree to change that. The other perspective is that you follow 1301. This states that a simple majority of the district has to agree. It would not be a town by town but a district wide approval. There is a long process under 1301 to go through it.

Chairman Hall stated that he would like to have this brought up at the School Board meetings and to have some action reaffirming what he has heard tonight from the School Board members that are present. He also stated that he thinks that the 3 towns meeting is a good idea but he doesn't want to wait until spring. He would like to have the meeting at the beginning of March. The rest of the Board agreed.

Dwayne showed the Board spreadsheets of what some of the options were that Berwick was looking at doing. One of the options showed a per pupil cost to Berwick of \$3,900, per pupil cost to Lebanon of \$4,700 and a per pupil cost to North Berwick of \$12,300. Dwayne stated that State maximum tuition rate for a student is \$10,000 so we could tuition all of our students for less money. The next scenario, which is the one they were looking at the most during their

discussion in the meeting, would put Berwick's per pupil cost at \$5,100, Lebanon's per pupil cost at \$5,300 and North Berwick's cost at \$9,000. The amounts currently paid are North Berwick at \$8,000, Berwick at \$5,500 and Lebanon is at \$5,800. North Berwick is already paying about \$2,500 more per student than the other towns. Selectman Cowan asked who generated these spreadsheets. Dwayne said that they were all generated by Finance Manager in Berwick. These numbers are all based on current year budget. It is not predicated on anything going forward. Dwayne stated that we all heard Mr. Connolly's briefing with the Town of Berwick and the concerns of some of the State imposed costs and mandatory costs that we will be looking at District wide. Mr. Connolly stated that just for incoming Kindergarteners alone, they have 10 cases that will need special programs and they will need to start a new set in Berwick. He doesn't have room at the Hanson School.

Selectman Cowan asked Mr. Connolly how the Special Education costs break down per town. Mr. Connolly stated that when he looks at his highest programming needs which is out of district programming. We have 10 students who currently receive out of district programming for either medical reasons such as Autistic Spectrum Disorder. They have the Hurd program which is in district but at a higher cost. It is about \$24,500 per student. They have 2 programs at Hussey, 1 program at Hanson, 1 program at Knowlton School, 1 at the Middle School and 3 at the High School that are cost drivers. When he puts those cost drivers together today, what was evident was that the Berwick total was in the \$1.8 million range for their students, Lebanon was around \$550,000 and North Berwick was at about \$435,000. This is all absorbed in the funding formula.

Selectman Cowan stated that another piece that needs to be looked at is what is generating the cost to the district. Unfortunately, both Berwick and Lebanon do not have Growth Ordinances. She stated that North Berwick has been very diligent in controlling growth in this town in a reasonable manner. In the absence of any Growth Ordinance, the cost to the school district is going to increase tremendously due to the increased number of students to the school. Mr. Connolly stated that right now, Berwick has slightly over 45% of the students, Lebanon has slightly under 33% and North Berwick has slightly under 22%. Regarding Special Education numbers by town, Berwick is at \$1,916,582 which is 61% of the cost, Lebanon is at \$693,583 which is 22% of the cost and North Berwick is at \$542,877 which is 17% of the cost.

Shawn Works stated that one of the comments that he has heard from Berwick residents whenever he has talked to them about what each town pays, is that they say they have an economy of scale going. They have more kids so it costs less. Mr. Works stated that he doesn't believe that it works that way. He was wondering if there was some way that people could be educated to understand how it works. Chairman Hall did ask the Superintendent to get this information out to those Boards.

Dwayne asked the Board if they wanted him to book the Community Center for the first week of March and send a letter to invite all of the Board of Selectmen, School Board members and Town Managers from each town. Dustin Price stated that the next School Board meeting is March 1st at 7:00 pm at the High School Library. He welcomes anybody to the meetings.

Dustin Price said that it is very refreshing it is to see such civility, especially with the topic that they are discussing. He stated that it is a breath of fresh air to see them discuss it the way that adults should.

Dwayne stated that he will pick a couple of dates and see which one will be better to get as many people there as possible. He stated that they could try for 3/13, 3/19 or 3/27. Dwayne will check the availability of the Community Center. Mr. Connolly stated that he will be out of town on the 13th but Sue Austin could attend. Mr. Connolly offered to hold it at the school but the 13th would not be available. Dwayne said that he will send a letter with the date of 3/19 & 3/27.

Selectman Galemme signed off the computer at 8:15 pm.

4. Unfinished Business:

A. Tax Acquired Property: Malcolm Hilton

Dwayne stated that they were able to secure the writ of possession. They received it today and they will secure the property in the morning. We have to secure the personal property effects of the person for 14 days. The 14 days starts on the day that we actually served her which was served on the 13th. He has sent her a letter to contact him to make provisions to get her stuff. He is not sure if that will happen because the person is currently incarcerated. We will padlock the house and the Police have made signs to post on the house to tell people that they need to stay away. He stated that they need to go in and take pictures of everything that is there, secure it and then inventory it. After 14 days have passed, then they can have someone go in and clean up the property. Before we hire someone to clean up the property, we will allow the sons to go in and take out what they want. Chairman Hall asked when he projected for an auction to happen. Dwayne believes they can probably put it up for sale sometime in March.

Dwayne stated that they will be foreclosing on a number of houses on Friday. There are 18 of them on the list but he said that most people will pay before the foreclosure date. He thinks that there will be some that will not pay before the foreclosure date this year.

B. Spirit of America: Request to Pick A Spirit of America Recipient for North Berwick

Dwayne asked if they had any ideas for someone. Selectman Johnson, Jr. asked if they could research it and see if they could give it to a group. He would like to give it to the girls that did the bake sale for the fire victims. Chairman Hall stated that it does say in their rules that it can be a group.

Selectman Johnson, Jr. motioned to nominate the girls that raised money for fire victims by having a bake sale to get the Spirit of America award. Selectman Cowan seconded the motion.

VOTE: 4-0

C. Transfer Station: Recycling Cost Increase

Dwayne stated that he had told the Selectmen at the last meeting that recycling costs had gone up to \$81 per ton. It has actually gone up to \$90 per ton. He was able to negotiate with Oceanside to reduce the cost by half. They believe that it will take at least a year to a year and a half for the markets to stabilize. We will pay them to do all of our recyclables.

Reminders: Next Board of Selectmen's Meeting – March 6, 2018 – 6:30 pm Municipal Building

Budget Committee – Feb. 28, 2018 – 6:30 pm Municipal Building

Budget Committee – March 7, 2018 – 6:30 pm Municipal Building

5. New Business:

A. MSAD 60: School Funding Formula

This was all discussed under Public Input.

6. Other Business: - Executive Session

Selectman Cowan motioned to go into Executive Session at 8:42 pm. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Selectman Cowan motioned to come out of Executive Session at 9:35 pm. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

Selectman Cowan motioned to allow Dwayne to enter into a contract negotiation with law enforcement personnel. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

7. Review and Approve Warrants and Correspondence

Warrant: February 13, 2018 - \$ 0.00

Warrant: February 20, 2018 - \$ 577,499.26

Selectman Johnson, Jr. motioned to approve the Warrant of February 20, 2018 for the amount of \$577,499.26. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

8. Adjournment:

Selectman Cowan motioned to adjourn the meeting at 9:40 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

Respectively Submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Jonathan Hall

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.