

**Merrimack School Board Meeting  
Merrimack High School Cafeteria  
September 6, 2011**

**PUBLIC MEETING MINUTES**

**PRESENT:** Chairman Vaillancourt, Vice Chairman Ortega, Board Members Barnes, Markwell and Thornton, Student Representative Yates, Superintendent Chiafery, Assistant Superintendent McLaughlin and Business Administrator Shevenell were in attendance.

**1. Call To Order**

Chairman Vaillancourt called the meeting to order at 7:30 p.m.

Chairman Vaillancourt led the Pledge of Allegiance.

**2. Introduction of Student Representative Joel Yates**

Chairman Vaillancourt introduced Student Representative Joel Yates.

Student Representative Yates spoke of his involvement at Merrimack High School and in the community. He noted his involvement in Student Council, the high school theatre department, the Boy Scouts, the high school choral groups and the high school videography network.

**3. Approval of August 8, 2011 Minutes**

Board Member Barnes moved (seconded by Board Member Thornton) to approve the minutes of the August 8, 2011 meeting.

Board Member Markwell requested the following changes to the minutes.

- Page 3 of 10, paragraph 4, change the date of September 2011 to September 2010
- Page 4 of 10, paragraph 1, change “district’s investment” to “state retirement”
- Page 4 of 10, paragraph 2, change “employee” to “employer”
- Page 6 of 10, paragraph 4, change “November” to “quarter by quarter”
- Page 8 of 10, paragraph 6, the amount of \$138,530 is incorrect. The correct amount is \$100,385.30.
- Page 9 of 10, last paragraph, “was interested in forming” should be change to “was interested in instructing”
- Page 10 of 10, paragraph 4, change Business Administrator Shevenell to Board Member Markwell.

Board Member Thornton requested the following change to the minutes.

- Page 5 of 10, paragraph 4, last sentence, should read “see the world”
- Page 5 of 10, paragraph 6, change “loose” to “lose”
- Page 6 of 10, paragraph 1, last sentence should read “she questioned”
- Page 8 of 10, paragraph 4 (after the letter), remove the entire sentence and replace with “Board Member Thornton would not support the motion as presented because there were items she felt should not be freed up.”
- Page 9 of 10, item 10, should read, “Board Member Markwell announced that he is not available...”

Board Member Barnes requested the following change to the minutes.

- Page 2 of 10, section 6, paragraph 4, change “program” to “curriculum transfers”

Chairman Vaillancourt requested the following change to the minutes.

- Page 2 of 10, section 6, paragraph 5, should read “She asked Assistant Principal Putney to explain how the test run was working. She asked if the curriculum that was formulated was being used this current year. Assistant Principal Putney responded that it was not.”
- Page 3 of 10, paragraph 4, first sentence should read that “after the school budget was proposed”
- Page 6 of 10, paragraph 6, should read that “Chairman Vaillancourt understood what Board Member Barnes was saying and that she does not support....”
- Page 10 of 10, section 14, paragraph 4 should read “She continued to say that she would be disturbed if the board was accused of micro-managing the administration and these were the proposed tier cuts that there were discussed back in March. It is the pervue of the school board to give direction to the Administration.

The motion passed as amended 4-0-1 with Vice Chairman Ortega abstaining.

#### **4. Public Participation**

There was no public participation.

#### **5. Consent Agenda**

##### **a) Teacher Nominations**

Assistant Superintendent McLaughlin announced the following teacher nominations.

- Jennifer Beaudry, Part-Time World Language Teacher, Merrimack Middle School
- Kevin Champigny, Part-Time World Language Teacher, Merrimack High School
- Meagan Jenkins, Part-Time Kindergarten Teacher, Thorntons Ferry Elementary School

##### **b) Administrator Nomination**

Assistant Superintendent McLaughlin announced the following administrator nomination.

- W. Nichols Coler, Jr., Assistant Principal, Reeds Ferry Elementary School

Board Member Barnes moved (seconded by Board Member Thornton) to approve the consent agenda.

The motion passed 5-0-0.

#### **6. Merrimack Middle School Participation in NH Youth Tobacco Survey**

Principal Debbie Woelflein reported that the NH Youth Tobacco Survey has been given four times. This year only middle school students will be surveyed. The survey will not disrupt the instructional program for the middle school students. Parents of the students chosen randomly to take the survey will be asked for their approval.

Board Member Thornton commented on how valuable the surveys are to the Safeguard Committee.

Board Member Ortega questioned how the fifty-minute survey would fit into the school day without interruption of the classes.

Principal Woelflein responded that since it is a very small sampling of the school population, the survey would be incorporated into the health curriculum. Teaching teams will have input on the best times for students to participate in the survey.

Superintendent Chiafery noted that the NH Youth Tobacco Survey will appear on the consent agenda at the next meeting unless any board member has an objection.

## **7. Presentation of Capital Improvement Plan**

Business Administrator Shevenell reviewed the Capital Improvement Plan. He stated that once the School Board approves the Capital Improvement Plan, it will go to the Planning Board. He reviewed the items line by line.

- Roofing: This is an on-going project. There is a slight increase in price from last year. The schedule basically remains the same.

Board Member Markwell had a concern regarding the roof replacement plan for the Merrimack Middle School. He stated that it appeared that the bond would be paid down several years beyond the replacement of the roof.

Business Administrator Shevenell responded that the roofing system that has recently been done at the Reeds Ferry Elementary School has a 25-year warranty and has an expected life span of around 30-35 years. The roof that was previously done at the Merrimack Middle School had a 10-15 year warranty.

Board Member Barnes asked if funds for the roofing projects were shifted, what would that do to the ability to get the projects done.

Business Administrator Shevenell responded that he spoke with the maintenance director who recommends that the roofing project be done over the summer.

- Asbestos Removal:

Business Administrator Shevenell reported that all abatements would be completed in 2017-18 if the schedule does not change.

Board Member Barnes asked why asbestos removal and roofing are not toggled between buildings.

Business Administrator Shevenell responded that the two do not play into each other. They are two independent projects.

Board Member Thornton asked if Business Administrator Shevenell could explain that the removal of asbestos is preventative.

Business Administrator Shevenell noted that this is a preventative measure so that the asbestos is not “fryable” (chipping, flaking, potential to become airborne). None of the asbestos is at this stage now, but if left alone for a long period of time it could become “fryable”.

- Paving:

Business Administrator Shevenell passed out maps showing the pavement areas as defined in the Capital Improvement Plan.

Board Member Barnes asked if Lyons Road would be widened.

Business Administrator Shevenell clarified that Lyons Road would not be widened. By increasing the parking space, it is hopeful that cars will not park on the road.

Board Member Thornton has reservations about spending extra money to create additional parking spaces. She questioned if consideration had been given to paving the dirt parking area.

Business Administrator Shevenell replied that it had been considered and it was not an option.

- Consolidation of Special Services/SAU offices:

Business Administrator Shevenell explained that this has been in the Capital Improvement Plan for several years. Last year there was a warrant article on the ballot to put \$200,000 in capital reserve towards this effort, however, it was rejected at the polls.

Board Member Thornton noted that the project had been moved forward one year. She voiced her concerns about putting it on the ballot this year because a capital reserve fund to put down a deposit on a building project was voted down on the town ballot.

Chairman Vaillancourt commented that to have the project moved forward one year is unacceptable and she would not support such action. She explained that a town committee is considering a new building for the library. The library was given to the Town of Merrimack through a trust, which has legal stipulations regarding the sale of the building. It is possible that purchasing the building and retrofitting it for the SAU office could be more expensive than constructing a new building. There is a full report on a study regarding the construction of a new consolidated SAU office the district website. The idea of the school district purchasing the now existing library is just an idea; there is no factual data to support that it will become a reality. The chair of the Library Building and Marketing Committee has been asked to contact School Planning and Building Chairman Rich Hendricks for discussion.

- James Mastricola Upper Elementary School Drainage:

Business Administrator Shevenell explained that the drainage system ties in with the parking lot and paving projects at the upper elementary school. This action would be a correction to the current drainage system and would be completed in 2015-2016.

There were no comments or questions from board members.

- James Mastricola Upper Elementary School Entrance/Office Upgrade:

Business Administrator Shevenell explained that the entrance/office upgrade at the James Mastricola Upper Elementary School will contain an extended vestibule which would create a safety-lock system in the entrance.

Vice Chairman Ortega asked about the difference in capital costs associated with the plan for the next two years.

Business Administrator Shevenell responded that the first year is for planning and completion of the documents. The second year would be for building.

Board Member Barnes asked if a ventilation system was included in the project.

Business Administrator Shevenell confirmed that a ventilation system is included in the cost.

- Merrimack High School Track Upgrade:

Business Administrator Shevenell explained that this is a new item. The track, built around 1997 is now in need of repair.

Superintendent Chiafery added that at one time the field and track at Merrimack High School was one item. The items were separated because the field needed more discussion and review time.

Board Member Barnes spoke to a prior presentation by Tim Tenhave of the Field Needs Committee. She suggested the board members review that information.

- Technology Infrastructure Upgrade:

Business Administrator Shevenell explained that this is also a new item that is a plan to look at the servers, routers, network, configuration, etc. This plan will include replacing some of the routers and perhaps some of the wiring in the buildings.

Board Member Thornton asked if there was discussion about the wi-fi connection within the high school so that students could use a wireless system.

Business Administrator Shevenell responded that there is discussion regarding the wireless system with funding through the ARRA grant.

Board Member Barnes asked if the phone upgrade was part of the project.

Business Administrator Shevenell responded that the plan does not include the phone upgrade.

Superintendent Chiafery spoke about the process of accepting the Capital Improvement Plan. She explained that the Planning Board has asked that the final rendering of the Capital Improvement Plan be submitted by September 30, 2011. The next meeting of the school board is September 19, 2011. She would like to have this as an item on the September 19 meeting agenda. The Planning Board's meeting is October 3, 2011.

Board Member Markwell noted that the Planning and Building Committee asked the board for input regarding all of the fields, with the field at the high school being the focus at this point in time.

Chairman Vaillancourt asked the board to provide her with input regarding what they would like to include in a charge to the Planning and Building Committee for the study for a high school athletic field. Chairman Vaillancourt and Superintendent Chiafery will formulate a draft charge for the board to review.

Chairman Vaillancourt asked the board to be prepared to review the Capital Improvement Plan, make any formal changes and to vote on the Capital Improvement Plan at the September 19, 2011 meeting.

## **8. Discussion About Banning Use of Electronic Devices During Board Meetings and Proposed New Policy to Address Issue**

Superintendent Chiafery read aloud a proposed policy entitled, “School Board Member Use of Electronic Communication Devices during School Board Meetings” from the NH School Boards Association.

Vice Chairman Ortega cited an article in the Nashua Telegraph where electronic devices at public meetings were addressed. Vice Chairman Ortega distributed copies of the Right to Know Law that was referenced. He read aloud sections from the law. He stated that at board meetings there is ample opportunity for the public to address the board during the public comments section at the beginning and end of the meetings, as well as correspondence read at the meeting. He does not see a need for board members to receive input from text messages. It is common courtesy not to text during meetings.

Board Member Markwell felt that Vice Chairman Ortega was misreading the law which is actually speaking to board members receiving communications without them being posted. He added that text messages have nothing to do with communication from the public to a board member. Board Member Markwell continued by stating that he contacted Attorney Barrett Christina of the New Hampshire School Boards Association regarding the sample policy. He stated that Attorney Barrett Christina sent him a revised policy.

Chairman Vaillancourt reminded the board that as a common courtesy any board member should let the Superintendent of Schools or the Chairman of the school board know if an attorney is contacted.

Board Member Markwell responded that he does not support the policy.

Vice Chairman Ortega stated that his intent was not to write board policy but to gain agreement as a board to not use texting as a tool during a board meeting. He was looking for an agreement from the board to work together concerning this issue. He stated that he has issues with the sample policy as written.

Board Member Markwell stated that he sees cell phones as a tool to check or verify information. He felt that board members should have wide latitude to do that and will continue to do so.

Board Member Thornton asked if refraining from using electronic devices during meetings could be addressed in the Code of Ethics for board members in the future. She continued to say that if an emergency text was received during the meeting, she would excuse herself from the meeting and deal with the text. She also stated that texting or phone usage on the internet during meetings can be very distracting to other members of the board.

Student Representative Joel Yates cited the Code of Ethics and referred to a bullet point that states that all participants at a school board meeting should have an “open mind” while working for consensus during the meetings. He felt that the board should be restrained from using electronic devices as board members may not have an “open mind” regarding the information being discussed at the meeting.

Board Member Barnes stated that she would disclose why she is using her phone during a meeting and leave the meeting area if needed. It is a courtesy to her colleagues, the administration, and the voters who want to understand what is being done at the meetings.

Chairman Vaillancourt stated that she does not support having a policy. However, she stated that she has no strong feeling about the policy and would go with the consensus of the board. She witnessed a committee member using a laptop during a meeting and she had an issue with that.

Vice Chairman Ortega stated that it was not his intent to develop policy. However, in the spirit of the Right to Know Law and as a courtesy to everyone in attendance, it would be an easy thing for board members to agree on.

Chairman Vaillancourt stated that the board would forgo accepting the policy at this time. It can be put back on the agenda if need be at a later date.

## **9. Consideration of Using Town Hall for Future School Board Meetings**

Chairman Vaillancourt explained that Nick Lavalley, Director of Community Communications, requested that the school board use the Merrimack Town Hall meeting room for its meetings. Chairman Vaillancourt and Superintendent Chiafery met with Nick Lavalley and Town Manager Eileen Cabanel for discussion on this matter.

Superintendent Chiafery explained that Mr. Lavalley moved the TV studio from Merrimack High School to the Town Hall in hopes of producing as many live broadcasted meetings as possible. The formal proposal includes the set up of the room and all the technology that is immediately available.

Board Member Barnes stated that she is concerned about the privacy issue, specifically about using the media classrooms, studio or lobby for non-public sessions. She was also concerned that there may be a conflict with other meetings, and that the other meetings may not get taped and all the public would have is the minutes to the meeting.

Chairman Vaillancourt stated that the media rooms only have computer terminals and TV screens, but no cameras and therefore there is not a problem with privacy. She also stated that the only conflict with other meetings is that the Conservation Commission sometimes has meetings at the same time as the school board. Mr. Lavalley indicated that there is a meeting room downstairs that is wired with cameras and sound and would be suitable for the Merrimack Conservation Commission meetings.

Board Member Barnes asked about the flexibility for the 24-hour notice that has to be given if there is a need for a non-public meeting.

Board Member Markwell questioned if there was enough recording equipment to do two shows live at the same time.

Chairman Vaillancourt explained there were two different channels, but was not sure about the technology of showing two live broadcasts at the same time.

Board Member Thorton stated that she supports the idea of using the Town Hall meeting room.

Vice Chairman Ortega stated that he, too, is in support of using the Town Hall meeting room. He felt the space is adequate, and the climate control is a positive factor. He added that the 24-hour notice should not be a problem since the board usually gets enough lead-time in terms of a non-public meeting. If the room at the Town Hall is not available for a special meeting, the board could always move to the conference room at the Administration Building.

Chairman Vaillancourt noted that the school board has many presenters at their meetings and that the room is only set up for two presenters. Mr. Lavallee is looking for additional furniture so that more people can be included in presentations.

As far as process, Superintendent Chiafery suggested that this be taken under advisement and that a formal decision could be made at the September 19, 2011 school board meeting with the idea that the board would start meeting at the Town Hall meeting room effective October 3, 2011.

Board Member Barnes felt her questions were answered and that she supported using the Town Hall meeting room and waiving the two-week rule.

Vice Chairman Ortega moved (seconded by Board Member Markwell) to hold the September 19, 2011 meeting at the Town Hall meeting room and to waive the two-week rule.

The motion passed 5-0-0.

#### **10. Proposal for Memo of Understanding Between the Merrimack Town Council and Merrimack School District Regarding Grater Woods Town Forest**

Board Member Barnes introduced the Draft Memorandum of Understanding between the Merrimack Town Council and the Merrimack School District. She reviewed the responsibility of both parties. The School Board and the Town Council have to approve the final document.

Board Member Barnes stated that the Grater Woods town forest includes 50 acres owned by the school district. The 50 acres have separate rules because it is school district property.

Chairman Vaillancourt stated that the Memo of Understanding would be on the agenda for the next board meeting. Any questions or concerns should be addressed to Board Member Barnes or Business Administrator Shevenell.

Superintendent Chiafery asked if the changes that Board Member Barnes referred to would be available for the Town Council at its next meeting.

Board Member Barnes stated that the changes to the document would be available for the Town Council meeting as well as for the next school board meeting.

Chairman Vaillancourt explained that if the School Board and the Town Council approve the document, then it is the intent of the board to present the Memo of Understanding at the joint meeting for signatures.

#### **11. Request to Bargain a Successor Agreement for the Merrimack Educational Support Staff Association**

Chairman Vaillancourt reported that she received a letter dated August 23, 2011 from the Negotiations Chair from the Merrimack Educational Support Staff Association (MESSA) informing the school board that the Merrimack Educational Support Staff Association desires to bargain a successor agreement for the contract year beginning July 1, 2012. Board Members Barnes and Thornton are the negotiators and will negotiate this contract and come back to the board with information they receive from their first meeting.



## **12. Adjustment Made to Kindergarten Pupil/Teacher Ratio Based on Student Enrollment**

Superintendent Chiafery reported that she met with the kindergarten through grade four principals to review 2011-2012 student enrollment figures. She had projected 52 kindergarten students at James Mastricola Elementary School, 50 are registered; at Reeds Ferry Elementary School the projection was 79 and 80 registered; at Thorntons Ferry Elementary school there were 67 projected and 80 registered. She reported an additional 13 kindergarten students at Thorntons Ferry Elementary School. She explained that a half-time kindergarten teacher was hired resulting in a 16:1 teacher-student ratio in each of the three buildings.

## **13. Year-end Surplus to Reduce Taxes**

Business Administrator Shevenell stated that the fiscal year 2010-2011 was closed and audits were complete. There was a surplus which will be used to reduce the tax rate this fall in the amount of \$2,114,000. Appropriation components were in the areas of maintenance, special education, benefits and performance pay in the amount of \$1,500,000. The revenue surplus was \$572,000. Catastrophic aid was higher than expected. Food service went from a \$26,000 deficit in 2009-2010 to a \$93,000 surplus in 2010-2011. Revenues for this year compared to last year increased by \$41,000; expenditures decreased by \$78,000.

Vice Chairman Ortega questioned why the cost of the benefits that Business Administrator Shevenell referred to was lower.

Business Administrator Shevenell responded that the benefits are a combination of health insurance, FICA. The price of oil being lower than expected and special education out-of-district placement which did not have to be implemented also contributed to the surplus amount.

## **14. School Board's Recommendation for Representative for Town Center Committee**

Chairman Vaillancourt cited a letter from Becky Thompson, Executive Secretary for the Town of Merrimack dated August 9, 2011. The Town Council is asking for an SAU representative for the Town Center Committee. Tracy Bull has offered to represent the school district on the committee.

Board Member Barnes moved (Vice Chairman Ortega seconded) to have Tracy Bull represent the school district on the Town Center Committee for the 2011-2012 school year.

The motion passed 5-0-0.

## **15. Initial Considerations for the 2012-2013 Budget**

Chairman Vaillancourt asked board members to share their thoughts about the 2012-2013 budget. It is her goal to incorporate all board members' concerns in a message to the Superintendent. Superintendent Chiafery will bring the board's thoughts and questions to the administration prior to creating the budget. The board will receive the 2012-2013 budget for formal review and consideration on the first Monday in December. The budget will then go to the budget committee to the deliberative session and then to the voters for a formal vote.

Board Member Markwell would like to see a zero tax impact. Areas to focus on would be transportation costs and looking at ways to contain healthcare costs.

Board Member Barnes stated that one of her concerns is in the area of technology. She would like to find it cheaper, smarter, better, but not to compromise the amount of technology in the schools. She noted that the high school NEASC (New England Association of Schools and Colleges) accreditation is important and that the technology importance was noted as an area of improvement by the accreditation board. She felt that proposed cuts should be verbalized and explained to the voters and they should also understand the consequences of removing items from the budget. She stated that she is uncomfortable with removing Capital Improvement projects.

Board Member Thornton stated that she wants to hold the bottom line with no new initiatives and that the capital expenses should be reviewed. She has a concern with student-teacher ratios, does not want to burden the teachers any more than they are now. She would like to look at the high school leadership positions as well as leadership positions in the other schools. Board Member Thornton added that all positions should be reviewed for possible cuts not just the teaching positions. She also noted that the after school programs and extra curricula should be considered knowing that there are many state and federal mandates. Going back to basics, she stated that there is a need to look at what has to be done, what is governed to do and what can be afforded.

Vice Chairman Ortega agreed that the target for this year should be a level funded budget or a lower budget than the 2011-2012 budget. Budgets have increased, but the percentages on gross appropriation trends have gone down in recent years. Vice Chairman Ortega noted that the declining enrollments should be considered. The substitute budget and the use of consultants should be reviewed and not overspent. He stated that he supports the Capital Improvement Plan schedule. He continued by addressing the use of technology, noting that Merrimack seems to be behind in this area. He stated that there should be equity between post-season successes for academic clubs like the U.S. First Robotics, in line with the athletic budgets for post-season success.

Chairman Vaillancourt agreed that there are a lot of concerns for this year's budget. She would like to come in level-funded. The Capital Improvement Plan schedule is important. She noted that student-teacher ratios are important as well as technology upgrades. Containing healthcare costs and the unstable retirement system are a concern. Chairman Vaillancourt distributed a slide from a PowerPoint presentation by Mark Upton that addressed cost saving considerations when negotiating. She asked that anyone negotiating future contracts keep these key points in mind.

Chairman Vaillancourt will put a concise message in writing for the board's review prior to submitting it to the Superintendent at the next meeting.

## **16. Other**

### **a) Correspondence**

Superintendent Chiafery stated that a letter dated August 5, 2011 from Boys and Girls Club Director Kurt Norris explained that there would no longer be the Boys and Girls Club after school program at the James Masticola Upper Elementary School due to a shift in the economy.

### **b) Comments**

Business Administrator Shevenell spoke about the student information system's (PowerSchool) data loss. The failure was caused as a result of a log file that was increasing in size and the need to be purged. However the log file grew tremendously without any notification to the Administration and caused the

system to crash. PowerSchool tried to do a restore, but space was an issue. The fourth quarter data was lost, including all the scheduling as well as fourth quarter grades. The grades were retrieved through Honor Roll lists. PowerSchool tried to reduce the size of the log file, make space on the server, and do a restore again. It was at that point that everything was corrupted. Oracle and other data recovery companies were consulted. An off site back-up was initiated, which is actually a disaster recovery program from PowerSchool. Business Administrator Shevenell noted that the server will be examined to determine if it needs to be upgraded. He continued to explain that test restoration of data will be done in the future. There has been no evidence of hackers. Quality control checks for correct data will be done.

#### **17. New Business**

There was no new business

#### **18. Committee Reports**

Board Member Markwell reported that he attended a School Planning and Building Committee meeting on August 23, 2011. Changes to the Capital Improvement Plan were discussed as well as track and field upgrades. There was mention of getting a cost estimate for a steel building for the consolidation of the SAU office and the Special Services office. The parking at Reeds Ferry School was also discussed.

#### **19. Public Comments on Agenda Items:**

Gary Krupp, 4 Ministerial Drive, felt the conversation about the electronic devices was interesting. He cited a section of the law regarding exemptions. Mr. Krupp felt that while texting is annoying, the law could protect it.

#### **20. Manifest**

The Board signed the manifest.

At 10:00 p.m. Board Member Markwell moved (seconded by Board Member Thornton) to adjourn the meeting.

The motion passed 5-0-0.