

LAMOILLE NORTH SUPERVISORY UNION  
ACT 46 STUDY COMMITTEE MINUTES  
GTMCC COMMUNITY EDUCATION CENTER  
OCTOBER 27, 2015

Committee members present: Pierre Laflamme, Jeff Bickford, Laura Miller, Ken McPherson, David Whitcomb, Peter Ingvaldstad, Matt Mitchell, Angie Evans, Nita Bogart, Raven Walters, Tim Sullivan

Others: Edith Beatty, Marilyn Frederick, Michelle Aumand, Steve Sanborn, Thad Tallman, another citizen

**Note: All votes taken are unanimous unless otherwise noted.**

1. *Call to Order and Approval of Agenda*

P. LaFlamme called the meeting to order at 6:02.

**T. Sullivan moved to approve the agenda, seconded by J. Bickford and the motion was passed.**

2. *Approval of Consent Agenda Items (Committee Minutes 10-13-15)*

**M. Mitchell moved to approve the consent agenda, K. McPherson seconded and the motion was passed with D. Whitcomb and R. Walters abstaining.**

3. *Drafting Articles of Agreement*

S. Sanborn provided draft articles of agreement. D. Whitcomb asked him to tell the committee which articles are required by law and which are not. S. Sanborn said all are required with these exceptions:

- He doesn't think Article 5 is required but there is already a state law that says transportation has to be centralized.
- Article 6 is not required but it is one of the goals of Act 46.
- He is not sure we have to have Article 13. Legally a board has to propose annual budgets but he isn't sure we have to have it in an article.
- What is in Articles 15 and 16 needs to go to the state board but it could be as appendices.

S. Sanborn read the introduction to the draft articles of agreement, then Article 1, which describes the forming districts. This committee will have to decide whether all districts should be deemed necessary to the merger, all should be deemed advisable, or some should be necessary and some advisable. D. Whitcomb asked for clarification on what that means.

S. Sanborn said if every district is advisable and 5 vote yes and one votes no, then the 5 can move forward with a modified union. The other is left out there with its own school board. In two years, it will be the Board of Education's decision what happens to that district. If every district is deemed necessary then one no vote would kill the consolidation process and we would have to go through another round if we wanted to move it forward.

D. Whitcomb asked what other districts are doing. S. Sanborn said a district he was working with last night wanted everyone to be advisable. They didn't want 5 districts influenced by one. Mount Mansfield had everyone advisable. When Essex and Essex Junction were considering merger they said both of those towns were necessary and Westford, a smaller community, was advisable.

K. McPherson asked if those are our only choices. He thinks it would make more sense not to specify certain districts as necessary but just to say that it is necessary to have a combination of districts that has over 900 students. S. Sanborn said he is 99% sure that the requirement for a modified unified union is to have a majority of the towns, rather than any specific number of students. K. McPherson asked how that fits into the desire to get to 900 students. They just walked away from that? S. Sanborn said he believes so under the modified option.

M. Mitchell asked, if a town votes no, are they able to have a revote and vote yes? S. Sanborn said it was written into the Essex Junction/Essex Town/Westford articles of agreement that if Westford voted no the first time they would have 6 months to vote again. It will be up to the Westford community whether or not they want to vote again. We can talk about putting that clause in our articles of agreement but he is not sure we have time for a revote. If we created a modified unified union then a year and a half from now a community that wasn't part of it could vote to join it, but they wouldn't get any of the incentive benefits.

L. Miller asked if the state could put a community into the union even if they voted no. S. Sanborn said yes.

R. Walters asked, if we did a modified union and made all the towns advisable, would we be ineligible for the maximum tax benefit? S. Sanborn said we would get 4 years of tax reduction, starting with 8 cents.

S. Sanborn asked the committee to wait for now to make a decision on this. He said when we get to Article 9, about board representation, we may want to think about what advisable and necessary mean during that discussion.

L. Miller asked if the new district created has to have "Unified Union School District" in its name. S. Sanford said we can name it anything we want. L. Miller suggested taking out either "Unified" or "Union" as it seems redundant to include both. S. Sanford suggested taking out "Union." There was general agreement that that would be fine.

D. Whitcomb said he believes E. Beatty has been talking to Wolcott. He thinks we ought to try to bring them in. E. Beatty said at this point they are not choosing to do that. They are exploring options and are not ready to make a commitment. D. Whitcomb asked if we could adopt them into our union later if they did decide to come here. S. Sanborn said they could always ask to be admitted to our unified district. E. Beatty said because they are still considering options they will keep sending some of their kids here for a couple of years.

S. Sanborn read Article 2, which says the new district will provide PreK-12 education to all of the students in the district. That means there is no choice available.

M. Mitchell asked, so school choice is going away under Act 46? S. Sanborn said not the state program that provides school choice for up to 10% of students at a school. If a student wants to go to Stowe and play hockey they could petition to do that. Another thing that may develop is that there could be elementary choice among all the schools in the district. That would be a decision of the new board, not part of the articles of agreement.

K. McPherson said the wording could be interpreted as meaning that if you want to go to BJAMS we will pay for it. Maybe instead of saying we will provide PreK-12 education it should say we will offer it.

L. Miller suggested saying “public education” instead of just “education.” R. Walters said she likes that.

K. McPherson asked what this means for students who are taking time away, for instance at a ski academy, or who are homeschooled. S. Sanborn said it wouldn’t change the services we provide. R. Walters suggested changing “students in the Union School District” to “students enrolled in the Union School District.”

K. McPherson said if we say we are going to provide education to all students that implies maybe we are taking away choice. P. Ingvoldstad said at the high school level we have always allowed for choices to happen. He doesn’t know how this changes it. The new board could change policy but the board will always be able to do that. K. McPherson said he just wants to make sure people don’t have a false argument that this is one way we take away choice. He suggested saying “students who choose to enroll in the Union School District.”

P. Ingvoldstad said he believes we have kids who go to the ski academy in Stowe in winter and they are still counted as our students. He doesn’t see that we will change that. J. Bickford said homeschooled students can also participate in some of the school’s services. He thinks we should just change “education” to “public education.” The committee agreed to make that change.

S. Sanborn said Article 3 is a legal piece we are required to include. It says that teachers will remain unionized and the new board will have to negotiate with each of the two unions before July 1, 2017. If agreement isn’t reached existing contracts will carry forward.

Article 4 includes statements that no new school buildings are necessary to or proposed for the formation of the union and no school closings are anticipated. S. Sanborn said D. Whitcomb had asked him why each school district couldn’t sell its school property to the community and then the community could agree to lease it to the new union with a 99-year lease. D. Whitcomb felt that people would be more comfortable leasing rather than

selling their buildings to the new union. At the State Board level an attorney has been hired to write an opinion on whether that is legal.

L. Miller said the article says no school closings are anticipated or proposed and a unanimous vote of the board is required to close a school. But what if the new board decides to use the Belvidere school for all the kids who are now going to Laraway? Since the school would not be closing and would still be used, could that happen? S. Sanborn said that could happen. We don't want to tie the hands of new school board. We want them to be able to use opportunities like that.

D. Whitcomb said that the new school board can change things by a vote. Are we going to make them wait 5 years before they can do anything or are they going to make changes as soon as they get in?

S. Sanborn said when we say a unanimous vote is required, that is a very high standard. He believes P. Ingvaldstad has a suggestion that is a bit different. P. Ingvaldstad said he doubts the board will ever get everyone to vote unanimously for closing of a school. He would suggest that instead we require a 75% majority in two votes in two successive years.

L. Miller said her point is that the board could decide not to close a school but to use it for other things. We are saying the new board can choose to move kids anywhere and maybe not send them to their local school. That is a point a lot of people might be worrying about. The wording says the board can't close a school without a unanimous vote but it doesn't say they can't choose to use it for something else.

K. McPherson suggested saying "repurpose" instead of "close." E. Beatty said there are already definitions of "open" and "closed." The Belvidere school is not operating. A. Evans said Waterville leases the building. L. Miller asked, so it's already closed? E. Beatty said she thinks we should get a legal opinion. If the board decided to educate Waterville kids elsewhere then Waterville would not be operating a school.

M. Mitchell pointed out that 75% of the new board would be 13.5 people. Maybe it would be better to use a number of people rather than a percentage. S. Sanborn suggested we could say "over 75%."

D. Whitcomb said as soon as the merger goes into effect all district board meetings in towns go away. The new board will make all decisions. Is it going to have any annual meeting? The budget will be voted by Australian ballot.

K. McPherson said he would challenge the premise that no new buildings will be necessary. He thinks there is a fair chance the school bond in Hyde Park will not pass, which will pass it to the new district, which means a new building may be required. S. Sanborn said he thinks the article means we wouldn't be creating a whole new entity.

S. Sanborn asked for a show of hands from those supporting P. Ingvaldstad's proposed change from a unanimous vote to a vote of over 75% of members in 2 consecutive years. More people preferred the change to over 75%.

K. McPherson said he would like to see central office or someone come up with a contingency plan for if the school bond proposal fails to pass in Hyde Park. R. Walters said there is no bond proposal yet. The board has decided to work toward a very small renovation to take care of needed repairs and address the most critical space needs only. She thinks it will have more chance of passing than the last bond. The board does not intend to raze or abandon the building. The board hopes to have the vote in the spring. K. McPherson thinks there is a reasonable chance it won't pass, enough of a chance that we should be forming a contingency plan. The committee looking at options was looking closely at the possibility of a new school. If the new union district stepped back and looked at the situation he thinks they might vote to do more extensive work than currently planned or to create a new building. He would suggest getting rid of the first sentence in this article and creating a process for addressing Hyde Park's building needs. S. Sanborn said that is not the purview of this committee. He thinks the article's intent is to say that a new building will not be required because of the unification. We could put into the article that extensive renovations are necessary at HPES. K. McPherson said he is not sure we want to limit it to extensive renovations.

T. Sullivan said the new board is not a draconian group we don't know. It will be us or people like us. We can talk about how to constrain them against things we are afraid of but they will have the same concerns and fears we do. K. McPherson said the first line sort of ties their hands. M. Mitchell said he sees the first line as saying we're not going to build a new school in order to form this union. We may totally renovate an existing school but that has nothing to do with that first line. S. Sanborn said we could take out the first line and say extensive renovations may be needed at the Hyde Park school. R. Walters said she doesn't know that it's helpful to take out the first sentence and she thinks there is a risk to taking it out. Some people may wonder if the new union is going to build a big new school that will cost a lot of money. She thinks it is important for people to understand that we are not going to need to do that. S. Sanborn suggested changing the wording to "No new school buildings are necessary for the formation of the Union School District." The committee agreed to that.

Article 5 says the new board shall determine, in accordance with state and federal law, the transportation services to be provided to students. L. Miller said she always hears that transportation is a privilege, not a right, so how can we say we will definitely provide it? S. Sanborn said state and federal law requires us to provide it for some students.

Article 6 says the forming districts recognize the benefits of establishing district-wide curricula as well as their obligation to do so and to otherwise standardize their operations on or before July 1, 2017.

Article 7 says any deficits or surpluses of the forming districts will belong to the new district. S. Sanborn asked if any of the districts have earmarked reserve funds for capital improvement. M. Frederick said all do. S. Sanborn said he would suggest adding

language saying that those funds will remain earmarked and that the new board shall honor the intent of the earmarking, using funds for the same building for which they were earmarked. M. Mitchell said Eden has funds earmarked for buses. If transportation is all going to be handled by the new district, how does that work? M. Frederick said both Cambridge and Eden have capital reserve funds earmarked for bus purchases. She likes the idea that any earmarked funds remain earmarked with their original intent, whether that is transportation or facilities. M. Mitchell said he thinks if we tell Johnson they can keep their \$200K because it's for their building and tell Eden they can't keep theirs because it's for buses, that won't go over well. K. McPherson said Cambridge has a big capital obligation that is being passed on to the new district, much bigger than any amount earmarked for school buses. T. Sullivan said he thinks the new board will be honoring each building's need for a new roof or furnace. He would just leave the article the way it is, without the part about earmarked funds. M. Frederick said she thinks that will cost votes. She thinks townspeople like to see their capital reserves stay with the town. K. McPherson asked, won't assets be transferred from the current districts before the new board is elected? S. Sanborn said the new board will have been elected and operating for 5 or 6 months before funds are transferred. The committee agreed to leave the language as it is.

S. Sanborn said we will get a legal opinion before we make any decision on Article 8, which is about the forming districts conveying property to the new district. It says land will be conveyed to the union for a dollar and if in the future the land is not needed by the union it will be conveyed back to the community for a dollar. The other option may be leasing. He thinks we should leave discussion of this article until we get a legal opinion on that.

D. Whitcomb said GMTCC owns a forestry building in Hardwick on land belonging to Hazen Union, which is in a different SU. We have a problem here because we have a building on someone else's land. S. Sanborn said we will hand that to the lawyers.

P. Ingvaldstad suggested adding to Article 8 a provision that says changes to community use procedures can only happen after 5 years and will take a 75% vote of the board after 3 warnings of the change in procedure, one per month. He thinks we should respect and protect existing procedures like the ones Eden has that allow their building to be used as a community center. M. Mitchell said he is sure there are a lot of procedures that are written and a lot that are unwritten. How do we identify procedures? S. Sanborn suggested saying "documented procedures." D. Whitcomb asked if we can bind the future board to that type of regulation. S. Sanborn said yes, we can. There are two ways that can happen. Some of the information from the articles of agreement will be in the written warning people will vote on. The articles of agreement will be an attachment to the warning. Provisions that are in the warning voted on will take a community vote to change. Those in the attachment will take a board vote to change. We can specify what type of board vote it must be, as P. Ingvaldstad suggests. The committee agreed to add the provision suggested by P. Ingvaldstad.

K. McPherson said he thinks the new board could decide to build a new school for Hyde Park and give the existing building back to the town. Then the town would have to pay to

have it renovated, given that the town seems to want to keep the building in that place. The article as written now says the new board could take possession of a school, decide it's too big a problem to deal with, and exercise the option to give it back to the town. In the private sector, the risk would be shifted to the acquirer. He would like the article to say that the union district has to make up its mind before it takes over. Otherwise, if the new board decides it can't use the existing building the town would end up with a chunk of the bill for a new school and the cost of refurbishing the old building. The acquirer does not assume any of the risk.

S. Sanborn said he thinks as it is written now, when the property changes hands through lease or purchase the new union accepts the building and all its liabilities. K. McPherson said they would also have the right to give it back for a dollar. S. Sanborn said the town would not have to take it back. Hyde Park could say they didn't want it and then the unified union could sell it and keep the proceeds.

R. Walters pointed out the wording in the second paragraph, where it says that if the union board determines that any of the property conveyed to it is unnecessary to the district the district shall convey it for a dollar to the town in which it is located. To her, "shall" suggests "must." Could we change it to "may with the approval of the town's voters?" S. Sanborn said with that change the district could decide not to give it back and just sell it. J. Bickford said "shall convey" binds the district to offer it. It is like a right of first refusal. But the town could decline to accept it.

D. Whitcomb said there is no way the town can vote on this because town school district meetings will be over. M. Frederick said she thinks there is another law saying that a public school can't get rid of its property without a vote. There will have to be some sort of vote. D. Whitcomb asked that we find out for sure whether that is in the law.

Article 9 describes representation on the new board. S. Sanborn said he has shown proportional representation but there are other options, such as including members at large.

**4. *Proposed Public Input Meetings – Updates from Local Boards***

A sign-up sheet for the public information sessions was passed around. S. Sanborn said he is hoping the representatives from each community will be at their community's forum. It was also mentioned at the last meeting that it would be nice if some others could attend. He suggested that people think about what meetings they would like to go to and also think about who should be the lead presenter for their community's meeting and whether that person should also moderate the meeting.

D. Whitcomb said he thinks S. Sanborn should come to all of the forums and run the meetings. He was hired to do it. S. Sanborn said if Eden wants him to lead the meeting he is willing but if another town feels more comfortable with someone else doing it he thinks that would work as well. It is up to each community to decide how he can be most effective. He doesn't want people thinking he has been sent by the state to convince them to consolidate. M. Mitchell asked if we are being asked to make this decision tonight. His board has a third member who is not here. S. Sanborn said boards should talk about it and then give him a call and tell him what his role should be.

D. Whitcomb said he thinks November is a poor time to have these meetings because it is deer season and many people will be away at deer camps. S. Sanborn said he thinks we will have more than one meeting in each community but we felt it was important to get information out to the public as soon as possible. D. Whitcomb said he has talked to Bernie Juskiewicz about Act 46. The legislature is getting pressured to take another look at it. An attorney is saying a lot of its provisions aren't even legal.

K. McPherson said it sounds like there is a possibility this law will be deconstructed in some way. Should we review this document for fallback conditions in the event the whole thing is dissolved? Should we plan for the divorce before we get married?

P. Ingvaldstad said as we went through articles no one had a word to say about the provisions relating to education. Concerns brought up have to do with community use of facilities or financial considerations. Nothing bad will come out of consolidation if we do it correctly. He doesn't think the legislature can back out of the 10 percent tax break the first year. That is a big savings to our constituencies.

The committee reviewed the draft letter P. Ingvaldstad created to post on Front Porch Forum, etc. informing people of the public forums and suggested some changes to the wording.

E. Beatty showed a draft PowerPoint presentation that can be tailored for each town. She thinks if she presents at the public forums it will seem like the SU is shoving consolidation down people's throats and if S. Sanborn presents it will look like the state is trying to get them to do it. She thinks there is power in townspeople presenting. L. Miller asked if E. Beatty can send out the presentation so boards can discuss it at their next meeting. E. Beatty said yes.

K. McPherson questioned presenting the benefits of consolidation that this group came up with. He thinks a lot of the ideas that came up in the brainstorming activity could be proven wrong. He also said he thinks the charts on property tax bill changes are somewhat misleading because they make it look as if taxes will go down but he thinks they will actually increase from current levels starting in year 3. We are reducing the amount of the tax increase but not reducing taxes. We have to think about what we are saying and make sure it is bulletproof. M. Frederick said if this group wants to come up with a set of assumptions she can modify the charts based on those assumptions.

K. McPherson said he thinks this is far too complex a presentation. We should think about simplifying it. We will be talking to people who aren't looking for this level of detail.

E. Beatty said the tax information M. Frederick presented showed what would happen if all things stay the same, which we know won't happen. We can explain to people that things won't stay the same, but if they did, this is what would happen to their taxes under Act 46. If some communities are going to get a tax break then those who don't get the tax break will pay for those who do. K. McPherson said during the 5 years of tax incentives

the tax rate will increase faster from year to year than it does now, as the incentives are reduced each year. M. Frederick said there will still be a reduction each year compared to taxes without the incentives.

P. Ingvoldstad asked if each town can say who will be scribe at the public meetings. K. McPherson said he thinks open meeting law requires that meetings held to solicit opinions be recorded. M. Frederick and P. Ingvoldstad said it would be good to look that up.

5. ***Public Comment***

A citizen said he doesn't think people will feel a commitment from the committee if one or two committee members come to each public forum. He thinks a majority from the committee would show the committee's support. D. Whitcomb said just because committee members show up that doesn't mean they support this. He will be there but he will tell his town to be cautious.

K. McPherson said we might need to require committee members to sign up before showing up at the public forums. We can't have a majority of the committee show up or it becomes an unwarned meeting of this committee. D. Whitcomb said they are public meetings. P. LaFlamme said the signup tool being used has fewer slots for each meeting than the number of committee members needed for a quorum. S. Sanborn said this hasn't been an issue in other districts. P. Ingvoldstad said when there were public forums on the middle school there was a quorum of school board members at the presentations. We will not be making any decisions at the forums. Open meeting law doesn't pertain if we are not going to take any action. S. Sanborn said we can warn each forum as a school board meeting and an Act 46 committee meeting.

6. ***Next Agenda***

At the next meeting the committee will continue working on the articles of agreement. M. Mitchell suggested discussing how the first two public forums went. S. Sanborn said he thinks those two things will take up the whole meeting.

S. Sanborn said we have been talking about having the consolidation vote on town meeting day, but he has been advised that is probably not the best day. They are suggesting a mid-April date. That will come up in Article 10. A mid-April date would give us almost a month and a half more time as a committee and would allow us to discuss consolidation on town meeting day. And it won't be as confusing to voters. D. Whitcomb said if we want to discuss it at the school district meeting on town meeting day it will have to be on the warning. Only what is on the warning can be discussed.

7. ***Adjourn***

**MOTION: M. Mitchell moved to adjourn at 8:22, J. Bickford seconded, and the motion was passed.**

*Minutes submitted by Donna Griffiths*