

PUBLIC MEETING  
JANUARY 13<sup>TH</sup> AT 6:30 PM  
CITIZENS' HALL ROAD, LYNDEBOROUGH  
APPOINTMENT OF SCHOOL BOARD REPRESENTATIVE  
DRAFT MEETING MINUTES

I. OPEN MEETING: 6:31 PM

- a. Members Present: Charlie Post, Lyndeborough Representative; Brianna Lavallee, At-Large Representative; Darlene Anzalone, At-Large Representative.
- b. Public Present

II. Introductions and Purpose of The Meeting:

- a. Mr. Post thanked the public for attending. He stated that this meeting is a publicly noticed meeting for a Town Election issue not a meeting of the School Board. The three members of the Lyndeborough delegation of the School Board introduced themselves. There are four Lyndeborough Representatives, two are Lyndeborough-Only and two are At-Large. A Lyndeborough only representative resigned at the December 20<sup>th</sup> School Board Meeting.

Mr. Post stated that this is a meeting of the Lyndeborough Delegation to the SAU 63 School Board for the purpose of appointing a Lyndeborough replacement for the School Board vacant seat for the remainder of the current year term.

b. Delegation Member Statements

Mr. Post stated that it is critical in our Cooperative District that both towns get their full representation and is especially important in the budget season. Mr. Post expected that the Lyndeborough replacement would be on the January 10 School Board agenda, but it was not. A majority of the Lyndeborough delegation asked Jim Kofalt, the School Board Chair, to add it to the agenda in writing three separate times, these requests were refused by Mr. Kofalt despite the School Board policy that states Board members have the right to add items to the agenda. Mr. Post stated that during the January 10<sup>th</sup> School Board meeting a point of order was made that the replacement vote needed to be added to the agenda and he made the motion, Mrs. Anzalone seconded it. Mr. Kofalt asked for a full Board vote, there was a second point of order where it was stated that only Lyndeborough Delegation members be allowed to vote. Mr. Kofalt held the vote without agreeing to the point of order. Mr. Post stated that all the Wilton board members including Chairman Kofalt and Mrs. Lavalee from Lyndeborough voted not to hold the replacement selection vote. Later in the meeting Mr. Kofalt

did say he would add this topic to the agenda for the next meeting. Mr. Post stated that his concerns were that the Board has removed Lyndeborough requested items from the agenda in the past and there is no assurance this wouldn't be repeated.

Mr. Post went on to say that the town of Lyndeborough has the right to School Board representation, and that the Wilton School Board members do not have a say in that selection. Mr. Post referenced the handout given to the attendees from the Secretary of State's office providing guidance that the Town of Lyndeborough Representatives are the only people that have the right and responsibility to select a replacement to fill the vacancy. (RSA 671:33 IIb and IV)

Mrs. Lavalee stated the reason she did not vote for the motion was she thought that it was not appropriate, and no information including the name of someone that was interested in advance of the meeting had been given to her. She stated that not adding the vote to the agenda was agreed to by the majority of the board, and it would be addressed at the next meeting. She said Mr. Kofalt directed that the administration provide someone to swear the successful candidate in at the next School Board meeting. She did not see a pressing need to get a new member on the board because the only vote taken was to approve the previous meeting minutes. She said it was more appropriate to have the members of the public apply because that was how we handled it in the past.

Mrs. Anzalone stated that she had asked Mr. Kofalt to add the selection of a replacement board member to the January 10 agenda in writing, and this was denied three times. She went on to say that this is an urgent matter because there are import issues upcoming for the remainder of the budget season and at the annual meeting and Lyndeborough would be short their full representation. She went on to state that Lyndeborough School Board Member requested items have been removed from the agenda in the past and she did not want it to happen with this issue, which would continue to push the selection out.

Kate Mclure, Lyndeborough, interrupted the procedure, she was asked to wait for public comment.

### III. Public Comment

The members of the Lyndeborough School Board delegation agreed that given the number of the public present, they would take public comment after the Board member statements.

Kate Mclure, Lyndeborough, expressed her concern that the agenda addition request to vote for a Lyndeborough Board member replacement was made after the agenda was posted, and that people would not see the changes to the agenda. She said she does not check back to read the agenda after it is posted, after reading this one she decided she did not have to attend and played her ukulele. She said the request for the agenda item addition came in after the agenda was posted. She also said the request for community interest in the vacant position was posted on the school website and that people had until the 17<sup>th</sup> to put their name forward, and this meeting was posted yesterday at 4:00 pm.

Adam Lavalee, Lyndeborough, expressed that he liked the candidate, but he did not like that the School Board would be taking another Budget Committee member. He did not care for the way that this came together. He stated that when Mr. Allen was selected to join the Budget Committee, he was interviewed by the whole Budget Committee and voted on by the members of Lyndeborough. He stated while it was not policy, he liked the fact that members got to interview the candidates. He stated that he had a hard time understanding how you would be okay with this in different circumstances.

Mr. Mclure interrupts and is asked to wait for others to comment.

Bob Howe, Lyndeborough, asked how long the open position had been vacant and was told since December 20. He noted that it was now January 13<sup>th</sup>. He had concerns that Lyndeborough did not have full representation on the board during important budget discussions. He said that the potential candidate was up to speed on these issues because he was currently on the Budget Committee.

Mr. Lavelle interrupted but was asked to wait for others to comment.

Fran Bujak, Lyndeborough, said he was concerned because this was not to correct an election issue. He stated that now that he knows who the candidate is, that it appears to be about a vote and getting the votes they want, and that this is crappy. He said no one would appoint someone off the street for three meetings. He said the assumed candidate has budget experience but doesn't

have experience with School Board issues and the selection smells more like manure and not roses.

Jeffry Allen, Lyndeborough stated that he took offense at Mr. Bujak's comment that he would be a vote for a particular side. He went on to say that he is a reasonable person who looks at both sides and that he is not anybody's vote and wouldn't be anybody's vote if selected today. He would do the best to be the Citizens vote for Lyndeborough. He said he intended to run for the position in the spring. He had concerns while serving on the Budget Committee where Lyndeborough has not been best represented. He declared to the Chairman a week ago that he was interested in the position. He didn't know that the meeting was occurring until yesterday and he has served on the Lyndeborough Committee, and he believes that if we are going to spend a dollar out of the taxpayer's pocket, we need to provide a dollar's worth of value. He stated that we need to provide that value to our students. He reiterated that he took specific offense to Mr. Bujak's statement.

Fran Bujak, Lyndeborough said none of what he said was directed at him, apologized if Mr. Allen took that as criticism of him but directed his statement at the folks in the front of the room.

Jeffry Allen, Lyndeborough, accepted Mr. Bujak's apology.

Mark Chamberlain, Lyndeborough, stated that there are important decisions that must be made before March, and if there are interested parties, they are free to put their name in for that. He said that he wanted this critical position filled so that we had adequate representation for the balance of the year.

Lisa Post, Lyndeborough, clarified that she reached out to the Secretary of State after the last Board meeting which was contentious and tried to convince the delegation from Wilton that they had no right to block Lyndeborough's vote by not putting it on the agenda and preventing full representation for the town of Lyndeborough. She pointed out that no one seemed to know on the Board, for a Cooperative School District, how to appoint a replacement within the guidelines of State Law and this has been going on for years. She noted that just because they have been doing it wrong doesn't mean that we should keep doing it wrong. There is no provision in State Law for the School Board, as a whole, to have a voice in the vote other than the Lyndeborough delegation members. We are not having a School Board meeting; this is a meeting to make an appointment that falls under election rules. She stated that she contacted the Secretary of State on speakerphone with two of the Select Board members present and clarified what we need to do to fill the vacancy. There are three

ways to fill a vacant seat, one where two or more Town School Board members make the decision to appoint. If they are unable to make the decision, the Town Select Board decides. If the Select Board cannot decide, the Moderator makes the decision. None of this has anything to do with a person being interviewed by the School Board and can take place anywhere. This is the State Law and it's important that we follow the law.

Alex LoVerme, Wilton, stated he wanted to correct Mrs. Post as he has been on the Board for a number of years and replaced several people on the Board. The last replacement was a member from Wilton and only Wilton members voted on that position. He stated that he wanted to give the public an opportunity if they wanted to be on the Board and show interest. They would then make the decision at the next meeting. The townspeople have always appointed the person from their town. He said they got to ask questions of the candidates but at least the last person was appointed correctly.

Lisa Post, Lyndeborough, asked if Mr. LoVerme was a resident of Lyndeborough.

Alex Loverme, Wilton, replied he was a resident of Wilton.

Kate McLure, Lyndeborough, asked if Mr. Vanderhoof resigned at the end of the last meeting on December 20<sup>th</sup>. She went on to state there was only one substantive vote taken at the January 10<sup>th</sup> meeting.

Mrs. Lavallee Interjected that the other vote was to adjust the agenda.

Kate McLure, Lyndeborough, stated Mr. Kofalt established a process for the new member appointment and that the closing date was January 17 for people interested. She expressed her concern that this delegation closed it out too soon and that there is a real notice and due process issue.

Mr. Post interjected that the Wilton School Board and Wilton Chair Mr. Kofalt made that decision without our approval. He said we are the Lyndeborough delegation, and we get to make the decision.

Mrs. McLure, Lyndeborough, stated that she has been an attorney for 34 years. Her concern was that the budget season coverage was going to be taken care of.

Adam LaValle, Lyndeborough, stated his concern was that Lyndeborough would lose a seat on the Budget Committee which hurts representation. He said that while Geoffrey is the best person to be on the School Board, that it hurts the Budget Committee and doesn't strengthen the town's position.

#### IV. Nominations

##### a. Mr. Post moved to take nominations.

Mrs. McLure, Lyndeborough, interrupted the proceeding again.

Mr. Post nominated Geoffrey Allen to fill the vacancy of the Lyndeborough position on the School Board.

Mr. Anzalone seconded the nomination.

Mrs. McLure, Lyndeborough, again interrupted the meeting. Mrs. McLure was asked by a member of the public to stop interrupting the meeting.

Mr. Post asked if there were any interested parties to serve for the remaining three meetings of the School Board year. No one spoke.

The nomination and second was restated.

##### b. Discussion

Mrs. Lavallee stated that Mr. Allen would be a good addition to the Board. She stated that she would abstain from the vote. Her position has not changed because the position is still posted on the school website and people from Lyndeborough did not get a chance to identify themselves.

#### V. Vote

Mr. Post and Mrs. Anzalone voted affirmative; Mrs. Lavallee abstained. The motion carried.

VI. Public Comment

Adam Lavallee, Lyndeborough, stated that with this vote we gave up a Lyndeborough majority seat on the Budget Committee to do this because the Lyndeborough Board representative to the Budget Committee had a vote.

Alex Loverme, Wilton, stated he thought the School Board Chairman had the right to appoint the Budget Committee replacement.

Lisa Post, Lyndeborough, said that the Lyndeborough delegates to the Budget Committee could vote to replace the member before the next meeting.

Lisa Post, Lyndeborough, stated that was not accurate in a Cooperative school district and referred Mr. Loverme to the state law.

VII. Close

Mr. Post Congratulated Mr. Allen on his new role and thanked him.

Mr. Post thanked Mr. Vanderhoof for his five years of service on the School Board representing the Town of Lyndeborough.

Meeting Closed 7:04

Respectfully Submitted, Charlie Post

Attachments:

1. Public Meeting Notice
2. Vacancy in Cooperative School District email dated January, 11 2023
  - a. RSA 671:33 II b
  - b. RSA 671:33 IV

Public Meeting Notice  
Friday January 13 6:30 PM  
Citizens Hall  
Lyndeborough, NH

Lyndeborough Representatives of The School Board SAU63

Meeting to select at replacement for the school board opening for the Lyndeborough representative for the remainder of the current year term.

- Open meeting
- Introduce members and purpose of the meeting
- Nominations
- Vote
- Public Comment
- Close



## Kaley Dion

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**From:** Orville Fitch  
**Sent:** Wednesday, January 11, 2023 10:10 AM  
**To:** Kaley Dion  
**Subject:** RE: Vacancy in Cooperative School District

See highlighted sections below. Provided there are two remaining members from the same town, they choose the person to fill the vacancy. If there are less than 2 or the remaining members cannot agree, the Selectmen choose. If the Selectmen cannot agree, the Moderator fills the vacancy.

### **RSA 671:33 Vacancies. –**

I. Vacancies among members of cooperative or area school planning committees shall be filled by the moderator for the unexpired term.

II. (a) The school board shall fill vacancies occurring on the school board, except as provided in subparagraph (b), and in all other district offices for which no other method of filling a vacancy is provided. Appointees of the school board shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term. In the case of a vacancy of the entire membership of the school board, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall appoint members by majority vote in convention.

(b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. A member-at-large shall also be included as a representative of the same town. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

III. Vacancies in the office of moderator shall be filled by vote at a school meeting or election, provided that, until a replacement is chosen, the school district clerk shall serve as moderator or shall appoint a moderator pro tempore.

IV. In a cooperative school district, the remaining budget committee members representing the same town or towns as the departed member shall fill a vacancy on the budget committee, provided that there are at least 2 such members. A member-at-large shall also be included as a representative of the same town. If there are less than 2 remaining members on the budget committee representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. If the vacancy is for the cooperative school board representative to the cooperative school district budget committee, such vacancy shall be filled by the cooperative school board. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

V. Any vacancy which occurs between the beginning of the filing period and the district election shall not be filled by official ballot until the annual district election the following year.

Orville B. Fitch II  
General Counsel, Assistant Secretary of State  
Secretary of State's Office  
State House Room 204

**Wilton-Lyndeborough Cooperative School District**  
**School Administrative Unit #63**  
192 Forest Road Lyndeborough, NH 03082

To whom it may concern,

In my review of the draft minutes submitted by Mr.Charlie Post from the Public Meeting held on January 13th at Citizen's Hall Road, Lyndeborough I had noted that a correction was needed in regards to the spelling of names as indicated below:

1. Page 1 under item I.a. first line "Brianna" should read "Brianne"
2. Page 1 under item II.b. line 14 "Mrs.Lavalee" should read "Mrs.Lavallee"
3. Page 2 still under item II.b. third paragraph, first line "Mrs.Lavalee" should read "Mrs.Lavallee"
4. Page 3 under item III. third paragraph, first line "Lavalee" should read "Lavallee"
5. Page 3 under item III. third paragraph, first line "Lavelle" should read "Lavallee"
6. Page 6 second paragraph, first line "LaValle" should be "Lavallee"

I would also like to enter into the record a correction in regards to the draft minutes Section II.b.:

1. Page 2 third paragraph, first line, after the word "motion" I also stated "and the reason that Wilton Board members gave who also did not vote for the agenda item to be added was that we"strike the word "she"
2. Page 2 third paragraph, second line after the word "appropriate" I also stated "since there had not been sufficient public notice provided to the residents of Lyndeborough to allow any interested resident the opportunity to come forward"
3. Page 2 third paragraph, third line after "interested" I clarified ", there had been no Letter of Interest sent to the board prior to the start of the meeting on January 10th, no information"
4. Page 2 third paragraph, line 9, after the word "minutes" add "no other Action Items were listed on the agenda for that meeting."

Respectfully submitted,  
Brianne Lavallee  
Lyndeborough School Board Representative, At-Large  
Vice Chair SAU#63 School Board

To: Wilton Lyndeborough School Board Members

From: Kate McClure, Lyndeborough, NH

Date: February 2, 2023

RE: Draft Meeting Minutes of January 13<sup>th</sup> meeting at Citizens Hall

I was present at Citizen's Hall on January 13th and have reviewed the Draft meeting minutes. I have the following clarifications to submit to the Board. I also have information from the Secretary of State concerning the process of filing a Board vacancy in a Cooperative District. I attached a letter from the Secretary of State to this Memo.

Please enter this memo and attached letter into the minutes of the February 7, 2023 meeting.

#### **Clarification to Draft Minutes**

- A. Page 1 "Kate McClure, Lyndeborough interrupted the procedure, she was asked to wait for public comment"
  - a. I had stood and requested at point of order. Mr. Post refused to hear it. I clarified that he was not going to hear a point of order and he replied he would not. I sat down. Mr. Post did not ask what the subject of my point of order was.
  - b. My point of order was to determine if there was zoom link for the meeting, if the meeting was being recorded and who was taking the minutes. This is a proper use of a point of order. The meeting was not recorded, there was not a zoom link and upon information and belief Mr. Post kept the minutes.
- B. Page 3 "Mr. (meant to be Mrs.) McClure interrupts and is asked to wait for others to comment."
  - a. I was sitting near the front of the room and was not aware that people behind me had their hands up to speak. I did start to make a comment, however stopped when told that others had questions. I apologized to Mr. Howe who was behind me saying I had not seen him.
- C. Page 5 "Kate Mclure, Lyndeborough stated Mr. Kofalt established a process for the new member appointment and that the closing date was January 17 for people interested."
  - a. I did reference that this meeting was being held before the January 17<sup>th</sup> closing date for letters of interest. Whatever my statement was it was not my intention to state that Mr. Kofalt unilaterally established a procedure.
- D. Page 5 "Mr. Post interject....."
  - a. Left out of this section is that Mr. Posts' "interjection" was a complete interruption. He broke into my public comment to rebut my statement.

- b. What is also omitted is that as I continued to speak during my public comment Mr. Post barked at me to “sit down”.
- E. Page 6, IV Nominations “Mrs. McClure, Lyndeborough, interrupted the proceeding again.
  - a. I have no memory of this at all. It is unfortunate that there is no recording for me to review.
- F. Page IV Nominations “Mrs. McClure again interrupted....”
  - a. This occurred during public comments when Geoffrey Allen was speaking. I did speak out of turn and I extend an apology for that behavior. I wish Mr. Allen well as he serves on the Board.

### **Information from the Secretary of State of New Hampshire**

At the meeting Lisa Post spoke at length (page 4 into 5) regarding a phone conversation she had with the NH Secretary of State. In her presentation she relied heavily on that phone call to make her case that the School Board in the past had filled vacancies improperly stating “just because they have been doing it wrong doesn’t mean that we should keep on doing it wrong”. (Page 4, bottom paragraph)

Again relying on her conversation with the Secretary of State she stated that “there is no provision in State law for the school board, as a whole, to have a voice in the vote other than the Lyndeborough delegation members”. She also stated “none of this has anything to do with a person being interviewed by the School Board and can take place anywhere. This is the State Law and it’s important that we follow the law.”

On Friday, January 20<sup>th</sup> I spoke with Secretary of State Scanlan by telephone. He indicated he had a phone conversation with Ms. Post and had directed her to the statute that referenced filling vacancies. He indicated he does not give legal advice and stated he referred her to her School District attorney for legal advice regarding the statute.

In our phone conversation he stated that the statute only addresses who is to vote on the vacancy: members from the town with the vacancy. Other than that the statute provides no instruction on what procedure should be used. He stated “they can pick a name out of a hat if they want to”.

Based on the statements from the Secretary of State allowing a candidate to be interviewed by the whole School Board is neither improper nor illegal.

Past vacancies for WLC School Board members have been filled by a vote of the Board members of the town with the vacancy. The statute has been followed in these instances.

NEW HAMPSHIRE  
DEPARTMENT OF STATE



David M. Scanlan  
*Secretary of State*  
January 20, 2023

Erin T. Hennessey  
*Deputy Secretary of State*

Patricia Lovejoy  
*Senior Deputy Secretary of State*

Ms. Kate McClure  
76 Pettingill Rd.  
Lyndeborough, NH 03082

Dear Ms. McClure,

You have asked if I could comment on information that I have issued to different parties related to filling a vacancy on the cooperative school board in a district that includes Lynd borough and Wilton.

RSA 671:33, II (b) clearly states a vacancy on a cooperative school board shall be filled by the "remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided there are at least two such members." The selectmen and moderator may fill the vacancy if the previous appointing authority fails to do the job.

The statute gives no guidance on how to select the person appointed to fill the vacancy, therefore the process by which an appointment is made lies with the appointing authority.

I am not an attorney so my understanding of the statute is not legal advice. When I discuss topics of this nature with school district officials I always advise consulting with the school district attorney for guidance.

I hope this helps to clarify your conversations.

Sincerely,

A handwritten signature in black ink, appearing to read "David Scanlan".

David Scanlan  
Secretary of State