

**RSU SCHOOL BOARD MINUTES  
WEDNESDAY, JULY 8, 2009  
KENNEBUNK TOWN HALL**

**Attendance: Chairperson Maureen King; Vice Chairperson Pam Richard-Wuerthner. Directors: Norm Archer, Bob Domine, Tim Hussey (absent), Kevin Knight, Art Leblanc, Leia Lowery, Jack Reetz, John Sharood, James Smith, and Gayle Spofford.**

**V. INTRODUCTION OF BOARD MEMBERS AND GUESTS**

**A. Election of School Board Chairperson**

**B. Election of School Board Vice Chairperson**

This is the first official meeting of the new RSU21 Board. Maureen King has been the interim chair and Pam Richard-Wuerthner has been the interim vice chair. Vice Chairperson Richard-Wuerthner read a statement concerning the vice chair and chair positions: "In a recent meeting I briefly discussed my concerns or reservations regarding running as the RSU Vice Chairperson. I assumed that this Board plans on a succession leadership model and recognizing that stated it is not my intention at this stage of my life to prepare for the eventual chair position. I stated it would not be in my best interest or the best interest of this Board if this was the future direction of the Board. Which brings me to my point or suggestion, I think it would be in the best interest of this Board if we do not elect a chair and vice chair this evening but instead hold off until the Board retreat which I am hoping will be soon. We have enlisted a consultant, Judy Enright, to facilitate Board dynamic work which I think would be useful in learning more about individual styles and to ensure we operate as the highly effective and functional Board which I feel confident we are destined to be sooner rather than later. I believe strongly it would benefit this Board greatly if we held off on this vote until we do at least a minimal amount of relationship building. Before we elect our officers I think we need some clarity on a few issues – How do we envision the Board: as a governing/policy-making Board or a managing Board? Is it a succession Board? Have we done the work to actually start a succession plan? From the limited reading I have done regarding succession planning, it is clear that the whole Board needs to be involved and that "it should begin with a strategic vision." What is the plan for this Board? We need to at least start having those type discussions which I am sure we would in a retreat environment and not necessarily at a Board meeting. I believe it would benefit us to work on our foundation. The recent workshop I attended with Chairperson King and Director Reetz truly reinforced to me that a successful Board does not "decide and announce" but reaches consensus out of active listening, understanding, clear and transparent decision making and respectful exchanges. I am hoping each of you will agree that Maureen and I could continue in our respective interim roles for an agreed upon period of four weeks or until we have completed our Board retreat and dynamics work and then hold the vote. **DIRECTOR SPOFFORD MOVED THAT THE BOARD RETAIN THE CURRENT CHAIR AND VICE CHAIR FOR AN INTERIM PERIOD WHICH WOULD CULMINATE AFTER THE RETREAT, DIRECTOR LOWERY SECONDED.**

Discussion: Director Archer pointed out it is difficult to select a chair and vice chair when it is your first year on the Board and you do not know anyone. He thanked Vice Chairperson Richard-Wuerthner for making this request. Director Spofford explained on previous MSAD71 Boards it was easy to know who wanted to be chair and vice chair, but with the combined Board she doesn't have a feel for the entire Board because some were not on the RPC (Regional Planning Committee). She further explained it is a lot of work to be the Board chair and vice chair. It is also critically important to the community how Board meetings are run. Director Domine thanked Vice Chairperson Richard-Wuerthner for her thoughtful and heartfelt statement and position, and he thinks it is not a bad idea. He explained that this group has sat for five months and he is not sure what would happen in one eight-nine hour session that would change the Board's mind as to the direction they want to go with leadership. Vice Chairperson Richard-Wuerthner disagreed and thinks the retreat can highlight qualities and character and get into group dynamic situation on why and how people choose to lead. She would like to see a vote for chair and vice chair the entire Board could feel good about. Director Domine thought this might be a convenient vehicle to dodge discussion or a decision on choosing these positions. Vice Chairperson Richard-Wuerthner said that was not her intention. Director Sharood pointed out that the decision of the chair and vice chair is very important and he thanked Vice Chairperson Richard-Wuerthner for the suggestion, and thought it would be a wise decision to have the vote the first Board meeting in September. There should be a discussion at the retreat on the role and function of the Board, and then make the decision on the chair and vice chair. Director Lowery reminded the Board the RSU has a new superintendent, and new people on the Board. She thought the Board should wait to vote on the chair and vice chair until they had a focus and goals for the future. Director Leblanc thought Director Sharood's suggestion about what the role of the Board should be is important. He explained he has not been totally satisfied with how the Board operates and how the Board works and shares the burden. He asked what the role of the chairperson is, and agrees with the September election for the chair and vice chair. **DIRECTOR SHAROOD AMENDED THE MOTION TO SET THE ELECTION DATE FOR THE CHAIRPERSON AND VICE CHAIRPERSON FOR THE FIRST MEETING IN SEPTEMBER, SECONDED BY DIRECTOR LEBLANC.**

Director Archer wondered what the Board was bound to by law. Chairperson King said the policy states the election of the chair and vice chair is at the first meeting of the year. If the Board has a legitimate discussion, which there has been, and the Board postpones the election until September, there would be no violation of policy. Director Smith stated that the policy does not prohibit it as long as we take proper action. The date of the first meeting in September is the 14<sup>th</sup>. Director Reetz thought if there was not a time that all could meet for a retreat, maybe the discussion on the role of the Board could take place at the July 20<sup>th</sup> or August 17<sup>th</sup> meeting, to get it defined and documented. He thought the Board was good as a group and he was not sure that they needed a separate session to get to know each other better. Vice Chairperson Richard-Wuerthner thought a retreat would be useful to learn more about each others styles and since this is a new RSU Board, to explore and define this Board. Director Domine mentioned this Board has been operating for five months and have the benefit of knowing each other for five months. He further stated that the policy calls for an election of the chair and vice chair. He thought the logic was to do what has been

suggested and change the policy until the Board has had the benefit of knowing each other well, or go back to the stated policy and the five months the Board has known each other, he thought this could not logically be done both ways. Vice Chairperson Richard-Wuerthner explained the RSU is a new entity and she was not suggesting that policy be changed, but in this inauguration year the Board should take the time to get to know each other. She stated, in the past five months the Board has been completing a task list created by the State of Maine with no official Board until July 1, and no superintendent. Director Sharood pointed out the difference this year is that the discussion about the Board's role should happen first before the elections. Director Domine pointed out the Board knew the vote for chair and vice chair was on this agenda and wondered if it didn't ring a bell that maybe the Board was not going to vote on this. Director Spofford said the new Board is not like the MSAD71 Board or the RPC Board, not all the people on this current Board have served on either Board. She also would like time and wasn't looking forward to this part of the meeting because she did not know who could do the job with the time commitment. Director Domine urges the Board to vote for the chair and vice chair. Director Spofford pointed out she made the motion to appoint Chairperson King and Vice Chairperson Richard-Wuerthner during the interim. She did not know Vice Chair Richard-Wuerthner well, but wanted to see someone from Arundel in the elected position. She agrees with Director Sharood that the Board needs a mission and a direction. She stated that everything involved with the RSU has been pushed by the state, this Board did not have the luxury that Bath had of three years to consolidate. She said the Board owes it to the people that elected them to not rush into electing a chair and vice chair. Director Domine thinks the request is still a dodge of a difficult decision, and no other Board has had this problem making this decision the first meeting in July. Director Archer would like to see the retreat defined and what the expected result will be. He does not think the chair and vice chair should sacrifice their career, and don't have to micromanage what they oversee. Chairperson King said she had no idea this would come up at this meeting and it is not a stalling tactic for her, she thinks it is important that the Board figure out their role and not just be an operating arm to take stuff from the state and move it along.

**DIRECTOR SHAROOD MOVED THE QUESTION, THE DATE FOR THE AMENDMENT TO THE MOTION WOULD BE SEPTEMBER 14, 2009 AND NO LATER THAN THAT DATE TO ELECT THE CHAIR AND THE VICE CHAIR, THE BOARD VOTED IN THE AFFIRMATIVE WITH A 10-1 VOTE, DIRECTOR DOMINE OPPOSED THE VOTE.**

## VI. SPECIAL PRESENTATION

**IT Update** – Jason Saltmarsh said the technology transition from two separate entities to RSU21 has four major categories: the website which was converted to an RSU21 website, Arundel would be brought onto that website, the financial and accounting system ADS is up and running and the RSU is now one unit financially, and Power School is still a work in progress and will be completed by the first of August. All six schools and the Board members have an rsu21.net email address. Emails will be archived for five years starting July 1, 2009. If a Board member uses their personal email, Under the Freedom of Access Law, they have to turn over their personnel email documents if requested. Mr. Saltmarsh requests the Board use their RSU21 email account to conduct business, and keep it separate from their personnel email accounts. The RSU email system will archive emails while a personnel account will not. Director Sharood asked if an email client such as Outlook could be used to access First Class. Mr. Saltmarsh said that First Class does not interact well with Outlook, but he will look into it. Director Archer wondered why the RSU was using First Class. Mr. Saltmarsh said it is much cheaper to run and about 80% of the schools in Maine as well as non-profits and educational based programs use First Class. Director Archer would like to see a Technology Committee formed to better support Mr. Saltmarsh in making the website an enterprise instead of just a tool. Chairperson King said the Board had instructed the Technology Committee to be separate from the Communication Committee. Mr. Saltmarsh said the first meeting of the Technology Committee will be planned near the beginning of school. Director Leblanc mentioned that the school websites are all different in how they are navigated. Mr. Saltmarsh said a template had been designed for each elementary school to use, some of the schools have tweaked their website to fit their school, but there is an effort to make them more alike. Director Archer thought the website could be used for advertising for the district. Mr. Saltmarsh thought a PR person would be needed for this and the website would be a perfect vehicle to communicate with the public.

Chairperson King reviewed the Email Policy because there has been disagreements amongst the Board on how and when to use email. Chairperson King said her interpretation of use of email is to send out notices and information and it is not a tool for discussion amongst Board members that should belong in the Board room in front of the audience. A Board member does not want to create a quorum via email. Superintendent Dolloff spoke with Drummond/Woodsum today and their advice on email has not changed. Regardless of how many Board members are involved in an email discussion, and there is no magic number, it could be a quorum. There is no case law in Maine, but the law firm strongly suggests avoiding discussions that can be thought of as deliberations that could lead to consensus building and doing it in email form and not posting it as a meeting. Director Leblanc thought if you, as a Board member, wanted to say something it was more productive to say it to everyone at a Board meeting. Director Sharood is frustrated by the Drummond/Woodsum response, and would like the Board to push the envelope here. He would like to see communication amongst Board and community members via a vehicle such as Face Book or a bulletin board. Director Knight would like to make communication as open as possible and transparent. Director Domine agrees and is frustrated because the Board meetings are so scripted and there is little slack to have a meaningful debate. Director Sharood thought a younger audience may tune in if Face Book is used to communicate. Mr. Saltmarsh is confident he can find something that would work. He has a couple of concerns, Face Book is prohibited on school computers and this was a decision made by the Administrative Team, and Face Book does not archive. Director Lowery said while reading recent emails she thought they should be placed on the Board agenda. She asked how to go about putting items on the agenda. Chairperson King said to contact Donna Gillette and ask her to place an item on the agenda, she then brings these items to the agenda meeting that is held with the vice chair, chair and the superintendent, and along with the backup information, they will discuss the items and decide on the right course of action. Chairperson King said the agenda meeting is usually held the Wednesday before the Board Meeting, she suggests getting agenda requests to Mrs. Gillette the Monday before the Board Meeting. Director Archer asked what happens when something comes up in the course of doing business. Chairperson King said these items would be placed under agenda adjustments.

## **CONSENT AGENDA ITEM(S)**

**A. Approval of June 22, 2009 School Board Minutes**

**B. Nomination of Maureen McEnaney as Learning Support Center Coordinator at Kennebunk High School**

**C. Nomination of Claudia Provencher – Fuschillo as a Teacher of French at Kennebunk High School**

**D. Nomination of Hillary Brumer as Assistive Technology Coordinator**

**E. Nomination of Nathaniel Menifield as Choral Music Teacher at Kennebunk High School**

**F. Resignation of Sandra Dumont as French and Spanish Teacher at Kennebunk High School**

**H. Affirmative Action Coordinator – Superintendent Andrew Dolloff**

**I. Attendance Coordinator – Assistant Superintendent Patrick Manuel**

**J. School Physician – Dr. Donald Burgess**

**DIRECTOR SPOFFORD MADE THE MOTION TO APPROVE THE ABOVE CONSENT AGENDA ITEMS, SECONDED BY DIRECTOR SMITH, AND VOTED UNANIMOUSLY BY THE BOARD.**

Director Reetz asked what the acronym for ARRA stood for – American Recovery and Reinvestment Act. Mr. Barnes reported these funds are for one year only and the Assistive Technology Coordinator falls under special education technology funds under the ARRA.

## **VII. OLD BUSINESS/COMMITTEE REPORTS**

**A. Finance Committee Report** – Director Sharood reported that the auditors report for 07-08 came later than typical because there were some issues with long term absences. He was happy to announce a clean, unqualified audit. MSAD71 is in the top 10% of school districts, in Maine, that do well with their audits. The Arundel audit is not fully reviewed yet, but a summary report will be given to the Board soon. MSAD71 preliminary surplus is approximately \$870,000, which excludes the impact of the curtailment money. The \$523,000 curtailment funds have not been received. The committee discussed the possibility of moving to a three year budget plan. This discussion will continue at the August 4, Finance Meeting at 7:30 a.m., location to be announced. A chairperson for the Finance Committee will be elected at this meeting. The committee would like to see an open process to select an auditor, since this is a new RSU, and is not due to negativity toward the current auditor.

**I. Curtailment** – Director Sharood thought this discussion would be premature until the multi-year budgeting is discussed first. He pointed out the RSU could lose one million dollars in state aid next year and maybe the year after that. Research needs to be done to find out about the third year and it looks like it could be worse. Director Reetz pointed out the committee needs to be aware of constraints that are associated with the curtailment money. Director Leblanc supports the concept of longer term planning for the budget. Director Archer wondered how the Board could find out the conditions that are associated with the curtailment money. Director Sharood pointed out the money is not state money, it is from the ARRA money. Mr. Barnes said it is up to the Board on how the money is spent. He would recommend the money be used for one time operational issues. He mentioned there are other considerations for the federal ARRA funds but not the curtailment money. Director Sharood would like a summary of the ARRA restrictions for the Board.

### **B. Policy Committee**

**a. First Reading of Section A – DIRECTOR SMITH MADE THE MOTION TO ACCEPT THE FIRST READING OF SECTION A, DIRECTOR SHAROOD SECONDED, AND VOTED UNANIMOUSLY BY THE BOARD.**

**b. Second Reading of Special Education Policies - CHAIRPERSON KING ENTERTAINED A MOTION TO APPROVE THE SECOND READING OF THE SPECIAL EDUCATION POLICIES, MOVED BY DIRECTOR LEBLANC, SECONDED BY VICE CHAIRPERSON PAM RICHARD-WUERTHNER, AND VOTED UNANIMOUSLY BY THE BOARD.**

**C. Human Resources Report** – There is no written report at this time. The committee met in Executive Session and is waiting for dates from the teamsters. Nelson Ballou, chief negotiator for teachers and nurses for the RSU spoke to the Board. He thought not having the dates decided was not a good answer. He has been waiting since last October to sit down and meet. He pointed out the contracts are seven weeks away for expiring without negotiations beginning. The contract says at least 120 days prior to expiration of the contract the School Board agrees to instigate negotiations. Chairperson King stated the bargaining law states that at anytime either side could serve the other with a 10 day notice and they would be required to begin negotiations. Mr. Ballou said there are some issues with transferring staff voluntarily and involuntarily. He is not sure what the pay will be for transfers moving from one town to another especially with different pay scales. He also has questions from staff going from half-time to full-time status. He is also concerned that the school calendars are not aligned. The state also says the contracts must be aligned by 2012, he does not think this is accurate because there are schools up Maine that have already aligned their contracts. He would like to see negotiations begin at the end of August. He pointed out that school will start and the staff will do everything to educate the students, but 400-500 employees will start with no pay increase, etc. Director Spofford asked if a letter had been received with the appropriate votes and stating who the bargaining units would be. Chairperson King said there was a verbal. Director Spofford said there must be a letter to start anything.

The Board will go into Executive Session, at the end of this meeting for – Labor contract negotiations – I M.R.S.A. 405(6)(D) – Negotiations if parties have not agreed to open sessions.

Chairperson King said that negotiations did not begin earlier because there were too many financial decisions that had to be made while trying to form the RSU. Director Domine said with the multi-year budget plans this will not be a problem. Mr. Ballou wished the two groups had sat down with their respective boards and negotiated a one year contract so we would not be in the position we are in now. Chairperson King said we did not all move from one Board to another Board, this Board was elected in January. No one knew who would run for the Board and there is a possibility the new Board could nullify the contract negotiations. Director Leblanc wondered if each Board had independently negotiated a one year contract would that have put off the alignment for another year. Mr. Ballou said that would not happen because the parity date is 2012. The alignment was set for three years, and the actual law does not say three years it says reasonable time period.

## VIII. NEW BUSINESS

### A. *Vote to Establish a Line of Credit* - VOTES TO BE ADOPTED

Voted: That the offer of Ocean Bank, a division of People's United Bank, to purchase revenue anticipation note(s) of the Regional School Unit No. 21 (the "RSU") in the original principal amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) with an interest rate per annum on the outstanding principal amount thereof equal to 2.25%, be and the same hereby is accepted and approved.

Voted: That the School Board of Regional School Unit No. 21 (the "RSU") hereby authorizes a borrowing in the amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) from Ocean Bank, a division of People's United Bank, on behalf of the RSU, with interest on the principal amount thereof at a rate of 2.25% per annum, principal and interest to be paid no later than the scheduled maturity date on June 30, 2010, which borrowing is in anticipation of RSU revenues for the fiscal year ending June 30, 2010.

Voted: That under and pursuant to the provisions of Title 20-A M.R.S.A. Sections 1490 and 15695, the Chairperson of the School Board and the Treasurer of Regional School Unit No. 21 (the "RSU") be and they are hereby authorized to borrow in anticipation of revenues from Ocean Bank, a division of People's United Bank, in the name and on behalf of the RSU the sum of up to One Million Five Hundred Thousand Dollars (\$1,500,000) at the per annum interest rate of 2.25%, and that the Chairperson of the School Board and the Treasurer be and they are hereby authorized to issue general obligation securities of Regional School Unit No. 21 in an aggregate principal amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) and to execute and deliver a note or notes under the seal of the RSU attested by the Secretary, dated on or about July 1, 2009, in such form as the Chairperson of the School Board and the Treasurer may approve; and that the appropriate officials of the RSU be and hereby are authorized to execute and deliver on behalf of the RSU such other documents and certificates as may be required in connection with such borrowing; and that no part of the proceeds of said borrowing shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the notes to be "arbitrage bonds" or "private activity bonds" within the meaning of sections 148 or 141, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the revenue anticipation notes issued pursuant hereto be designated as qualified tax-exempt obligations within the meaning of Section 265(b)(3) of said Code; and that the Chairperson of the School Board and the Treasurer be and they are hereby authorized to covenant on behalf of the RSU to file any information report and pay any rebate due to the United States in connection with the issuance of said notes, to take all other lawful actions necessary to insure the interest on the notes will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the notes to become includable in the gross income of the owners thereof.

Director Spofford asked if the vice chair takes over the duties when the chair is absent, such as signing this type of document. Chairperson King said the vice chair would take over. Director Archer asked if Mr. Barnes had shopped around for the line of credit. Mrs. Barnes said that Ocean National Bank is the bank of record. Director Sharood said, the last two times, they have been the only bank to respond. There is no fee for non-use of the credit line.

**CHAIRPERSON KING ENTERTAINED A MOTION TO ACCEPT ALL THREE MOTIONS, MOVED BY DIRECTOR SHAROOD, SECONDED BY DIRECTOR DOMINE, AND VOTED UNANIMOUSLY BY THE BOARD. Z**

**B. Transition Plans** – Previously the Board transition plans were distributed to the Board. The superintendent's transition plan was distributed to the Board with the backup. Director Reetz wondered how the word climate ended up in the transition plan. Chairperson King said the NSBA considered climate a key area in the schools and the Board room. Director Reetz thought it was important to try and lay out the time frame for each transition topic and expand its scope and assign responsibility. Chairperson King feels that is the role of the Board, and her job as chair is to round up the information and the Board can decide how to handle it. Chairperson King thought this could be a good discussion at retreat.

Vice Chairperson Richard-Wuerthner would like to see under Facilities a very simple schematic of each individual school and how each room is utilized, and how many students are in each classroom. She said there is misinformation out there about classroom availability and the Board doesn't have all the same information. She would also like to see projections for this year and next.

## IX. COMMUNICATIONS FROM THE SUPERINTENDENT OF SCHOOLS

**A. Middle School Acceptance by International Baccalaureate Middle Years Program** – The middle school is one of four schools in Maine with this acceptance. Patrick Manuel commended Fred Myers, Jean Beaulieu, the staff and Jeff Rodman for getting this done.

## X. EXECUTIVE SESSION – DIRECTOR SHAROOD MADE THE MOTION TO GO INTO EXECUTIVE SESSION FOR LABOR CONTRACT NEGOTIATIONS – 1 M.R.S.A. 405(6)(D) – NEGOTIATIONS IF PARTIES HAVE NOT AGREED TO OPEN SESSIONS, SECONDED BY DIRECTOR SPOFFORD, AND VOTED UNANIMOUSLY BY THE BOARD.

The Board came out of Executive Session at 9:30 p.m., no action was taken.

**XI. ADJOURNMENT**  
**AT 9:30 P.M. DIRECTOR KNIGHT MADE THE MOTION TO ADJOURN, SECONDED BY DIRECTOR**  
**LEBLANCE, AND VOTED UNANIMOUSLY BY THE BOARD.**

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