



CITY OF DOVER

JOINT MEETING OF THE CITY COUNCIL AND SCHOOL BOARD - MINUTES

Meeting Type: Special Meeting
Meeting Location: Media Access Center, McConnell Center
Meeting Date: **Tuesday, March 5, 2013**
Meeting Time: **4:00 PM**

1. CALL TO ORDER

Present: City Manager Joyal, Mayor Trefethen, Councilor Hooper, Councilor Weeden, Councilor Weston, Councilor Carrier, Councilor Crago, Superintendent Briggs Badger, School Board Chairperson D'Andrea, School Board Member Baker, School Board Member Russell, School Board Member Grady. In addition, Carolyn Mebert, State Representative Verschueren, Business Administrator Limanni, Robin LaFleur, Fosters.

Absent: Councilor Garrison, Councilor Spuler, Councilor Cheney, School Board Member Andrews Parker, School Board Member Butler, School Board Member Appel

2. DISCUSSIONS

A. EDUCATION ADEQUACY

School Board Chairperson D'Andrea began the meeting with introductions and summary of the issue. He also clarified an issue on communication he discussed in an email. He stressed that the intent of this meeting is to make sure all parties are all on "the same page". He added that the amendment to SB40 was not added.

Councilor Crago thanked Chairperson D'Andrea for the meeting and is in agreement with the intent of the meeting. The issue stems from that fact that the cap formula was changes in 2010 by the state.

The intent of this meeting is also to help determine the next steps.

Councilor Weeden stated that there could still be a possibility of adding an amendment before the deadline of March 6. Chairperson D'Andrea agreed that this could be a possibility but wanted to make sure is it done in the right way. He stressed that they do not want to alienate other communities.

Councilor Weeden added that the amendment is voted upon individually and would not hurt other communities.

Representative Verschueren noted that if the amendment were added to the bill, it would have to go back to the senate, killing the ability for the original bill to accomplish what it was supposed to do which was to make sure the 77 towns were not harmed before they go to their town meetings this month. He continued to say that he strongly suggests that they do not do this because the communities will alienate Dover and from everything he's heard, it would not pass. If it did pass, it would be a detriment. Representative Verschueren continued to say that he spoke with the Chairperson of the Education Committee Mary Gile and there was an idea that there was another bill that they could attach to, but she would not be in favor of attachment to that bill (SB 269).



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Councilor Crago spoke with Ms. Gile on how to move it forward. They determined that SB40 was the most logical choice.

School Board Chairperson D'Andrea requested that when there are school related items, they should be brought to the Superintendent before proceeding.

Councilor Weston stated that she did go to Ms. Briggs Badger who was unavailable due to minor surgery and action needed to be taken on a timely basis.

Councilor Hooper added that all parties involved must be careful not to violate the Right to Know Law and agrees that it should have gone to the school board first. She agrees with Representative Verschueren and doesn't believe the bill would pass. She felt it would be a better idea to meet with the School Board and Superintendent and determine what is actually desired from this. It would then need to be reviewed by attorneys and presented. She understands that Ms. Briggs Badger has been working on this for many months and feels that she should be the one to move on this.

Superintendent Briggs Badger commented that she did hear from Councilor Weston and emailed her back multiple times explaining that the issues were separate and not connected with what the District wanted to do. The purpose of the bill is to be fast tracked to rectify the wrong. Tying the bill up would cause the district more harm than good. Ms. Briggs Badger added that she met with the commissioner to discuss adequacy and also held a breakfast in December with Senator Nancy Stiles and others to determine how to resolve Dover's issue. The School District has "not been asleep at this switch" and has been working on this issue for two years. Senator Stiles, the chairperson of the education committee, indicated that a bill would be brought forward with a different formula. When Governor Hassan took office she asked Senator Stiles to withdraw the bill and they would work together to craft language for another amendment that would be introduced in 2014.

Ms. Briggs Badger distributed news articles from January 11, 2013 on the withdrawal of the educational amendment.

Ms. Briggs Badger is scheduled to meet next week with Senator Stile's supervisor, Senator Chuck Morse, the Bedford Superintendent, and a representative from Salem to determine a plan. After the meeting they will meet with the other communities and form a coalition. This was the strategy suggested by Senator Stiles. Ms. Briggs Badger appreciated Ms. Weston's phone calls and wants to stress that communication should always take place so that all parties know what the others plans are. She added that this issue deserves its own bill. The common goal is to get money for Dover. The Council needs to have faith and trust in the School Board that they are doing their job and must respect the process.

Councilor Weeden agrees, but is confused because of a prior conversation in October where he stated he wanted to draft a bill after the election. He asked if Ms. Briggs Badger reached out to Representative Dot Hooper and others to try and draft a bill. Ms. Briggs Badger responded that



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she did speak with Ms. Hooper and the breakfast was for this intent. Councilor Hooper confirmed that she had been contacted and discussed the issue with Ms. Briggs Badger.

Councilor Weeden agrees that it will not pass, and the legislative process is slow. He asked if the goal would be to submit at the upcoming filing period in the fall. Ms. Briggs Badger commented that Representative Verschueren will be meeting with the small committee on Wednesday and will go back with a well thought-out bill with the right language that has support and doesn't penalize other communities.

Representative Verschueren commented that there is a difference between a bill and a constitutional amendment and which one should be brought forward. The constitutional amendment would be much more difficult to pass by the legislature than a bill that is well thought-out.

Ms. Briggs Badger stated that Senator Stile's goal is taking money from wealthier communities and targeting communities who need it the most. Mark Joyce thought that once constitutional amendment is brought up all 242 NH districts may lose money. Rep. Verschueren stated no one knows what the formula will do. They need to determine a strategy for overfunded communities. He is not sure that Dover qualifies as a "poor town" so he is unsure if Senator Stile's goal will help Dover.

Dr. Mebert stated that poorer towns are getting most of the adequacy and Dover is not poor enough.

Councilor Weeden asked if there can be an "earmark" to Dover for \$1.2M to get through the year, separate from adequacy education.

Councilor Weston responded that a request can be made during one of the hearings to request that money be put aside. The closest meeting is March 18 in Rochester. Another meeting is scheduled to take place in Concord.

Mrs. Grady commented that educating students in the entire state of New Hampshire is more important than gaming. They knew in 2010 that the formula would be changing and Dover would be hurt. The formula was changed again and Dover was hurt more. She projected that Dover would be short \$1.2M in 2013 and \$1.9M in 2014. She continued to say it's a joint situation between the School Board and the City Council. Both entities decide together what children receive. Derry is getting \$8.5 million more. Dover will not get anything until 2018 and priorities should be with the children. She added that Dover shouldn't worry about everyone else in the state. Things are getting worse, not better. She added the legislature states that every child should get their fair share and they haven't done what they are supposed to do since every child is not getting their fair share, inclusive of Dover. She believes the fight should begin and voices should be out there so that the City of Dover can win the race. She stated there was a reference to SB 183 and SB 401 that said that was a section on appeals to the Commissioner



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of Education on grant funding. This could possibly be a starting point for Dover to pursue before other action.

Ms. Briggs Badger stated that the commissioner addressed that issue and said that it wouldn't be possible since an appeal is very limited in scope.

Business Administrator Mike Limanni added that this kind of appeal wouldn't work for this type of funding. They need to address the consequences of what they want to do and it is much more complex than just lifting the cap. Dover will get exposure and negative attention. The goal is to solve a problem, not just get exposure.

Mr. Limanni continued to say that they need to determine what an appropriate method of communication is, who will communicate and what they are trying to accomplish. If they want to repeal the cap, they need to address the consequences, develop a strategy, garnish support, submit a bill, and get it passed.

Mayor Trefethen added that he believes the correct strategy is to draft a bill with a very limited laser focus that would lift the cap on the 31 communities with a cap. Other communities should be left alone. If the other communities are affected in a negative way, all of their representatives will vote in opposition to the bill. They are more apt to vote in favor of the bill, if they do not suffer consequences.

This issue was discussed at the Joint Fiscal Committee meeting and the superintendent mentioned it during the budget process last spring. The legislature needs to fix this issue and there is still a significant amount of money involved.

Dr. Mebert noted there are 58 communities that are capped for FY14. 29 of those communities are underfunded and the others are overfunded. Lifting the cap would give them more money. The other communities will get adequacy and stabilization, while Dover would just receive adequacy.

Rep. Verschueren wanted to affect just the underfunded communities, but this isn't possible since it is a moving target. Communities will change each year.

Dr. Mebert stated that if the cap is lifted some communities would get adequacy and others would receive adequacy and stabilization. No communities would go down.

Councilor Weeden stated that they can know see the complexities are getting a law through and this is why he recommends requesting an earmark in the meantime. Mr. Weeden asked if there is a process through the speaker of the house that a bill can be introduced late in the session and sent to certain committees. Rep. Verschueren responded that it is possible, but very difficult and unlikely.



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Councilor Weston suggested to Ms. Briggs Badger that Windham also be invited to the meeting next week with Salem and Bedford. She stated that Dover's been "held harmless" and it's time to do something. She will be attending the public hearings. It's a city issue and a major revenue stream that affects the entire community and Dover has been underfunded since 2007. Mrs. Grady thought it would be appropriate for a "chain of command" including the City Manager, Superintendent, School Board Chairperson, and Mayor. It needs to be fair for all involved.

Mayor Trefethen agrees with the concept of holding communities "harmless". Certain members of the legislature knew that there would be winners and losers in the cap when it was instituted. He believes the strategy should be to go in with very limited language so that communities are not affected. He continued to say that language to create this cap, excluded anyone from losing money. It can be done again. Mayor Trefethen understands Councilor Weeden's suggestion on an earmark, but he is concerned that if we ask for one, other communities will do the same. He agrees with a limited committee for this task.

Councilor Crago echoed the mayor's sentiment. He met with Senator Prescott who was an original author of Statewide Education Property Tax (SWEPT). There are two legislative concerns for Dover. One is the inequities of the 178 communities who have been held "harmless" for the last three years where there are overpayments. The other is the issue of trying to provide relief for the City of Dover and the other communities. He and Councilor Weston were trying to provide relief for 2013 and 2014. They want to try to bring affected communities together so that they can get their fair share without stepping on anyone's toes. The other communities do not want to go backwards and deal with what is fair and equitable. He strongly encouraged staying focused on getting our students and educators resources that will take care of the education mission.

Mr. Limanni commented that it seemed everyone is in agreement that a bill is the best way to go about this, garnishing support as time goes by. It can be presented at the Joint Fiscal Committee. Rep. Verschuere will present in the House in the next session.

Councilor Crago strongly encouraged that the committee doesn't get bogged down and try to focus on getting what is best for the kids.

Councilor Hooper would like to support Mayor Trefethen's idea since it is a practical approach. She agrees that a limited committee is the best approach. "Doing no harm" is another plus. She continued to say the budget is based on an \$80 million dollar casino plan. The governor may have a difficult time getting it through the legislature. There may not end up being any money available.

Councilor Crago stated that he had discussed this same issue with Senator Prescott. The casino could offer complications.



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School Board member Russell agrees with the committee that Mrs. Grady suggested and added that the committee should also be responsible for compiling and disseminating the information. Other people may contact senators and representatives, but all other information should come from the limited committee members.

Councilor Weeden agrees with the discussion and understands that other communities will want to earmark, but still feels that it is worth taking to a committee. He believes that very few members read the budget since there is limited time and if it can get to a committee, it can get into the budget. He believes enough of the Finance committee will vote for it and it would make it to the House. This would help to get a solution for this year.

Councilor Hooper disagrees with Councilor Weeden stating that she has seen the Finance Director review each line. Each member had a summary and the actual budget.

Councilor Weeden agreed, but he believes that the majority do not read the budget. Councilor Hooper disagreed.

School Board Chairperson D'Andrea summarized that they have clear ideas of communication, who will be on the committee, (possibly each adding one additional member), strategy, public hearing, final results going to the Joint Fiscal Committee.

Mr. Limanni asked if anyone knew the possibilities of an earmark. Mr. D'Andrea thought the subcommittee might be able to determine that.

Mrs. Grady asked where they would go from there. She continued to say that this is one of the better meetings and suggested that Representative Verschueren and Senator Waters meet also. They could possibly return to the Board and Council with a summary.

Councilor Weston requested that she be a member of the committee since she has been involved and believes there should be others involved in case some members are unable to attend meetings. She also added that she is looking for guidance when she attends the meeting in Rochester. What would she request for an earmark?

Mayor Trefethen suggested that she request \$1.9 million since this is what they should receive.

Councilor Weeden added that the lower the number, the more likely to receive it. The bill wouldn't go through until the next year.

Ms. Briggs Badger clarified that the earmark is a stopgap measure for FY14, only for Dover. In addition, they would be working on a bill that would address all towns.

Councilor Crago asked if they can ask for only FY14 or if they can ask for FY13 also. It was determined that it would only be allowable for FY14. There is no retroactive funding.



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Councilor Carrier commented that there were people who were put in place to establish this formula and this is something that bothers him. It will be a roadblock for a long time. He doesn't understand how this took place and it should be determined so that it won't happen again.

Councilor Crago stated that there was legislative paralysis. Everyone was capped, but many were capped too high, many were too low and 21 were neutral.

Dr. Mebert agreed and stated that if you go back in history, there are Dept. of Education notes that show fairly clear formulas for many years. The formula as it stands now, is fairly clear. She continued to summarize the formula.

Ms. Briggs Badger read a response from Dean Michner, NHSBA on July 25, summarizing the adequacy history in Dover.

Mr. D'Andrea summarized the next steps. The name of the committee would be Joint Committee for Adequacy Funding. Carolyn Mebert, Mike Limanni, and Jim Verschueren would be advisory members, along with other members previously listed. The committee will provide periodic updates.

Councilor Crago requested that Councilor Weston be added to the committee as another representative from the city. Mayor Trefethen noted that if an additional council member is added, then another school board member should be added. Councilor Weeden interpreted the request for Councilor Weston's membership to be as an alternate. Councilor Weston commented that as an alternative, she would attend and listen, in case needed.

Ms. Russell summarized the previous evening's School Board meeting and the progress being made on the FY14 budget.

Dr. Mebert commented that the average property tax (without Dover) has 69.44% going toward education. Dover has 50.67% going toward education.

Councilor Crago asked how many of the comparison communities are full service communities. Dr. Mebert responded that many are comparable to Dover.

3. OTHER BUSINESS: None

4. ADJOURN

Michael Weeden moved, Kathy Baker seconded to adjourn at 5:40 p.m. An oral **VOTE PASSED.**