

STATE OF NEW HAMPSHIRE

STRAFFORD COUNTY, SS

SUPERIOR COURT

Docket No. 219-2011-CV-00349

David K. Taylor

v.

The Oyster River Cooperative School Board and Henry Brackett, Chairman

**ANSWER OF THE OYSTER RIVER COOPERATIVE SCHOOL BOARD
AND HENRY BRACKETT, CHAIRMAN TO AMENDED PETITION**

NOW COME the Oyster River Cooperative School Board, and Henry Brackett, Chairman, and submit the following Answer to the Petition for Injunctive Relief filed Pursuant RSA 91-A:7.

1. Paragraph 1 sets forth no allegations of fact and does not call for admission or denial.
2. The first two sentences of paragraph 2 do not set forth allegations of fact and do not call for admission or denial. The respondents deny the remainder of paragraph 2.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Denied.

8. Admitted.

By way of further answer, denied that there was any impropriety in Mr. Brackett's consultation with Attorney Memmesheimer.

9. The first two sentences of paragraph 9 are admitted. Admitted that the non-public minutes do not list all attendees but, by way of further answer all votes within the minutes are recorded as roll call votes making clear who the meeting attendees were. The defendants neither admit nor deny that the vote to enter non-public was not by roll call. Admitted that the April 13th special meeting notice does not list the content of the meeting. The last sentence of paragraph 9 is denied.

10. Admitted that Brackett arranged the meeting in question and that the meeting in question occurred. Denied to the extent that the Petitioner's use of the word "purportedly" implies that the meeting was not excluded from the requirements of RSA 91-A. Admitted that as of the date of the original petition filed all Board members except Brackett had released the document. By way of further answer, Brackett had produced the document by the time the amended petition was filed.

11. The allegations made concerning the events of April 20th are denied. The allegations made with regard to the events of April 21st are admitted.

12. Denied.

13. Admitted.

14. Admitted.

15. Denied.

16. The first two sentences of paragraph 16 are admitted. The remainder of paragraph 16 is denied.

17. Admitted.

18. Admitted that the call in question occurred. Denied that the call involved a committee, subcommittee or subordinate body of the School Board.

19. Admitted that the meeting in question occurred but denied that the meeting was of a committee, subcommittee or subordinate body of the Board. Neither admitted nor denied that all but one member of the remaining Board were outside the room while the initial meeting occurred. Admitted that the Board did meet in a non-meeting session, with counsel, to discuss issues pertaining to the separation agreement of Howard Colter, including public relations issues related to that argument.

20. Denied.

21. Admitted that a conference call involving the individuals noted occurred. The remainder of the allegations of paragraph 21 are denied.

22. Denied.

23. Admitted that the events in question occurred on June 6, 2011 but denied that the Board members in question constituted a committee, subcommittee or subordinate body of the Board.

24. Admitted.

25. Denied.

26. Admitted that the meetings in question occurred but denied that those meetings constituted a committee, subcommittee or subordinate body of the Board.

Admitted in substance, but by way of further answer, one candidate met with the individuals on that date for a preliminary discussion of the interim superintendent position. The other individual who met for such discussions met on June 13, 2011, as described in paragraph 28.

27. Admitted that the email was sent. Admitted that all members except Brackett had released the document as of the date of the Petitioner's original Petition. By way of further answer, defendant Brackett had released his copy of the document by the date of the Amended Petition.

28. Admitted that the Board members in question met but denied that they were a committee, subcommittee or subordinate body of the Board. Admitted that they held a preliminary discussion with one potential interim candidate.

29. Admitted that the non-meeting occurred and that the topics described were discussed.

30. Admitted that the email was sent. Admitted that all members except Brackett had released the document as of the date of the Petitioner's original Petition. By way of further answer, defendant Brackett had released his copy of the document by the date of the Amended Petition.

31. Admitted that the Board members in question met but denied that the meeting constituted a committee, subcommittee or subordinate body of the Board. The remainder of the paragraph is admitted.

32. Denied as characterized. By way of further answer, upon information and belief, the decision to not write FAQ's was, in all likelihood, reached on June 13, 2011.

33. Denied that the meetings in question constituted interviews with interim superintendent candidates. Admitted that the statement attributed to Brackett was made. The remainder of paragraph 33 is admitted.

34. The first sentence of paragraph 34 does not call for an admission or denial as it is an editorial comment and not a factual statement. The remainder of paragraph 34 is admitted.

35. The first sentence of paragraph 35 is admitted. The last two sentences are denied.

36. The allegations of paragraph 36 are admitted with the exception of the sentence which states, "Prior to this, the Board had deliberated the decision to hire an interim superintendent and to contact candidates." To the extent the sentence is intended to mean that the Board had decided to hire a specific interim superintendent the allegation is denied. By way of further answer, the Respondents admit that they had discussed the need to hire an interim superintendent and the search process.

37. Denied.

38. The first sentence of paragraph 38 is admitted. The second sentence of paragraph 38 is denied. The third sentence of paragraph 38 is admitted. The fourth sentence of paragraph 38 is denied.

39. Admitted.

40. Admitted that the conference call in question occurred but denied that the call constituted a meeting of a committee, subcommittee or subordinate body of the Board.

41. Admitted.

42. Admitted that the Board members in question met with Roni Reino.

Denied that the meeting in question constituted a committee, subcommittee or subordinate body of the Board. Admitted that the special non-public meeting occurred and that the meeting notice did not state a subject. Denied that there was no motion to enter non-public or that no roll call vote occurred. Admitted that a grievance was added to the agenda.

43. Admitted.

44. Admitted.

45. Admitted.

46. Admitted that the meetings in question occurred and that the subjects described were addressed. Neither admitted nor denied that the meetings in question were posted fewer than 72 hours beforehand.

47. Admitted.

48. Admitted.

49. Admitted.

50. Admitted.

51. Admitted.

52. Admitted.

53. The first two sentences of paragraph 53 are admitted. The second two sentences of paragraph 53 are denied. The remainder of paragraph 53 is admitted.

54. Denied.

55. Admitted.

56. The first three sentences of paragraph 56 are admitted. The third sentence of paragraph 56 is admitted. The fourth sentence of paragraph 56 is admitted but by way of further answer it is clear that the meeting did adjourn. The allegations with regard to the September 7th meeting are admitted but, by way of further answer, it is stated that the video recording of the meeting makes clear that Board member Butts did cite the appropriate RSA relevant to entering non-public for a personnel matter. The allegations with regard to the September 12th non-meeting are admitted.

57. Denied.

58. Denied.

59. The responses set forth in paragraphs 1 through 58 are fully realleged and incorporated.

60. Denied.

61. Denied.

62. Paragraph 62 does not state allegations of fact and therefore does not call for admission or denial.

63. The responses set forth in paragraphs 1 through 62 are fully realleged and incorporated.

64. Paragraph 64 does not state allegations of fact and therefore does not call for admission or denial.

65. Denied.

66. Denied.

67. Paragraph 67 does not state allegations of fact and therefore does not call for admission or denial.

68. The responses set forth in paragraphs 1 through 67 are fully realleged and incorporated.

69. Denied.

70. Denied.

71. Paragraph 71 does not state allegations of fact and therefore does not call for admission or denial.

72. The responses set forth in paragraphs 1 through 72 are fully realleged and incorporated.

73. Paragraph 73 does not state allegations of fact and therefore does not call for admission or denial.

74. Denied.

75. Denied.

76. Paragraph 76 does not state allegations of fact and therefore does not call for admission or denial.

Respectfully submitted,

The Oyster River Cooperative School
Board and Henry Brackett, Chairman
By Their Attorneys,
WIGGIN & NOURIE, P.A.

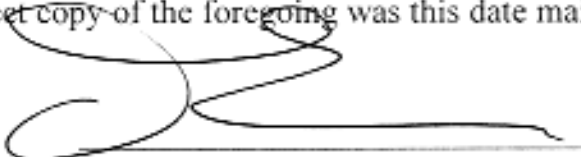
Dated: November 14, 2011

By 

Dennis T. Ducharme, Esquire
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Certification

I hereby certify that a true and correct copy of the foregoing was this date mailed to David K. Taylor.


Dennis T. Ducharme, Esquire