

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

David K. Taylor

v.

School Administrative Unit 55

PETITION
FOR DECLARATIVE AND INJUNCTIVE RELIEF
PURSUANT TO RSA 91-A AND PART 1, ART. 8, N.H. CONST

NOW COMES David K. Taylor (“Taylor”), *pro se*, a citizen of the Town of Durham, New Hampshire, and petitions this Court pursuant to RSA 91-A:7 and Part 1, Article 8, N.H. CONST for declarative and injunctive relief against School Administrative Unit 55 (“SAU”), a body corporate and politic and states as follows:

INTRODCUTION

1. The New Hampshire Constitution, Part 1, Article 8, provides that all power derives from the People and that public bodies and agencies are at all times accountable to the People. This Constitutional grant ensures that the People’s right of access to governmental proceedings and records is not unreasonably restricted. This grant guarantees that government is open, accessible, accountable and responsive.

2. By enacting RSA 91-A, the New Hampshire legislature declared that the open conduct of public business is essential to a democratic society. RSA 91-A establishes rules to ensure an open, public process in government. In recent weeks, the SAU has

repeatedly violated the tenets of RSA 91-A, has actively avoided compliance with RSA 91-A:3 and RSA 91-A:4, and has deprived Taylor of his right to access governmental proceedings and records.

PARTIES

3. David K. Taylor is a New Hampshire citizen who resides at 16 Surrey Lane, Durham, New Hampshire.

4. School Administrative Unit 55 is a New Hampshire municipal corporation with a principal address of 30 Greenough Road, Plaistow, New Hampshire.

VENUE

5. Venue is proper in this Court because the Defendant resides in and some actions complained of occurred within the jurisdiction of this Court.

ALLEGED FACTS

6. The SAU is governed by a School Board (the "Board") with members Jason Cipriano, Susan Sherman, Cathleen Abruzzese, Suzanne Barr, Peter Bealo, Robert Collins ("Collins"), Wayne Dinsmore, Stefanie Dube, Donna Green ("Green"), Daniel Guide, Jack Sapia, Gregory Spero, Kelly Ward, and Karen Yassenka.

7. The Superintendent of the SAU is Dr. Earl Metzler ("Metzler"). The Executive Assistant to the SAU Superintendent and Assistant Superintendent is Catherine Belcher ("Belcher").

8. The SAU is a public agency subject to RSA 91-A. The Board is a public body subject to RSA 91-A.

9. On April 19, 2016, the New Hampshire Supreme Court reversed a decision by this Court and thereby required the SAU to provide Green with an electronic copy of a governmental record. See, Green v. SAU 55, Doc. No. 2015-274, slip op (April 19, 2016).

10. On April 19, 2016, the SAU revised the SAU 55 Right to Know Procedure (the "Procedure") in response to the New Hampshire Supreme Court decision. Ex. 1.

11. The SAU only delivers electronic records in response to Right-to-Know requests, including those by Taylor, in accordance with the Procedure. The SAU only delivers electronic records on a pristine thumb drive, either provided "in original, sealed packaging," id., or provided by the SAU only after the requestor pays a fee for the thumb drive. The fee for the thumb drive is \$7.49. The SAU requires that the thumb drive, once the electronic records are delivered to it, must "be retrieved at the Superintendent's office during normal business hours." Id.

12. The SAU only delivers paper copies of records in response to Right-to-Know requests, including those by Taylor, in accordance with the Procedure. The SAU only delivers paper copies after the requestor pays a fee of \$0.50 per page. Id. This fee is levied at a flat rate of \$0.50 per page regardless of the number of pages. The SAU

requires that the paper copies, once they are made, must “be retrieved at the Superintendent’s office during normal business hours.” Id.

13. The actual total non-labor cost for the SAU of printing or copying in black and white is about \$0.03 per page.

14. The copier/printer at the SAU can copy/print/scan about 95 pages per minute with a paper capacity of 9,000 pages before reloading. At a rate of 95 pages per minute, an employee who earns \$20 per hour, or \$0.33 per minute, would earn about \$0.0035 per page to monitor the copier/printer, assuming they do not perform another task concurrently. An entry-level employee can easily operate the copier/printer as required for most Right-to-Know requests.

15. The actual cost for the SAU to print/copy a page, even if dedicated labor cost is included, is less than \$0.04.

16. Since a scan does not consume supplies like paper or toner, the SAU copier/printer can scan documents for a negligible total non-labor cost, much less than \$0.01 per page, and make them available in electronic format, including as email.

17. The cost for the SAU to forward an email, especially when already responding to another email, is negligible.

18. On May 12, 2016, the Board met. The Board entered non-public session under 3 exemptions of RSA 91-A:3, II: (a), (c) and (i).

EMERGENCY FUNCTIONS AND SUPERINTENDENT'S EVALUATION
Chairman Cipriano explained that this portion of the meeting will be held in nonpublic session under RSA 91-A:3 II, (a), (c) and (i). The first part of the nonpublic session would be to discuss matters of safety as permitted by statute and the second part would be to conduct an evaluation of the Superintendent.

MOTION: Mr. Collins motioned the board go into nonpublic session under RSA 91-A:3, paragraphs (a) the dismissal, promotion and compensation or disciplining of any public employee, and (c), matters which, if discussed in public, would likely affect adversely the reputation of any person and (i) consideration of matters relating to preparation for and the carrying out of emergency preparations to prevent widespread injury and loss of life; seconded by Mr. Guide.

Ex. 2.

19. While in the May 12, 2016 non-public session, the Board discussed and possibly acted on "emergency functions." Id. The Board also discussed and acted on the "Superintendent's evaluation." Id. The Board also discussed and acted to "increase the Superintendent's base salary by 3.75% effective July 1, 2016 and award him a 4% performance bonus resultant of his 2015-16 school year evaluation." Id.

20. While still in the May 12, 2016 non-public session, the Board voted to seal the minutes of that non-public session. The reason for the minutes to be sealed was only because the Board "determined the divulgence of the information discussed would likely adversely affect the reputation of any person other than a member of the body or agency itself." Id.

21. The sealed minutes record specifics not available to the Plaintiff, of the discussions and possible actions of the Board on “emergency functions.” Id.

22. The sealed minutes record specifics not available to the Plaintiff, of the discussions and actions of the Board on the “Superintendent’s evaluation,” including portions that would not “likely adversely affect the reputation of any person other than a member of the” Board. Id.

23. The sealed minutes record specifics not available to the Plaintiff, of the actions of the Board related to “increase the Superintendent’s base salary by 3.75% effective July 1, 2016 and award him a 4% performance bonus resultant of his 2015-16 school year evaluation.” Id.

24. The sealed minutes record specifics not available to the Plaintiff, of the vote of the Board to seal the minutes. Id.

25. Following the May 12, 2016 non-public session, the Board returned to public session and announced publicly that the minutes had already been sealed in non-public session and a summary of the raise and bonus of the Superintendent.

Chairman Cipriano announced the board motioned to seal the minutes of the nonpublic session as they determined the divulgence of the information discussed would likely adversely affect the reputation of any person other than a member of the body or agency itself.

He also announced that action was taken during nonpublic session to increase the Superintendent's base salary by 3.75% effective July 1, 2016 and award him a 4% performance bonus resultant of his 2015-16 school year evaluation.

Id.

26. On June 22, 2016, Collins publicly described the Superintendent's evaluation in a public forum. Collins described the reason to seal the minutes was "to protect the deliberation" of the Board and not because the Superintendent's "evaluation was negative or disparaging in any way."

FTR - This year's evaluation of the Superintendent was one of the best he has been given since he arrived! The Board is VERY pleased with what is happening at the SAU and our respective districts, EXCEPTIONAL was the theme! It should be very clear for everyone that the minutes were sealed to protect the deliberation of the Superintendent's evaluation NOT because his evaluation was negative or disparaging in any way.

Friends of Education at Timberlane Facebook group in reply to a post shared by Kathy Slade on June 16, 2016 (June 22, 2016 at 2:17 p.m.) (<https://www.facebook.com/groups/883419721674333/> accessed July 24, 2016).

27. Later on June 22, 2016, Mary-Jo Thomas Conlon publicly challenged the description by Collins of the Superintendent's evaluation. She mentioned recent public controversies involving the Superintendent. During the period covered by the evaluation, there have been controversies known to the public involving the Superintendent including "lawsuits, accusing towns of illegal activity, withdrawal study, unprofessional emails and other insubordinate behaviors." She also asked Collins how

he could publicly describe aspects of the non-public session since the minutes were sealed.

That is possibly the most nauseating post I've ever read from you Rob Collins if you really think this past year filled with lawsuits, accusing towns of illegal activity, withdrawal study, unprofessional emails and other insubordinate behaviors is exceptional, we are doomed!!

BUT, please tell me how it is you are permitted to describe and discuss deliberations and your vote and others aren't?

if it were really so stellar, I think we'd have seen press release already

Id. at 2:28 p.m. See also generally, Green's blog timberlaneandsandown. (<https://timberlaneandsandown.wordpress.com/> accessed July 24, 2016).

28. A few minutes later on June 22, 2016, Nola Vermette Witman also asked Collins how he could publicly describe aspects of the non-public session since the minutes were sealed.

Ditto regarding how it's okay for Rob to discuss the deliberations of the Super eval while others can't. Sealed is not sealed depending on who you are?

Id. at 2:39 p.m.

29. A few minutes later, on June 22, 2016, Collins stated publicly that he had permission to describe aspects of the non-public session even though the minutes were sealed.

I had permission.

Id. at 3:15 p.m.

30. A few minutes later, on June 22, 2016, Nola Vermette Whitman asked Collins to explain how and from whom he had permission to describe aspects of the non-public session even though the minutes were sealed.

What? You have permission? How does that work? You got permission from the board?

Id. at 3:43 p.m.

31. In spite of multiple posts to the same Facebook group asking Collins to explain his “permission,” he did not.

32. On June 23, 2016, Taylor requested by email sent to Belcher, that she send by email the non-public minutes of the Board meeting of May 12, 2016 in electronic format.

Would you please send me by email the non-public minutes of the SAU 55 board for May 12, 2016. I found the public minutes on the web, but not the non-public minutes.

Ex.3.

33. On June 27, 2016, Belcher responded to Taylor by email, denying his request for the May 12, 2016 non-public minutes. Belcher said that the minutes “are not available for public inspection” since the Board decided “to seal the nonpublic minutes from public viewing.”

This office is in receipt of your request for a copy of the May 12, 2016 nonpublic SAU Board meeting minutes. As indicated in your request, you were able to access the May 12th public minutes which reflect the board's decision to seal the nonpublic minutes from public viewing. Thus, pursuant to RSA 91-A:3,II the nonpublic meeting minutes of May 12th are not available for public inspection, unless the board determines (by majority vote) that the circumstances set forth in the reason to seal the minutes no longer apply.

I have attached a copy of our Right-to-Know procedure to this email for future reference. I hope you find this information helpful.

Id. Attached to Belcher's June 27, 2016 email was an electronic copy of the Procedure, indicating to Taylor that his request would only be satisfied consistent with the Procedure. By attaching the Procedure to the email, Belcher delivered a governmental record in electronic format to Taylor by email.

34. Later on June 27, 2016, in response to Belcher's email, Taylor requested the May 12, 2016 non-public minutes but with possible redactions.

Thank you very much for your prompt reply as well as for sending me a copy of the Right-to-Know procedure as an attachment to your email.

Is there any way to get even part of the non-public minutes? Could certain parts be redacted so the rest could be provided to me? It doesn't seem to me that the specific votes by the board members, for example, would be covered by any exemptions.

Id.

35. The Defendants did not respond to Taylor's June 27, 2016 request for a governmental record.

36. On July 14, 2016, Taylor again requested a redacted copy of the May 12, 2016 non-public minutes, pointing out that the Defendants had not responded to his June 27, 2016 request even though 12 business days had passed.

Back on June 27th I sent the below request for a redacted copy of the June 12th non-public minutes since you told me I could not see the full minutes that were sealed. You did not respond to my June 27th request. Today is July 14th, 12 business days later. As I understand RSA 91-A that you cited, within 5 business days you should have provided me with the redacted record, told me when you expected to have it ready, or given me a written reason why you would not provide it. Would you please let me know when you can provide me with the redacted copy?

Id.

37. Later on July 14, 2014, Belcher responded to Taylor's July 14, 2016 request. Belcher said that she could not provide a redacted copy of the non-public minutes since "[t]here are no provisions for redacted sealed minutes."

As indicated in my previous email regarding your original request, the minutes of the May 12, 2016 nonpublic SAU Board meeting are sealed. There are no provisions for redacting sealed minutes. Only by vote of a majority of the board can sealed minutes be unsealed. I apologize if this was not clear.

Id.

38. On July 15, 2016, Taylor requested Belcher to forward an email in electronic format sent by Mary-Jo Thomas Conlon to the Board concerning the May 12, 2016 non-public minutes.

Would you please forward to me by email the email sent to the SAU 55 Board by Mary-Jo Thomas-Conlon on June 22, 2016 concerning the May 12, 2016 non-

public session and public comments made about that non-public session by Board member Rob Collins?

Ex. 4.

39. On July 19, 2016, Belcher responded to Taylor's July 15, 2016 request. Belcher had located the electronic record of the email sent by Mary-Jo Thomas Conlon. Belcher said that a 3-page paper copy of the email was available at the Superintendent's Office during their normal business hours for \$1.50. Belcher also said the email was available for inspection. Belcher did not specifically respond to Taylor's request for the electronic record to be delivered in electronic format by email.

This email serves as notification that the items you requested under RSA 91-A are available for pick up (or inspection) at the Superintendent's Office. There are a total of 3 pages. The cost for hardcopies associated with right-to-know requests is \$.50 per page, thus your total, should you opt for hardcopies, is \$1.50. I am once again attaching a copy of the district's right-to-know procedure as a reference for the protocol regarding the delivery of materials requested. Kindly note our business hours during the summer months are Monday through Thursday from 8:30 am to 4:00 pm. It is the district's position that your right-to-know request has been fulfilled.

Id. Attached to Belcher's July 19, 2016 email was another electronic copy of the Procedure, Ex. 1, indicating to Taylor that his request for a record would only be satisfied consistent with the Procedure. Belcher did not forward the requested email from Mary-Jo Thomas Conlon nor did Belcher attach it to her email response, even though by attaching the Procedure to the email, Belcher did deliver another governmental record in electronic format by email to Taylor.

40. A few minutes later, on July 19, 2016, Taylor responded to Belcher's July 19, 2016 email. Taylor clarified that he wanted an electronic copy by email and not a paper copy.

Thank you for your reply, but I would like an electronic copy of the email. Please don't waste the paper and ink. Can you simply forward that to me?

Ex. 4.

41. A few more minutes later, on July 19, 2016, Taylor followed up with another email to Belcher. Taylor asked for the fee required by the SAU for a thumb drive as specified in the Procedure.

What do you charge for a thumb drive, according to your procedure?

Id.

42. A few more minutes later, on July 19, 2106, Belcher responded to Taylor's email asking about the fee for a thumb drive. Belcher said the thumb drive fee is \$7.49.

The cost for a thumb drive is \$7.49 which is the district's cost. They are 2GB and, at the time of purchase, were the smallest in file size that we could get from our vendor.

I hope this information is helpful.

Id.

43. Finally, on July 19, 2016, Taylor responded to Belcher.

Thank you again for your reply. I must tell you that I find this all very frustrating, since it would cost neither of us anything substantial for you to simply forward the email, yet due to your policy, I must take the time to drive to your office and pay several dollars on top of that.

Id.

44. Taylor lives 25 miles away from the SAU office. Round trip that amounts to 50 miles. At the IRS Standard Mileage Rate for charity (lowest rate) of \$0.14 per mile, that is a total cost to Taylor of \$7.00 to pick the governmental records up at the SAU office. See, IRS Standard Millage Rates (December 25, 2015) (<https://www.irs.gov/tax-professionals/standard-mileage-rates> accessed July 24, 2016). The cost to the SAU and to Taylor for the SAU to email an electronic record to Taylor is negligible.

COUNT I

Violations of RSA 91-A

45. The allegations contained in paragraphs 1 through 44 are hereby realleged and incorporated.

46. The SAU has violated multiple provisions of RSA 91-A including RSA 91-A:3 at the May 12, 2016 non-public session and RSA 91-A:4 by repeatedly failing to provide Taylor with adequate access to its governmental records and proceedings.

47. Due to the SAU's failure to honor its obligations under RSA 91-A, the rights of Plaintiff Taylor have been violated and he has been deprived the access to information and government proceedings guaranteed by RSA 91-A. By these actions, the SAU has

acted in a manner which circumvents the spirit and purpose of RSA 91-A and has violated RSA 91-A.

48. The damages are within the jurisdictional limits of this Court.

COUNT II

Violation of Rights under Part 1, Art. 8 N.H. CONST

49. The allegations contained in paragraphs 1 through 48 are hereby realleged and incorporated.

50. Part 1, Article 8, of the New Hampshire Constitution provides that all power derives from the People and that public agencies and bodies are at all times accountable to the People. This Constitutional grant ensures that the People's right of access to governmental proceedings and records is not unreasonably restricted. This grant guarantees that government is open, accessible, accountable and responsive.

51. By invoking RSA 91-A:3, III to withhold from disclosure as a whole the May 12, 2016 non-public session minutes, including parts not subject to the provisions of RSA 91-A:3, III and parts not subject to the cited reason for sealing the minutes, the SAU has completely and unreasonably denied Taylor access to this governmental record contrary to the provisions of Part 1, Article 8 of the New Hampshire Constitution. Thereby the SAU has violated the rights of Plaintiff Taylor under Part 1, Article 8 of the

New Hampshire Constitution and he has been deprived the access to information and government proceedings guaranteed by this Constitutional provision.

52. The damages are within the jurisdictional limits of this Court.

WHEREFORE, Plaintiff Taylor requests that this Court:

A. Declare that the May 12, 2016 Board meeting violated RSA 91-A;

B. Declare RSA 91-A:3, III as applied by the SAU to completely withhold from disclosure the minutes of the May 12, 2016 non-public session to be unconstitutional under Part 1, Article 8 of the N.H. Constitution;

C. Invalidate the action of the Board to seal the minutes of the May 12, 2016 non-public session in accordance with RSA 91-A:8, III;

D. Order the disclosure of the minutes of the May 12, 2016 non-public session;

E. Declare the Procedure to be in violation of RSA 91-A;

F. Declare the SAU violated RSA 91-A with respect to Taylor's requests for governmental records;

G. Order the SAU to deliver to Taylor the email from Mary-Jo Thomas Conlon in electronic format and at no cost by forwarding the email;

H. Enjoin the SAU from future enforcement of the Procedure in accordance with RSA 91-A:8, V;

I. Enjoin future violations of RSA 91-A by the SAU and Board in accordance with RSA 91-A:8, V, by issuing an order compelling the SAU and Board to comply will all provisions of RSA 91-A;

J. Award Taylor his costs made necessary by the bringing of this action as allowed by RSA 91-A:8, I;

K. Declare such other relief as may be just and equitable.

Respectfully submitted,

Date

David K. Taylor

16 Surrey Lane

Durham, New Hampshire 03284

Tel. (603) 659-0976

VERIFICATION

I, David K. Taylor, being duly sworn, verify that the attestations set forth in the foregoing Petition are true to the best of my knowledge and belief.

Date

David K. Taylor

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, SS

On this _____ day of August, 2016, before me, personally appeared David K. Taylor, known to me or satisfactorily proven to be the person whose name is subscribed to the written instrument and acknowledged that she executed the same for the purposes therein contained.

Notary Public/Justice of the Peace

Printed Name: _____

My Commission expires: _____

Exhibit

1

RIGHT TO KNOW REQUEST PROCEDURE

Right to Know requests shall be submitted to the Superintendent's Office in writing (emails are acceptable). Although written requests are not required by law, it is beneficial to both the District and the requester to have documentation of the request.

Pursuant to RSA 91-A and upon receipt of a Right to Know request, the School District shall within 5 business days make such record available, deny the request in writing with reason, or furnish written acknowledgement of the request and include a statement of the time reasonably necessary to determine whether the request shall be granted or denied.

Materials and/documentation produced to fulfill a Right to Know request shall be subject to a charge of \$.50 per page when hardcopies are provided. Hardcopies shall be picked up at the Superintendent's office during normal business hours. For materials that are requested in an electronic format and are maintained or available in electronic format (including but not limited to video recordings) requesters shall provide their own thumb drive (in original, sealed packaging only) or the District shall provide the thumb drive at the requester's expense. Electronic copies shall be retrieved at the Superintendent's office during normal business hours.

Exhibit

2

**SCHOOL ADMINISTRATIVE UNIT NO 55 BOARD
MEETING MINUTES**

May 12, 2016
7:00 PM

Superintendent's Office
30 Greenough Road, Plaistow, NH

Dr. Earl Metzler, Superintendent of Schools
Dr. Roxanne Wilson, Superintendent

Jason Cipriano, Chairman
Susan Sherman, Vice Chair

Call to Order

Chairman Jason Cipriano called this May 12, 2016 SAU 55 Board meeting to order at 7:00pm with the roll call followed by the Pledge of Allegiance led by Mr. Sapia.

Board Members Present

Cathleen Abruzzese, Suzanne Barr, Peter Bealo, Jason Cipriano, Robert Collins, Wayne Dinsmore, Donna Green (7:06-9:02pm), Daniel Guide, Jack Sapia, Susan Sherman, Gregory Spero, Kelly Ward and Karen Yasenka. Absent: Stefanie Dube.

Administrators Present

George Stokinger, Business Administrator

Chairman Cipriano announced Dr. Metzler would not be attending the meeting; he would be attending a SERESC meeting at the request of the Chair instead.

APPROVAL OF MINUTES

Board members reviewed the public and nonpublic minutes of April 20, 2016 SAU board meeting.

MOTION: Mr. Ward motioned to approve the April 20, 2016 public and nonpublic minutes as presented. There being no discussion the motion passed by vote of 12-0-0.

EMERGENCY FUNCTIONS AND SUPERINTENDENT'S EVALUATION

Chairman Cipriano explained that this portion of the meeting will be held in nonpublic session under RSA 91-A:3 II, (a), (c) and (i). The first part of the nonpublic session would be to discuss matters of safety as permitted by statute and the second part would be to conduct an evaluation of the Superintendent.

MOTION: Mr. Collins motioned the board go into nonpublic session under RSA 91-A:3, paragraphs (a) the dismissal, promotion and compensation or disciplining of any public employee, and (c), matters which, if discussed in public, would likely affect adversely the reputation of any person and (i) consideration of matters relating to preparation for and the carrying out of emergency preparations to prevent widespread injury and loss of life; seconded by Mr. Guide.

The board was polled:	Abruzzese – yes	Guide – yes
	Barr – yes	Sapia – yes
	Bealo – yes	Sherman – yes
	Cipriano - yes	Spero – yes
	Collins – yes	Ward – yes
	Dinsmore – yes	Yasenka – yes

The board entered nonpublic session at 7:03pm.

MOTION: Mr. Collins motioned the board exit nonpublic session; seconded by Mr. Ward.

The board was polled: Abruzzese – yes Guide – yes
 Barr – yes Sapia – yes
 Bealo – yes Spero – yes
 Cipriano - yes Sherman – yes
 Collins – yes Ward – yes
 Dinsmore – yes Yassenka – yes

The board re-entered public session at 9:57pm.

Chairman Cipriano announced the board motioned to seal the minutes of the nonpublic session as they determined the divulgence of the information discussed would likely adversely affect the reputation of any person other than a member of the body or agency itself.

He also announced that action was taken during nonpublic session to increase the Superintendent’s base salary by 3.75% effective July 1, 2016 and award him a 4% performance bonus resultant of his 2015-16 school year evaluation.

With no other business before the board,

MOTION: Mr. Spero motioned to adjourn the meeting; seconded by Mr. Dinsmore. With no further discussion the motion passed 12-0-0.

Chairman Cipriano adjourned the meeting at 10:01pm.

Respectfully submitted,


Catherine Belcher
Recording Secretary

Minutes approved by the SAU Board on June 15, 2016.

Exhibit

3

RE: Request for Information

Belcher, Catherine <Catherine.Belcher@timberlane.net>

Thu 7/14/2016 2:52 PM

To: David Taylor <dkttaylor@F5.com>;

Hello Mr. Taylor,

As indicated in my previous email regarding your original request, the minutes of the May 12, 2016 nonpublic SAU Board meeting are sealed. There are no provisions for redacting sealed minutes. Only by vote of a majority of the board can sealed minutes be unsealed. I apologize if this was not clear.

Have a good afternoon,

Cathy

Kindly note our office hours during the summer months are Monday-Thursday 8:30am to 4:00pm.



Cathy Belcher

Executive Assistant to the Superintendent and Assistant Superintendent of Schools

(603) 382-6119 ext. 2217

catherine.belcher@timberlane.net

SCHOOL ADMINISTRATIVE UNIT NO 55

Serving the Hampstead and

Timberlane Regional School Districts

CONFIDENTIALITY NOTICE: This e-mail message and any attachment to it is intended only for the individual or entity to which it is addressed and may contain confidential and/or privileged materials. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, please contact the sender by reply e-mail, delete this message and destroy all copies and backups of the original message.

From: David Taylor [mailto:dkttaylor@F5.com]

Sent: Thursday, July 14, 2016 1:30 PM

To: Belcher, Catherine

Cc: David Taylor

Subject: RE: Request for Information

Back on June 27th I sent the below request for a redacted copy of the June 12th non-public minutes since you told me I could not see the full minutes that were sealed. You did not respond to my June 27th request. Today is July 14th, 12 business days later. As I understand RSA 91-A that you cited, within 5 business days you should have provided me with the redacted record, told me when you expected to have it ready, or given me a written reason why you would not provide it. Would you please let me know when you can provide me with the redacted copy?

Thanks,

-David

From: David Taylor

Sent: Monday, June 27, 2016 1:14 PM

To: 'Belcher, Catherine' <Catherine.Belcher@timberlane.net>

Cc: David Taylor (Lowell) (dkaylor@F5.com) <dkaylor@F5.com>

Subject: RE: Request for Information

Thank you very much for your prompt reply as well as for sending me a copy of the Right-to-Know procedure as an attachment to your email.

Is there any way to get even part of the non-public minutes? Could certain parts be redacted so the rest could be provided to me? It doesn't seem to me that the specific votes by the board members, for example, would be covered by any exemptions.

I hope you enjoy your day, too.

Thanks,

-David

From: Belcher, Catherine [<mailto:Catherine.Belcher@timberlane.net>]

Sent: Monday, June 27, 2016 11:38 AM

To: David Taylor <dkaylor@F5.com>

Subject: Request for Information

Hello Mr. Taylor,

This office is in receipt of your request for a copy of the May 12, 2016 nonpublic SAU Board meeting minutes. As indicated in your request, you were able to access the May 12th public minutes which reflect the board's decision to seal the nonpublic minutes from public viewing. Thus, pursuant to RSA 91-A:3,II the nonpublic meeting minutes of May 12th are not available for public inspection, unless the board determines (by majority vote) that the circumstances set forth in the reason to seal the minutes no longer apply.

I have attached a copy of our Right-to-Know procedure to this email for future reference. I hope you find this information helpful.

Enjoy your day,

Cathy



Cathy Belcher

Executive Assistant to the Superintendent and Assistant Superintendent of Schools

(603) 382-6119 ext. 2217

catherine.belcher@timberlane.net

SCHOOL ADMINISTRATIVE UNIT NO 55

Serving the Hampstead and

Timberlane Regional School Districts

CONFIDENTIALITY NOTICE: This e-mail message and any attachment to it is intended only for the individual or entity to which it is addressed and may contain confidential and/or privileged materials. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, please contact the sender by reply e-mail, delete this message and destroy all copies and backups of the original message.

-----Original Message-----

From: David Taylor [<mailto:dkttaylor@F5.com>]

Sent: Thursday, June 23, 2016 9:26 PM

To: Belcher, Catherine

Cc: David Taylor

Subject: SAU 55 Board Non-Public Minutes

Would you please send me by email the non-public minutes of the SAU 55 board for May 12, 2016. I found the public minutes on the web, but not the non-public minutes.

Thank you,
David K. Taylor
Durham, NH

Exhibit

4

RE: Mary-Jo Thomas-Conlon Email

David Taylor

Tue 7/19/2016 4:31 PM

To: Belcher, Catherine <Catherine.Belcher@timberlane.net>;

Thank you again for your reply. I must tell you that I find this all very frustrating, since it would cost neither of us anything substantial for you to simply forward the email, yet due to your policy, I must take the time to drive to your office and pay several dollars on top of that.

Thanks,

-David

From: Belcher, Catherine [mailto:Catherine.Belcher@timberlane.net]

Sent: Tuesday, July 19, 2016 4:19 PM

To: David Taylor <dkttaylor@F5.com>

Subject: RE: Mary-Jo Thomas-Conlon Email

Hello Mr. Taylor,

The cost for a thumb drive is \$7.49 which is the district's cost. They are 2GB and, at the time of purchase, were the smallest in file size that we could get from our vendor.

I hope this information is helpful.

Cathy

Kindly note our office hours during the summer months are Monday-Thursday 8:30am to 4:00pm.



Cathy Belcher

Executive Assistant to the Superintendent and Assistant Superintendent of Schools

(603) 382-6119 ext. 2217

catherine.belcher@timberlane.net

SCHOOL ADMINISTRATIVE UNIT NO 55

Serving the Hampstead and

Timberlane Regional School Districts

CONFIDENTIALITY NOTICE: This e-mail message and any attachment to it is intended only for the individual or entity to which it is addressed and may contain confidential and/or privileged materials. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, please contact the sender by reply e-mail, delete this message and destroy all copies and backups of the original message.

From: David Taylor [<mailto:dkttaylor@F5.com>]
Sent: Tuesday, July 19, 2016 3:23 PM
To: Belcher, Catherine
Cc: David Taylor
Subject: RE: Mary-Jo Thomas-Conlon Email

What do you charge for a thumb drive, according to your procedure?

Thanks,

-David

From: David Taylor
Sent: Tuesday, July 19, 2016 3:16 PM
To: 'Belcher, Catherine' <Catherine.Belcher@timberlane.net>
Subject: RE: Mary-Jo Thomas-Conlon Email

Thank you for your reply, but I would like an electronic copy of the email. Please don't waste the paper and ink. Can you simply forward that to me?

Thanks,

-David

From: Belcher, Catherine [<mailto:Catherine.Belcher@timberlane.net>]
Sent: Tuesday, July 19, 2016 3:14 PM
To: David Taylor <dkttaylor@F5.com>
Subject: RE: Mary-Jo Thomas-Conlon Email

Hello Mr. Taylor,

This email serves as notification that the items you requested under RSA 91-A are available for pick up (or inspection) at the Superintendent's Office. There are a total of 3 pages. The cost for hardcopies associated with right-to-know requests is \$.50 per page, thus your total, should you opt for hardcopies, is \$1.50. I am once again attaching a copy of the district's right-to-know procedure as a reference for the protocol regarding the delivery of materials requested. Kindly note our business hours during the summer months are Monday through Thursday from 8:30 am to 4:00 pm. It is the district's position that your right-to-know request has been fulfilled.

Thank you and have a good afternoon,

Cathy

Kindly note our office hours during the summer months are Monday-Thursday 8:30am to 4:00pm.



Cathy Belcher

Executive Assistant to the Superintendent and Assistant Superintendent of Schools

(603) 382-6119 ext. 2217

catherine.belcher@timberlane.net

SCHOOL ADMINISTRATIVE UNIT NO 55

Serving the Hampstead and

Timberlane Regional School Districts

CONFIDENTIALITY NOTICE: This e-mail message and any attachment to it is intended only for the individual or entity to which it is addressed and may contain confidential and/or privileged materials. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, please contact the sender by reply e-mail, delete this message and destroy all copies and backups of the original message.

From: David Taylor [<mailto:dkaylor@F5.com>]

Sent: Friday, July 15, 2016 1:19 PM

To: Belcher, Catherine

Subject: Mary-Jo Thomas-Conlon Email

Would you please forward to me by email the email sent to the SAU 55 Board by Mary-Jo Thomas-Conlon on June 22, 2016 concerning the May 12, 2016 non-public session and public comments made about that non-public session by Board member Rob Collins?

Thanks,

-David