
BRADLEY & FAULKNER, PC

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May 30, 2008

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Barbara Hogan, Clerk
Cheshire County Superior Court
Cheshire County Court House
12 Court Street
Keene, New Hampshire 03431

In Re: The Monadnock Regional School District
Docket #08-E-0095

Dear Ms. Hogan:

Enclosed please find my Appearance on behalf of the Selectmen of the Town of Sullivan, on behalf of the Residents of the Town of Sullivan, in the captioned matter for filing with the Court. A copy of this letter and the enclosed Appearance have been mailed to Paul L. Apple, Esq.

If you have any questions, please feel free to contact me.

Very truly yours,

Beth R. Fernald

BRF/mjc
Enclosure

cc: Town of Sullivan
Paul L. Apple, Esq.

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The State of New Hampshire

Cheshire County

Superior Court
No. 08-E-0095

APPEARANCE/~~WITHDRAWAL~~

In Re: The Monadnock Regional School District
Petition for Special School District Meeting
Pursuant to RSA 197:3

Returnable on _____, 2008

COURT)
 } (FOR SUPERIOR COURT USE ONLY)
 JURY)

APPEARANCE

Please enter my special appearance as:

- counsel for:
Selectmen of the
Town of Sullivan
- Pro se

WITHDRAWAL

Please withdraw my appearance as:

- counsel for:
- Notice of Withdrawal sent to my client(s)
on:
- at the following address:

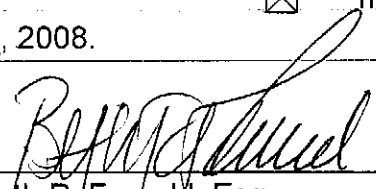
I hereby certify that duplicates of
this notice were:

- delivered
- mailed

to: Paul L. Apple, Esq.

on May 30, 2008.

Signed:



Beth R. Fernald, Esq.
Bradley & Faulkner, P.C.

Address: 50 Washington Street, Post Office Box 666
Keene, New Hampshire 03431-0666
Telephone: 603-352-2030

APPEARANCE/~~WITHDRAWAL~~

COPY

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In Re: The Monadnock Regional School District
Docket #08-E-0095

Dear Ms. Hogan:

Enclosed please find a Motion to Intervene in the captioned matter for filing with the Court. A copy of this letter and the enclosed Motion to Intervene have been mailed to Paul L. Apple, Esq.

If you have any questions, please feel free to contact me.

Very truly yours,


Beth R. Fernald

BRF/mjc
Enclosure

cc: Town of Sullivan
Paul L. Apple, Esq.

STATE OF NEW HAMPSHIRE

CHESHIRE COUNTY
DOCKET NO. 08-E-0095

SUPERIOR COURT

IN RE: THE MONADNOCK REGIONAL SCHOOL DISTRICT
PETITION FOR SPECIAL SCHOOL DISTRICT MEETING
PURSUANT TO RSA 197:3ASSENTED MOTION TO INTERVENE

Now come the Selectmen of the Town of Sullivan, New Hampshire, on behalf of the residents of the Town of Sullivan, and request that this Court permit the Town of Sullivan to intervene in this matter, and in support of this Motion state as follows:

1. The Town of Sullivan is a municipal corporation with an address of P.O. Box 110, Centre Street, Sullivan, New Hampshire 03445.
2. The Monadnock Regional Cooperative School District (the "School District") was formed in 1962, pursuant to New Hampshire RSA 195.
3. The Town of Sullivan is part of the School District and has a representative on the School District Board.
4. The Selectmen of the Town of Sullivan are the representatives of the residents of Sullivan.
5. The School District has filed a *Petition for Special School District Meeting Pursuant to RSA 197:3* requesting Court approval for a special meeting for the purpose of submitting a collective bargaining agreement ("CBA") to the voters.
6. The residents of the Town of Sullivan have a definite, direct interest in this matter since they are members of the School District.

WHEREFORE, the Selectmen of the Town of Sullivan request that this Court:

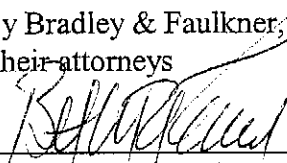
- A. Grant this Motion to Intervene; and
- B. Grant such other and further relief as may be just.

Respectfully submitted,

SELECTMEN OF THE TOWN OF SULLIVAN

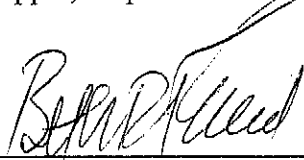
By Bradley & Faulkner, PC
Their attorneys

By: _____


Beth R. Fernald

CERTIFICATION PURSUANT TO
SUPERIOR COURT RULE 57A

I hereby certify that I contacted Paul L. Apple, Esq. and he consents to the relief requested in this Motion.


Beth R. Fernald, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2008, a copy of the within Motion to Intervene was mailed to Paul L. Apple, Esq.


Beth R. Fernald

COPY

BRADLEY & FAULKNER, PC

ATTORNEYS AT LAW

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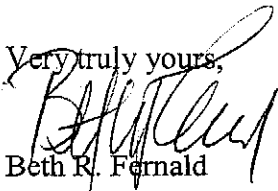
In Re: The Monadnock Regional School District
Docket #08-E-0095

Dear Ms. Hogan:

Enclosed please find a Response to Petition for Special School District Meeting in the captioned matter for filing with the Court. A copy of this letter and the enclosed Response to Petition for Special School District Meeting have been mailed to Paul L. Apple, Esq.

If you have any questions, please feel free to contact me.

Very truly yours,


Beth R. Fernald

BRF/mjc
Enclosure

cc: Town of Sullivan
Paul L. Apple, Esq.

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STATE OF NEW HAMPSHIRE

CHESHIRE COUNTY
DOCKET NO. 08-E-0095

SUPERIOR COURT

IN RE: THE MONADNOCK REGIONAL SCHOOL DISTRICT
PETITION FOR SPECIAL SCHOOL DISTRICT MEETING
PURSUANT TO RSA 197:3

RESPONSE TO PETITION FOR
SPECIAL SCHOOL DISTRICT MEETING

Now come the Selectmen of the Town of Sullivan, New Hampshire, on behalf of the residents of the Town of Sullivan, and respond to the Petition for Special School District Meeting as follows:

1. Those paragraphs in the Petition which summarize the history of various Collective Bargaining Agreements (“CBAs”) since 2003 are accurate. The Town does not dispute the allegations which describe the conflicts between the Monadnock Regional School District (the “School District”) and the teachers’ union, or those allegations relating to the problems the School Board has experienced due to the failure of proposed CBAs to win approval from the voters.

2. Many school districts in New Hampshire have had similar experiences. It is usually difficult to obtain approval from voters for new teacher contracts or for school construction proposals.

3. The School Board seems to have created some of the difficulty for itself in this case. For example, the Board’s dispute with teachers regarding step increases described in

paragraphs 5 through 8 of the Petition occurred because the School Board failed to give voters proper notice of the evergreen clause in the contract.

4. Similarly, the dispute regarding Early Retirement is based on the Board's failure to properly notify voters of that cost item.

5. These procedural problems probably contributed to the morale issue described in the Petition.

6. The School District asserts in the Petition that the "*second successor agreement*" failed to pass at the March, 2008, Annual Meeting because the Early Retirement Program did not "*sunset*" fast enough and because of the evergreen clause. (See Petition for Special School District Meeting Pursuant to R.S.A. 197:3, paragraph 31).

7. The School Board knew long before the March, 2008 meeting that many people believed the Early Retirement Program had never been validly approved by the voters and there was a lot of concern about that Program.

8. New Hampshire RSA 197:3 requires that there be an emergency situation in order for the Court to approve a special meeting for consideration of an appropriation.

9. Among the factors to be considered when a court determines whether an emergency exists are:

"Whether the claimed emergency was foreseeable or avoidable."
(RSA 197:3,I(c)(3)).

"Whether the appropriation could have been made at the annual meeting."
(RSA 197:3,I(c)(4)).

10. Since the School District knew there were serious issues with the Early Retirement Program, the failure of the second successor agreement to pass should have been foreseeable or avoidable, because it included the continuance of the Early Retirement Program.

11. The fact that the appropriation proposed at the Annual Meeting eleven weeks ago is substantially the same as the appropriation to be presented at the special meeting, makes it extremely difficult for the School District to prove the existence of an emergency.

12. The Sullivan Selectmen do not intend to suggest that the School District does not face serious challenges. This Response is filed only because it does not seem fair to have voters consider a contract nearly identical to the one so recently rejected. In addition, it does not seem fair to have such a substantial decision made by the relatively few voters expected to attend a special meeting.

WHEREFORE, the Selectmen of the Town of Sullivan request that this Court:

- A. Deny the Petition for Special School District Meeting; and
- B. Grant such other and further relief as may be just.

Respectfully submitted,

SELECTMEN OF THE TOWN OF SULLIVAN

By Bradley & Faulkner, PC

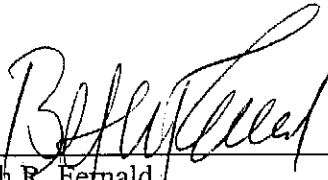
Their attorneys

By:


Beth R. Fernald

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2008, a copy of the within Response to Petition for Special School District Meeting Pursuant to RSA 197:3 was mailed to Paul L. Apple, Esq.



Beth R. Fernald