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August 26, 2011

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VIA EMAIL ONLY

Nathan S. Greenberg, Supt.
SAU #12
268 Mammoth Road
Londonderry, New Hampshire 03053-3096

Re: Londonderry School District/Special Meeting

Dear Supt. Greenberg:

As requested I have reviewed the DVD of the deliberative session of the Londonderry special meeting.

Toward the end of the meeting a motion was made by Barbara May to call the question. Another voter (Mrs. O'Connor (?)) sought recognition before the moderator acknowledged a second to the motion to call the question. When it was pointed out that many people had seconded the question the moderator took the vote on the motion to call the question and did not allow Mrs. O'Connor to speak. The moderator then took the yes votes on the motion to call the question which clearly demonstrated that more than 2/3rds of those present were in favor of calling the question and he ruled the motion had passed. At first the moderator neglected to take the Nay votes but then on being reminded he requested voters in opposition raise their voter cards. He reminded them that they could only vote once either Yes or No on whether to call the question. The limited number of Nay votes confirmed his ruling that the motion to call the question had passed in the affirmative. He then ruled again that there having been no amendments to the article it would appear as printed in the warrant on the ballot for official vote on October 11, 2011. Then there was a question about whether a woman who was approaching the microphone at the time the motion to call the question was made could speak. After some discussion and clarification by the moderator that it was obvious the motion to call the question was made and seconded and overwhelmingly supported by the voters the moderator allowed Mrs. O'Connor to speak on his own without entertaining a question from Al Baldasaro about

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whether a motion to reconsider the motion to call the question was in order. Mrs. O'Connor then spoke and was told by audience members that it was too late to amend the article because the article had already been called by vote of the meeting. The moderator again stated that the question had been called and that the article would appear on the ballot. There were calls from the audience that a vote was needed. A voter then moved to restrict reconsideration but the moderator did not recognize that motion. The moderator explained that the article would appear on the ballot for voting and then turned the meeting over to counsel. I indicated that this was a deliberative session of the meeting and that under the rules of the Londonderry School District charter no vote would be taken tonight because that vote would be taken on October 11 by official ballot. I indicated that pursuant to the rules of the meeting announced by the moderator that the motion to call the question had been made and passed and that debate had ended and that therefore the moderator had ruled the article would appear as printed on the official ballot. Then, seeing no other business, the moderator ruled the meeting was adjourned.

In summary once debate was cut off by an affirmative vote on the motion to call the question the moderator appropriately ruled that the article would appear on the ballot. Following that all other discussions were irrelevant. The rulings of the moderator, while questioned by some in the audience, were never formally or officially challenged by the voters and the moderator actually dealt with all the questions that were raised by clarifying his rulings. Ultimately the moderator declared that the meeting was adjourned after a full discussion on the article and after an appropriate motion to call the question was passed by the voters at the meeting in accordance with the rules of the meeting as announced by the moderator at the beginning of the meeting. I see no defect in the proceedings of the deliberative session.

If you have any questions, please call.

Best wishes,

A handwritten signature in black ink, appearing to read "Graham", with a long horizontal flourish extending to the right.

Gordon B. Graham

GBG/tl

cc: Peter Curro, Business Administrator