

May 14, 2024

Motion: I move that the Vote entitled, "Vote Regarding Petition for Reconsideration Referendum," be adopted in form presented to this meeting and that an attested copy of said Vote be filed with the minutes of this meeting.

VOTE REGARDING PETITION FOR RECONSIDERATION REFERENDUM

WHEREAS, on February 6, 2024, the Board of Trustees (the "Trustees") of the Boothbay-Boothbay Harbor Community School District (the "District") at a meeting duly called and held, called a referendum election to vote on approval to construct and equip renovations and a middle school addition at Boothbay Regional Elementary School (the "Project") and to vote on the issuance of bonds in the amount of \$29,950,000 for the Project;

WHEREAS, on April 24, 2024, a District-wide referendum was held to consider a single warrant article to approve the Project and the issuance of bonds in the amount of \$29,950,000 for the Project;

WHEREAS, on May 2, 2024, the Trustees declared that the referendum passed with a total vote of 859 affirmative votes to 807 negative votes;

WHEREAS, on May 1, 2024, the Trustees received a petition "supporting a Reconsideration Referendum of the April 24th BRES referendum results and a repair/renovate alternative." See letter of Patricia M. Minerich, attached hereto as **Exhibit A**. A representative portion of the petition is attached hereto as **Exhibit B**, and the entire petition is incorporated into this Vote by reference;

WHEREAS, the petition requests "[t]he undersigned voters of the Towns of Boothbay and Boothbay Harbor, Maine, hereby petition the Board of Trustees to initiate a regional school unit referendum to consider the following [two] articles." See **Exhibit B**;

WHEREAS, on May 2, 2024, the town clerks of the Town of Boothbay and the Town of Boothbay Harbor have confirmed that the signers of the petition were registered voters in their respective towns;

WHEREAS, the number of voters in the Towns of Boothbay and Boothbay Harbor who voted in the last gubernatorial election was 3,230 (1991 Boothbay; 1239 Boothbay Harbor);

WHEREAS, the petition contains several technical defects, including:

- One petition with 39 signatures does not state the circulator's address.
- Eight petitions with 80 signatures are missing the date that the circulator signed the affidavit.
- None of the circulator affidavits include statements that:
 - That the circulator is a State resident and registered voter in the State;
 - That the circulator understands the penalties for violating laws governing circulating petitions;

WHEREAS, the petition requests a District referendum to consider two articles. See **Exhibit B**;

WHEREAS, the first petitioned article reads as follows:

Art. 1: Shall Article 1 as approved by the voters of the Boothbay-Boothbay Harbor Community School District on April 24, 2024 and reprinted as follows, be reconsidered and repealed pursuant to 20-A M.R.S. § 1504?

[The April 24 warrant article is printed below the question.]

WHEREAS, the second petitioned article proposes a \$10,250,300 school renovation project as an alternative to the Project;

WHEREAS, although petitioners have the right, under 20-A M.R.S. § 1504 and P&SL 2023, Ch. 12, § 8, to petition the Trustees to reconsider a prior referendum vote, instead, the petitioners request a referendum on (i) an article that is different from the article considered by the District voters on April 24, 2024, and (ii) a second article that is unrelated to the April 24, 2024 referendum;

WHEREAS, the Trustees have no authority to modify or eliminate either of the petitioned articles because to do so would change what the voters who signed the petition put their name to.

NOW THEREFORE, the Trustees vote as follows:

That the Trustees adopt the above recitals as findings; and

That the Trustees will not initiate a new District referendum to reconsider the article considered by District voters on April 24, 2024, because they have not received a petition that complies with 20-A M.R.S. § 1504, because the petition requests a referendum on two articles, which are not authorized by 20-A M.R.S. § 1504 or any other law.

A true copy as adopted by the Board of Trustees, attest:

Robert Kahler
Secretary