

**MEMORANDUM OF UNDERSTANDING BETWEEN**  
**TIMOTHY OAKES,**  
**THE TOWN OF BERLIN BOARD OF EDUCATION, AND**  
**THE TOWN OF BERLIN**

The parties hereto, namely, Timothy Oakes ("Oakes"), the Town of Berlin Board of Education ("Board") and the Town of Berlin ("Town")(collectively, the "parties"), have reached an agreement regarding an interpretation of a certain section of the Town Charter and wish to memorialize that agreement in this memorandum.

Whereas, Oakes was elected to a position on the Board commencing November 2020;  
and,

Whereas, as a result of that election he was assigned by the Town to a two year term on the Board to end in November 2022; and,

Whereas, Oakes and the Board believed he should have been assigned by the Town to a three year term on the Board to end in November 2023; and,

Whereas, the parties disagree on the interpretation of section 2-8 of the Town Charter;  
and,

Whereas, the parties engaged in mediation with Attorney Vincent Marino on March 25, 2021 and reached the agreement set forth herein on the prospective application of section 2-8 of the Town Charter commencing with the November 2021 election and all following years so long as section 2-8 of the Town Charter remains unchanged and in its current form.

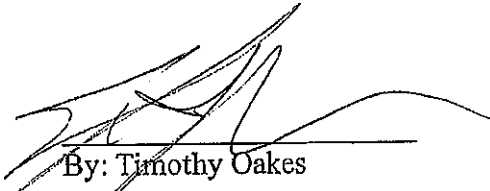
Now, therefore, the parties hereto agree as follows:

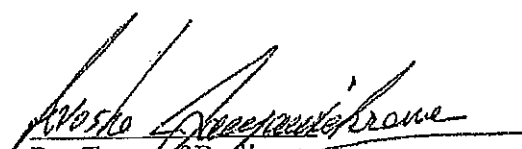
1. Commencing with the November 2021 election and all following years so long as section 2-8 of the Town Charter remains unchanged and its current form:

(a) in the event three or fewer candidates are elected to the Board, regardless of how many vacancies exist on the Board at the time of the election, all three or fewer candidates so elected shall be assigned to terms of three years; and,

(b) in the event that there are more than three vacancies in existence on the Board at the time of any election, then any unfilled vacancies of two- or one-year terms shall only be filled by the Town Clerk if there are four or more candidates elected to the Board. The order of filling of any such two or one year terms shall be that the two year term(s) shall be filled by the next highest vote getter(s) after the three top vote getters, and the one year term(s) shall be filled by the next highest vote getter(s) after any two year term(s) is/are filled.

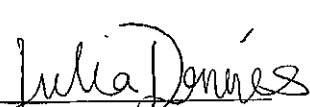
2. This memorandum shall be binding upon the Town and Board for all elections on and after the November 2021 election unless section 2-8 of the Town Charter is amended and results in terms that are inconsistent with this memorandum.

  
By: Timothy Oakes

  
By: Town of Berlin  
Arosha Jayawickrema  
Town Manager

Date: 4/21/2021

Date: 4/21/21

  
By: Berlin Board of Education  
Brian Benigni, Superintendent  
Julia Dennis, Board President  
Date: 4-21-21

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Kathy H. [unclear]  
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