

**HORNELL CITY SCHOOL DISTRICT BOARD OF EDUCATION MEETING – MARCH 18, 2015**

President Scavo opened the meeting at 5:00 PM and led the Board in the Pledge of Allegiance

**ROLL CALL**

**PRESENT:** Richard Scavo, Kerry Davis, Joshua DeLany, Judith Rose  
**ABSENT:** John McNelis (delayed arrived at 5:10 PM)

BY: DAVIS/DELANY  
**RESOLVED:** that the agenda be set as presented..  
CARRIED – 4 AYES - ALL

**PUBLIC COMMENT**

None

**REPORTS**

**Andy Billotte (Weliver)** – review the Construction Report of March 18, 2015.

Board member McNelis arrived.

**Superintendent Wyant** – briefed the Board on his recent trips to Albany to attend the NYSCOSS Conference and NYSASCDS Budget Workshop:

- the State has not released aid runs which makes it very difficult to prepare a budget, hoping for April 1<sup>st</sup>
- lobbying for some adjustments that would specifically benefit “Small City Schools”

**PRESENTATIONS**

**Tim Swisher and Greg Elliott (BOCES Food Service)** – presented the Board with information regarding a proposed Summer Lunch Program. A proposal will be sent to the Board for approval at a future meeting.

**OLD BUSINESS**

None

**NEW BUSINESS**

**POLICY/PROCEDURE**

BY: DAVIS/DELANY  
**RESOLVED:** THAT, Pursuant to Education Law §2512(3), the Board of Education of the City School District of the City of Hornell, New York has determined the necessity for certain capital improvements consisting of construction, reconstruction and equipping of school buildings and facilities, including various site and athletic field improvements, and other incidental

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improvements, if any, deemed necessary in connection therewith for such construction and school use, all at an estimated maximum aggregate cost of **\$20,160,000**.

The necessity for the above is summarized as “Exhibit A” attached hereto and occurred as a result of deliberations by the Board of Education and its various committees during the [2014-2015] school year, and is set forth in the minutes of the August 20, 2014, September 17, 2014 and February 4, 2015 Board of Education meetings. These plans were reviewed with the public at information sessions held on October 22, 2014, November 7, 2014, January 5, 2015 and January 20, 2015.

CARRIED – 5 AYES – ALL

BY: MCNELIS/DAVIS

**RESOLVED:** THE BOARD OF EDUCATION OF THE HORNELL CITY SCHOOL DISTRICT AUTHORIZING GENERAL OBLIGATION BONDS TO FINANCE CERTAIN CAPITAL IMPROVEMENTS WITHIN THE SCHOOL DISTRICT, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE LEVY OF TAXES IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Board of Education, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on February 4, 2015, has duly issued a negative declaration and has determined that the implementation of the type I as proposed will not result in any significant adverse environmental impacts; now therefore

BE IT RESOLVED BY THIS BOARD OF EDUCATION AS FOLLOWS:

Section 1. The Hornell City School District shall undertake certain capital improvements to the School District’s school buildings and facilities, as more particularly described in Section 3 hereof.

Section 2. The Hornell City School District is hereby authorized to issue its General Obligation Serial Bonds in the aggregate principal amount of not to exceed \$20,160,000, pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The class of objects or purposes to be financed pursuant to this resolution (hereinafter referred to as “purpose”) is certain capital improvements consisting of construction and reconstruction of school buildings and other facilities throughout the School District (each such building or facility being a class “A” (fireproof and certain fire resistant) building as defined in Subdivision 11 of Paragraph a of Section 11.00 of said Local Finance Law), to include various site and athletic field improvements, and the acquisition of certain

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original furnishings, equipment, and apparatus and other incidental improvements required in connection therewith for such construction and school use.

Section 4. It is hereby determined and declared that (a) the maximum aggregate cost of said purpose, as estimated by the Board of Education, is \$20,160,000; (b) the Hornell City School District's plan to finance the cost of said purpose is to provide up to \$20,160,000 from funds raised by the issuance of said Bonds and the Bond Anticipation Notes hereinafter referred to; and (c) no money has heretofore been authorized to be applied to the payment of the cost of said purpose.

Section 5. It is hereby determined that the purpose is one of the class of objects or purposes described in Subdivision 97 of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

Section 6. The Hornell City School District is hereby authorized to issue its Bond Anticipation Notes in the aggregate principal amount of not to exceed \$20,160,000 and is hereby authorized to issue renewals thereof, pursuant to the Local Finance Law of New York in order to finance the purpose in anticipation of the issuance of the above described Bonds.

Section 7. It is hereby determined and declared that (a) there are presently no outstanding Bond Anticipation Notes issued in anticipation of the sale of said Bonds, (b) the Bond Anticipation Notes authorized hereby shall mature within one year of the date of issuance thereof or such longer term as may be desired in accordance with the provisions of the Local Finance Law, (c) the Bond Anticipation Notes authorized hereby are not issued in anticipation for Bonds for an assessable improvement, and (d) current funds will be provided prior to the issuance of the Bonds or Bond Anticipation Notes herein authorized, to the extent, if any, required by Section 107.00 of the Local Finance Law.

Section 8. It is hereby determined and declared that the Hornell City School District reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 9. The faith and credit of the Hornell City School District, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and Bond Anticipation Notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all taxable real property of said School District, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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Section 10. The power to further authorize the issuance of said Bonds and Bond Anticipation Notes and to prescribe the terms, form and contents of said Bonds and Bond Anticipation Notes, subject to the provisions of this resolution and the Local Finance Law of New York, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by Section 58.00 of the Local Finance Law, the consolidation with other issues, the determination to issue Bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to credit or liquidity enhancements, if any, and to sell, issue and deliver said Bonds and Bond Anticipation Notes, subject to the provisions of this resolution and Local Finance

Law, is hereby delegated to the President of the Board of Education or to the Vice President of the Board in the event of the absence or unavailability of the President. The President of the Board of Education, Vice President and the District Clerk are hereby authorized to sign by manual or facsimile signature any Bonds and Bond Anticipation Notes issued pursuant to this resolution, and are hereby authorized to affix to such Bonds and Bond Anticipation Notes the corporate seal of the School District and to attest the same.

Section 11. After compliance with Section 12 hereof, this resolution, or a summary hereof, shall be published in full by the District Clerk of the School District together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the School District. The validity of said Bonds and Bond Anticipation Notes issued in anticipation of the sale of said Bonds may be contested only if such obligations are authorized for an object or purpose for which said School District is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution shall be submitted to a referendum of the qualified electors of the School District on May 19, 2015 pursuant to Section 37.00 of the Local Finance Law of the State of New York and shall take effect immediately upon approval at such referendum.

**BE IT RESOLVED BY THE BOARD OF EDUCATION AS FOLLOWS:**

The following notice shall be added to the notice of annual meeting and election:

AND NOTICE IS ALSO GIVEN that the following proposition will be submitted for voter approval at such time:

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**PROPOSITION # 2**

SHALL THE BOND RESOLUTION ADOPTED BY THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF HORNELL, NEW YORK, DATED MARCH 18, 2015, AUTHORIZING CAPITAL IMPROVEMENTS CONSISTING OF CONSTRUCTION AND RECONSTRUCTION OF SCHOOL BUILDINGS AND FACILITIES, VARIOUS SITE IMPROVEMENTS, AND THE ACQUISITION OF CERTAIN ORIGINAL FURNISHINGS, EQUIPMENT, AND APPARATUS AND OTHER INCIDENTAL IMPROVEMENTS REQUIRED IN CONNECTION THEREWITH FOR SUCH CONSTRUCTION AND SCHOOL USE, AT AN ESTIMATED MAXIMUM AGGREGATE COST OF \$20,160,000; AND PROVIDING THAT SUCH COSTS SHALL BE RAISED BY THE LEVY OF A TAX TO BE COLLECTED IN ANNUAL INSTALLMENTS WITH SUCH TAX TO BE OFFSET BY STATE AID AVAILABLE THEREFOR, AND IN ANTICIPATION OF SUCH TAX, DEBT OBLIGATIONS OF THE SCHOOL DISTRICT AS MAY BE NECESSARY, NOT TO EXCEED SUCH ESTIMATED MAXIMUM AGGREGATE COST, SHALL BE ISSUED, AND, IF THE PROPOSITION FOR THE APPROVAL OF SUCH BOND RESOLUTION SHALL HAVE BEEN APPROVED BY AT LEAST A SIXTY PERCENT VOTE, SUCH OBLIGATIONS MAY BE ISSUED IN EXCESS OF THE CONSTITUTIONAL DEBT LIMIT OF THE SCHOOL DISTRICT PURSUANT TO APPLICABLE LAW, ALL BE APPROVED?

AND NOTICE IS ALSO GIVEN that the aforesaid proposition may appear on the ballot labels of the voting machine in the following abbreviated form:

**PROPOSITION # 2 (Abbreviated version)**

Shall the bond resolution, dated March 18, 2015, set forth in the legal notice of this special referendum, authorizing construction, reconstruction and equipping of school buildings and facilities, site improvements, and other incidental improvements required therefor, at a maximum estimated aggregate cost of \$20,160,000, the levy of a tax in annual installments therefor, to be offset by State aid available therefor, the issuance of debt obligations of the School District therefor, and providing that, if this proposition is approved by at least a sixty percent vote, such obligations may be issued in excess of the constitutional debt limit of the School District pursuant to applicable law, all as more fully described in such notice, be approved?

The School District, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on February 4, 2015, has duly issued a negative declaration and has determined that the implementation of the type I as proposed will not result in any significant adverse environmental impacts.

At such meeting taxes to be levied by installments will be proposed providing for payment of such capital costs and providing for the financing costs therefor. Such taxes shall be levied upon all the taxable property of the District, shall be levied in annual installments and shall be of such amounts and levied in such years as may be determined by the Board of Education.

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The District Clerk or the Clerk's designee is hereby directed to publish a copy of said notice of special meeting in two newspapers having general circulation within the School District in the manner prescribed by law for publication of notice of the annual meeting of the School District.

All actions by the School District prior to the final environmental determination by the Board of Education under SEQRA, if any, are hereby found and determined to have been preliminary planning activities under SEQRA necessary to the formulation of a proposal for action which did not commit the School District to commence, engage in, fund or approve any portion of the proposed building project and financing therefor.

This resolution shall take effect immediately upon its adoption.

CARRIED – 5 AYES – ALL

BY: SCAVO/MCNELIS

**RESOLVED:** that, consistent with the applicable provisions of the Education Law, the following Proposition be placed within the 2015 Notice of Annual Meeting and Vote for this District and on the ballot to be presented to the voters of the City School District of Hornell on Tuesday, May 19, 2015:

PROPOSITION # 3

Shall the following resolution be adopted to wit:

RESOLVED THAT, effective July 1, 2015, pursuant to Education Law Section 2502, the number of seats on the Hornell City School District Board of Education be increased from five (5) to seven (7)?

CARRIED – 5 AYES – ALL

BY: DAVIS/DELANY

**RESOLVED:** that, upon the recommendation of Superintendent Wyant, the Board approve the addition of the following Bus Purchase proposition to be placed within the 2015 Notice of Annual Meeting and Vote for this District and on the ballot to be presented to the voters of the City School District of Hornell on Tuesday, May 19, 2015:

PROPOSITION # 4

Shall the following resolution be adopted to wit: Resolved that the Board of Education of the City School District of the City of Hornell, New York is hereby authorized to expend up to \$142,000 from the 2012 School Bus Reserve Fund for the acquisition of school buses, and/or other student transport vehicles as the fund allows?

CARRIED – 5 AYES – ALL

BY: DELANY/DAVIS

**RESOLVED:** that, upon the recommendation of Superintendent Wyant, the annual school board member election/budget vote be held on Tuesday, May 19, 2015 in accordance with Education Law, and further:

- (1) Recommended that the Board approve the Notice of Annual School Election/Budget Vote. (Exhibit A)
- (2) Recommended that the Board approve the Notice of Filing of School Election District Registers. (Exhibit B)

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- (3) Recommended that the Board approve the list of school election inspectors and alternates and authorize payment at the rate of \$75.00 per day.
- (4) Recommended that the Board authorize the Clerk of the Board of Education to appoint new election inspectors in the event that those who are appointed are unable to work.
- (5) Recommended that the Board approve the process for absentee ballots in accordance with §2018-a of Education Law.

CARRIED – 5 AYES – ALL

BY: DAVIS/MCNELIS

**RESOLVED:** WHEREAS, the Hornell City School District (the “District”) plans to undertake a capital outlay project at a maximum estimated cost of \$300,000 involving renovations of existing multi-use toilet facilities in the High School building; and

WHEREAS, in accordance with State Education Department (“SED”) guidance and policy, the local school district / board of education is the appropriate agency to be the lead agency to undertake project review under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, Section 617.5 of the SEQRA regulations (6 NYCRR Part 617) provides that certain activities are Type II actions which are not subject to review under SEQRA and that such activities include “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site” (§ 617.5(c)(2)), “maintenance or repair involving no substantial changes in an existing structure or facility” (§ 617.5(c)(1)), and/or “routine activities of educational institutions” (§ 617.5(c)(8)); and

WHEREAS, the proposed capital outlay project constitutes such replacement, rehabilitation or reconstruction activities, and/or maintenance or repair activities, and/or routine activities of educational institutions; and

WHEREAS, under the terms of the 2010 Letter of Resolution between the State Office of Parks, Recreation and Historic Preservation (“OPRHP”) (a/k/a State Historic Preservation Office (“SHPO”)) and the SED and the Letter of Resolution’s exemption form, a project is exempt from SHPO review because (i) a building is less than 50 years old at the time of project initiation and it is not the work of a recognized Master Architect, Designer or Builder, or associated with persons or events significant in the history of the State of New York, or (ii) a building is 50 years old or older but has previously been evaluated by SHPO and found not to meet the criteria for inclusion in the State and National Register, or (iii) the project work on a building falls under exempt work items specified in Appendix A of the Letter of Resolution, has been designed in accordance with the Letter of Resolution, certain scope of work items have been submitted to SHPO for review and approval if required by the Letter of Resolution, and therefore the project will have little or no potential impact on the character of historic resources; and that, regardless of any of the three exemptions being selected, any portions of a project that include site work or ground disturbance, not covered under the work items specified in Appendix A, have been submitted to SHPO for review of possible impacts to archeological resources; and

WHEREAS, the portion of the High School where the renovations will occur is less than 50 years old and is not the work of a recognized Master Architect, Designer or Builder, or associated with persons or events significant in the history of the State of New York and the work would be exempt anyway under Appendix A of the Letter of Resolution, and the District’s architect therefore has determined that the exemptions identified in the paragraph

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above apply to the proposed capital outlay project and that it will execute the Letter of Resolution form indicating that the work to be done will have no impact on the character of historic resources and is exempt from SHPO review, and that no site work or ground disturbance will be undertaken, and that it will include the Letter of Resolution form in the submission to the SED for the capital outlay project.

NOW, THEREFORE, BASED ON SUCH REVIEW AND CONSIDERATION, BE IT RESOLVED by the Hornell City School District Board of Education that:

1. The District's Board of Education is the lead agency for the SEQRA review of the proposed capital outlay project.
2. The proposed capital outlay project is a Type II action which is not subject to review under SEQRA, and it will not result in a significant adverse impact on the environment.
3. The Superintendent is hereby authorized to sign and file or have filed on behalf of the District all documents necessary to comply with SEQRA.
4. This resolution is effective immediately.

CARRIED – 5 AYES - ALL

**FINANCE**

BY: SCAVO/MCNELIS

**RESOLVED:** that, upon the recommendation of Superintendent Wyant, the Board approves the rate of \$110 per machine per vote for the services of the voting machine custodian.

CARRIED – 5 AYES – ALL

**PERSONNEL**

BY: DELANY/DAVIS

**RESOLVED:** that, upon the recommendation of Superintendent Wyant, the Board approves the appointment of Andrew Smilinich as the advisor for the 4-6 grade intramural swim program for the 2014-15 school year.

CARRIED – 5 AYES - ALL

BY: DAVIS/DELANY

**RESOLVED:** that, upon the recommendation of Superintendent Wyant, the Board approves the following volunteers for the 2015 Spring Sports season:

Pete Madamopoulos – Modified Track

Bryan Swift – JV Baseball

CARRIED – 5 AYES – ALL

BY: SCAVO/DAVIS

**RESOLVED:** that, upon the recommendation of Superintendent Wyant, the Board accepts the resignation of Craig Gianni, Teacher's Aide effective April 8, 2015.

CARRIED – 5 AYES – ALL

BY: DAVIS/DELANY

**RESOLVED:** that, upon the recommendation of Superintendent Wyant, the Board approves the 26-week probationary appointment of James Bill as a School Bus Driver, effective March 19, 2015 (ten months, 4.5 hours per day at the rate specified in the current HESSA contract).

CARRIED – 5 AYES – ALL

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BY: DAVIS/DELANY

**RESOLVED:** that, upon the recommendation of Superintendent Wyant, the Board approve the appointment of Matt Milford as the 2015 Boys Modified Baseball Head Coach at the rate specified in the current HEA Contract (Step 1).  
CARRIED – 5 AYES – ALL

**INFORMATIONAL**

The next regular meeting of the Board of Education will be on Wednesday, April 8, 2015 at 6:30 PM in the Conference Room at the Columbian School.

BY: DAVIS/MCNELIS

**RESOLVED:** that at 5:50 PM the Board move to Executive Session for the purpose of discussing a particular personnel matter that may lead to disciplinary action and matters regarding tenure appointments. The Board invited Roger Parulski, Patrick Flaitz, Tony Gill and Scott Carroll to join them.  
CARRIED – 5 AYES – ALL

BY: DAVIS/DELANY

**RESOLVED:** that at 6:24 PM the Board return to Regular Session.  
CARRIED – 5 AYES – ALL

BY: DAVIS/MCNELIS

**RESOLVED:** that at 6:25 PM the meeting be adjourned.  
CARRIED – 5 AYES - ALL

Respectfully submitted,

Carol Eaton, District Clerk