

## **HORNELL CITY SCHOOL DISTRICT BOARD OF EDUCATION MEETING – OCTOBER 23, 2023**

President Clark opened the meeting at 5:15 PM and led the Board/Public in the Pledge of Allegiance.

### **ROLL CALL:**

**PRESENT via ZOOM:** Christopher Clark, Joseph Liberto, Meghann Khork, James Marino,  
Dr. Uzma Mehr, Kerry Davis

**ABSENT:** Brian May

BY: DAVIS/KHORK

**RESOLVED:** that, the agenda be approved as presented.

CARRIED – 6 AYES – ALL

### **PUBLIC COMMENT**

None

### **RECOMMENDED ACTIONS**

#### **PRESENTATIONS:**

Superintendent Palotti reviewed the proposed capital project that will be up for vote later in the meeting.

#### **REPORTS:**

##### **Construction Report:**

**Andy Billiotte** (Welliver) provided the Board with an update on the current and future projects in the works.

### **ROUTINE ITEMS**

BY: DAVIS/MEHR

**RESOLVED:** that, upon the recommendation of Superintendent Palotti to approves/accepts the following Consent Agenda items:

- approves the minutes from the meeting of October 4, 2023.
- accepts the Federal Budget Transfer Report of August 31, 2023.
- accepts the General Fund Budget Transfer Reports of August 31, 2023 and September 30, 2023.
- accepts the Revenue Report of September 30, 2023.
- accepts the Appropriations Report of September 30, 2023.
- accepts the Treasurer's Report of September 30, 2023.
- accepts the Student Activities Report of September 30, 2023.
- accepts the Warrant Reports of September 30, 2023.
- has no objections to the recommendations of the Committee on Special Education and approves the authorization of funds to implement the special education programs and services consistent with such recommendations for the meetings of October 6, 10, 11, 12, 13, 18 and 20, 2023, the CPSE meeting of October 13, 2023 and the 504 meeting of October 10, 11 and 13, 2023.

CARRIED – 6 AYES – ALL

### **OLD BUSINESS:**

None

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### NEW BUSINESS:

BY: MEHR/DAVIS

**RESOLVED:** that, agenda items VI. E. 1. a. through VI. E. 3. g. be grouped together for one action.  
CARRIED – 6 AYES – ALL

BY: DAVIS/MEHR

**RESOLVED:** that, upon the recommendation of Superintendent Palotti, the Board:  
**POLICY/PROCEDURE**

- Adopts: WHEREAS, the Hornell City School District (the “District”) and its Board of Education (the “Board”) propose to undertake 2023 Safety and Security Updates and Gym Reconstruction Project (the “Project”) which includes various renovations and upgrades at Hornell High School and North Hornell Elementary School; and WHEREAS, a coordinated review of the Project has been conducted with the District/Board as the “lead agency” in accordance with the State Environmental Quality Review Act and its implementing regulations promulgated by the New York State Department of Environmental Conservation (“NYSDEC”) (collectively “SEQRA”); and WHEREAS, such review included consideration of the proposed Project, the SEQRA Environmental Assessment Form for the Project, the criteria for determining whether the Project will have a significant adverse impact on the environment as set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, coordination with agencies including the NYSDEC, the New York State Education Department, and the Dormitory Authority of the State of New York regarding its authorization of the expenditure of bond proceeds for the Project, and such other information deemed appropriate; and WHEREAS, the District/Board identified the relevant areas of environmental concern, took a hard look at these areas, and made a reasoned elaboration of the basis for its determination;  
NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Hornell City School District that:
  1. The District/Board is the lead agency for the review of the proposed Unlisted action which has undergone a coordinated review under SEQRA, and the proposed 2023 Safety and Security Updates and Gym Reconstruction Project will not result in a significant adverse impact on the environment.
  2. The attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached Negative Declaration, and Parts 1, 2, and 3 of the Environmental Assessment Form are also incorporated herein by reference.
  3. The Superintendent of the District is authorized to sign and file or have filed on behalf of the District/Board all documents necessary to comply with SEQRA.
  4. This resolution is effective immediately.
- ADOPTS: 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 additions to, and reconstruction of, school buildings and facilities, site and other incidental improvements, if any, deemed necessary in connection therewith and the acquisition of original furnishings, equipment and apparatus required in connection therewith for such construction and school use. 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

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the 2018, 2019, 2020, 2021, 2022 and 2023 school years, and is set forth in the minutes of the Facilities Planning and Board of Education meetings. These plans were reviewed with the public at information sessions held on May 17, 2022 (Vote Exit Poll), August 24, 2022 (Board Meeting), September 7, 2022 (Board Meeting), October 5, 2022 (Board Meeting), August 23, 2023 (Board Meeting), September 6, 2023 (Board Meeting) and October 4, 2023 (Board Meeting).

ADOPTS: 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 October 23, 2023, has duly adopted a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts;

NOW THEREFORE, BE IT RESOLVED by the favorable vote of not less than two-thirds of all of the members of the Board of Education of the City School District of the City of Hornell, New York (hereinafter, the "Hornell City School District"), as follows:

Section 1. The Hornell City School District shall undertake certain capital improvements to the School District's existing school buildings and facilities, as more particularly described in Section 3 hereof, and as generally outlined to and considered by the voters of the School District at a special voter meeting on December 20, 2023.

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 \$18,140,000, pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein, and such amount is hereby appropriated therefore.

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 facilities within the School District (each such building 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), 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.

Section 4. It is hereby determined and declared that (a) the aggregate maximum cost of said purpose, as estimated by the Board of Education, is \$30,215,000; and (b) the Hornell City School District's plan to finance the cost of said purpose is (i) to provide \$12,075,000 from the existing capital reserve fund for such costs; and (ii) to provide up to \$18,140,000 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 \$18,140,000, 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.

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- 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.
- Section 10. The power to further authorize the sale and 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 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. The President of the Board of Education is additionally authorized (but not required) to execute and deliver a financing agreement with the Dormitory Authority of the State of New York and any other agreements and documents necessary to accomplish a financing, all as may be determined in the discretion of the President of the Board of Education.
- 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

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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 December 20, 2023 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.

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

1. A special meeting of the qualified voters of the City School District of the City of Hornell, New York, shall be held at the Hornell Senior High School Lobby in said District, on Wednesday, December 20, 2023, between the hours of 12:00 noon and 9:00 p.m., for the purpose of voting on the proposition described in the notice of special meeting hereinafter set forth.
2. Said special meeting shall be called by giving the following notice thereof: NOTICE IS HEREBY GIVEN that a special meeting of the qualified voters of the City School District of the City of Hornell, shall be held at the Hornell Senior High School Lobby in said District, on Wednesday, December 20, 2023, between the hours of 12:00 noon and 9:00 p.m. The following proposition will be submitted for voter approval at said meeting:

**PROPOSITION**

Shall the bond resolution adopted by the Board of Education of the City School District of the City of Hornell, New York, dated October 23, 2022, authorizing certain capital improvements consisting of construction and reconstruction of existing school buildings and facilities, 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, all at an estimated maximum aggregate cost of \$30,215,000; and to appropriate and expend from the existing capital reserve fund \$12,075,000 for such costs, and that the balance of such cost, or so much thereof as may be necessary, 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 \$18,140,000, 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, if applicable, pursuant to applicable law, all 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 October 23, 2023, has duly issued a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts.

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AND NOTICE IS GIVEN that military voters who are not currently registered may apply to register as a qualified voter of the School District by requesting to be registered by the District Clerk at (607) 324-1302 or Carol.Eaton@hornellcsd.org. Registered, qualified voters of the School District may apply for a military ballot by requesting an application from the District Clerk at the phone number or email address listed above. For a military voter to be issued a military ballot, the District Clerk must have received a valid ballot application no later than 5:00 PM on November 24, 2023. In a request for a military ballot application or ballot, the military voter may indicate their preference for receiving the application or ballot by mail, facsimile transmission or email.

AND NOTICE IS GIVEN, that applications for absentee ballots shall be obtainable during school business hours from the District Clerk; completed applications must be received by the District Clerk at least seven (7) days before the vote and election if the ballot is to be mailed to the voter, or the day before the vote and election if the ballot is to be delivered personally to the voter. Absentee ballots must be received by the District Clerk not later than 5:00 PM on December 20, 2023.

A list of persons to whom absentee and military ballots are issued will be available for inspection to qualified voters of the District in the office of the District Clerk on and after December 6, 2023, between the hours of 8:00 AM and 4:00 PM on weekdays prior to the Election; and on December 20, 2023, the day set for the Election, said list will be posted at the polling place.

DATED: October 23, 2022

Hornell, New York

District Clerk City School District of the City of Hornell, New York

3. 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 therefore. 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.
4. 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.
5. All actions by the School District prior to the final environmental determination by the Board of Education, 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 capital improvement project and financing therefore.
6. This resolution shall take effect immediately upon its adoption.
- ADOPTS: Resolved that, pursuant to the Special Meeting – Capital Project Vote the Board:
  1. approves the Notice of Special Meeting – Capital Project Vote (Exhibit A)
  2. approves the Notice of Filing of School Election District Registers. (Exhibit B)
  3. approves the Notice of Registration for Annual School Election/Budget Vote. (Exhibit C)
  4. approves the list of school election inspectors and alternates and authorizes payment at the rate of \$150 per day.

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5. authorizes the Clerk of the Board of Education to appoint new election inspectors in the event that those who are appointed are unable to work.
  6. approves the process for absentee ballots in accordance with §2018-a of Education Law.
- authorizes Patrick Flaitz to dispose of the following Food Service Equipment:
    - (2) Milk Coolers – Asset Tag # A00456858 (non-functioning)
    - Warming Cart - Asset Tag # A00456855
    - Safe - Asset Tag # A00497019
  - approves the resolution against the King of Cannabis, LLC working out of a building that borders the Hornell Intermediate School.

### FINANCE

- approves the proposal of PTSI to perform a bus stop study;
- approves the Transportation Agreement with Canaseraga CSD;
- approves the Professional Service Agreement dated September 20, 2023 with LaBella to provide pre-referendum services for the proposed Capital Project;
- approves the service proposal dated August 23, 2023 from Terracon to provide materials testing services;

### PERSONNEL:

- accepts the resignation of Kelly Kuhn as Teacher Aide effective at the end of the day on November 3, 2023;
- accepts the resignation of Christine Smith as Bus Monitor effective August 31, 2023;
- approves the termination of the following:
  - Haley Eldridge - effective September 6, 2023
  - Amanda Stewart - effective September 6, 2023
- approves the probationary appointment of Leonard Rose as School Bus Driver, 10 months, 4 hours per day effective October 10, 2023 at the starting rate per HESSA contract;
- approves the probationary appointment of Joel Bolduc as School Bus Driver, 10 months, 4 hours per day effective October 10, 2023 at the starting rate per HESSA contract;
- approves the following additional mentor appointment for the 2023/24 school year: Michael Carretto
- approves the following additional Winter Coaching appointments:
  - Varsity Wrestling Head Coach – Andrew Wray
  - Varsity Track Head Coach - Michael DeGaetano
  - Indoor Track Assistant Coach- Angela DeLany
- approves the appointment of Kimberly Bacon as Deputy District Clerk, effective October 23, 2023. Furthermore, the Board approve the amendment to her individual contract.  
President Clark administered the Oath of Office to Deputy Clerk Bacon;
- approves the amendment to the Individual Contract of Superintendent Palotti extending the term through October 22, 2028.  
President Clark will administered the Oath of Office to Superintendent Palotti.
- approves the following changes to the substitute roster and other assignments, pending successful fingerprint clearance through the New York State Education Department and approval through DMV and or Civil Service if applicable:

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### **Substitute Additions:**

James Reitnauer - Bus Driver

### **Removed:**

Cassandra Giglio - Typist, Teacher Aide, Laborer, Food Service Helper

Rebecca Rose - Food Service Helper

CARRIED – 6 AYES - ALL

### **Discussion:**

In observance of “School Board Appreciation Week”, Superintendent Palotti thanked the Board for their time and dedication to the district and presented them with certificates.

### **Informational:**

The Regular Meeting scheduled for November 1, 2023 has been canceled.

The next regular meeting of the Board of Education will be held on Wednesday, December 6, 2023 at 5:15 PM in the High School Library.

BY: DAVIS/KHORK

**RESOLVED:** that, at 5:36 PM the Board move to Executive Session to discuss a particular personnel matter.  
CARRIED – 6 AYES – ALL

BY: DAVIS/KHORK

**RESOLVED:** that, at 5:51 PM the Board return to Regular Session and the meeting be adjourned.  
CARRIED – 6 AYES - ALL

Respectfully submitted,

Carol Eaton, District Clerk