

Vestal Central Schools
Vestal, New York

BOARD OF EDUCATION
REGULAR MEETING

TUESDAY, May 24, 2016

PRESENT:

Rick Bray
Linda Daino
Jerry Etingoff – ABSENT
David Hanson
John Hroncich - ABSENT
Mario Nunes
Sylvia Place – ABSENT
Michon Stuart
Tony Turnbull

ALSO PRESENT:

Interim Superintendent Jeffrey Ahearn
Asst Superintendent for Instruction Laura Lamash
Interim Administrator Lorraine Paushter
School Attorney Michael Sherwood
District Clerk Kay Ellis
About 14 Visitors

The Board meeting was called to order at 7:05PM by Board President Michon Stuart in the Board Conference Room of the Administration Building. The Pledge of Allegiance was recited.

#469-16
Call to Order and Pledge of
Allegiance

On motion by David Hanson, second by Mario Nunes, the Board voted 7 to 0 to adjourn immediately into Executive Session to discuss recommendations from the Committee on Special Education and the Committee on Preschool Special Education

#470-16
Executive Session

The Board returned to open session at 7:31 PM.

On motion by Mario Nunes, second by Linda Daino, the Board voted 7 to 0 to approve the minutes of the meeting May 10, 2016; and May 17, 2016 as written.

#471-16
Approval of Minutes

None

#472-16
Public Comment on Agenda Items

Student Government Representative Josh Walsh reported:

--the Hall of Fame dinner was held; inductees were 89very impressive
--girls' lacrosse is undefeated this season, sectionals begin tomorrow
--Seniors are excited about the class trip to Six Flags in NJ
--the theme for the Senior Prom is Starry Night
--graduation rehearsal is 6/20; graduation ceremony is 6/25
--Swing into Spring dance was held 5/20; 80 attended
--the high school was named an Academic Award School
--at the Student Recognition Breakfast 5/19 over 40 students were honored
--the Environmental Club held a press conference about Styrofoam trays

#473-16
Reports

Board President Michon Stuart reported:

Liaisons- Vestal Hills held a chicken barbeque on 5/17. Clayton Avenue held a spirit wear sale, book fair and 5th grade events are being planned. Tioga Hills held a STEM day on 5/13; many activities were held with the culmination being a helicopter landing. They sponsored a special interest fair on 5/17 and Binghamton University will hold a chemistry outreach for Grades K-2 on 6/17. The International Festival will be held 6/3 at the high school. A police academy will be held this summer 7/8/16-7/29/16 for interested students; run by Officer Talbut.
--the executive director of the Health Insurance Consortium is retiring next year
--the Board summer retreat is being planned

Interim Superintendent Jeffrey Ahearn reported:

--the 2016-17 budget was passed with an 82% margin; stakeholders were thanked for their continued support
 --the high school and Vestal Hills Elementary School were named Reward Schools; this is the 3rd consecutive year Vestal Hill has received this recognition
 --Environmental Club students held a press conference after having done research on Styrofoam cafeteria trays
 --the conservative costs for the school district to run the recent public library vote was over \$2200.

Attorney Frank Miller presented his legal opinion and possible solutions in regard to the controversy surrounding Stacy Campfield. He once again explained the District cannot take action to remove Mr. Campfield's picture from the Hall of Fame based on what comments he has made post Hall of Fame election; which would be viewpoint discrimination. The District has established a limited public forum which must conform to the rights of everyone under the 1st Amendment; including comments that are considered by many to be offensive. Mr. Miller reviewed the 7 suggestions outlined in his letter; some would be in conflict with the intended original purpose of the Hall of Fame. Mr. Miller highly recommends leaving the Hall of Fame as it appears and use this controversy as a learning tool for students to understand the protections and value for all under the 1st Amendment. The correspondence from Mr. Miller is attached to these minutes.

Hall of Fame Report

On motion by Mario Nunes, second by Rick Bray, the Board voted 7 to 0 to accept Schedule A – Treasurer's Report (April); Schedule B – Year to Date Status Report (April); Schedule C – Schedule of Bills (April); Schedule F – Travel & Conference; Schedule I – Transfers; and approve Schedule P.

#474-16
 Acceptance of Schedules A, B, C, F and I;
 Approval of Schedule P

Under Schedule P the following changes were made:

SCHEDULE IP 1

RESIGNATIONS: INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following INSTRUCTIONAL RESIGNATIONS:

<u>NAME</u>	<u>POSITION</u>	<u>TENURE AREA</u>	<u>EFFECTIVE DATE</u>	<u>REMARKS</u>
Mignerey, Sandra	Science Teacher	Academic Area: Science	8/31/16	Personal reasons
Taylor, Mary	Substitute Teacher		5/25/16	

SCHEDULE IP 2

RETIREMENT: INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following INSTRUCTIONAL RETIREMENTS:

<u>NAME</u>	<u>POSITION</u>	<u>TENURE AREA</u>	<u>EFFECTIVE DATE</u>
Zappia, Annamary	Director of Special Services	Administrative Area: Director of Special Services	7/1/17

SCHEDULE IP 3

PROBATIONARY APPOINTMENT: INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following INSTRUCTIONAL PROBATIONARY APPOINTMENT:

<u>NAME</u>	<u>POSITION</u>	<u>TENURE AREA</u>	<u>CERTIF</u>	<u>PROBATION</u>	<u>TENURE</u>	<u>SALARY</u>	<u>REMARKS</u>
Dyer, Katherine	Math Teacher	Academic Area: Math	Professional	9/1/16-6/30/19	9/1/19	\$56,885	Previous NYS Tenure
Gauthier, Alyssa	ENL Teacher	Special Subject Area: ESL	Initial	9/1/16-6/30/20	9/1/20	TBD	

To the extent required by the applicable provisions of Education Law 2509, 2573 and 3014, in order to be granted tenure the classroom teacher or building principal shall have received composite or overall annual professional performance review ratings pursuant to Education Law 3012-c and/or 3012-d of either effective or highly effective in at least three (3) of the four (4) preceding years. If the classroom teacher or building principal receives an ineffective composite or overall rating in the final year of the probationary period, he or she shall not be eligible for tenure at that time. For purposes of this subdivision, classroom teacher and building principal mean a classroom teacher or building principal as such terms are defined in Sections 30-2.2 and 30-3.2 of this Part.

SCHEDULE IP 4A

TEMPORARY APPOINTMENT: INSTRUCTIONAL SUBSTITUTES

<u>NAME</u>	<u>INSTRUCTIONAL LEVEL</u>	<u>CERTIF</u>	<u>DEGREE</u>	<u>EFFECTIVE DATE</u>	<u>REMARKS</u>
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*Slater, Thomas	Registered Professional Nurse	RN	BSN	5/25/16
Fedorchak, Nicole	Music	Initial	MM	5/25/16

SCHEDULE IP 4A.A

**RESOLUTION FOR EMERGENCY CONDITIONAL APPOINTMENT
TEMPORARY APPOINTMENT: INSTRUCTIONAL SUBSTITUTES**

The Superintendent of Schools, having advised the Board of Education that an emergency conditional appointment is necessary in relation to an appointment of an employee, and the Board having passed policy in relation to the safety of children, and the prospective employee having filed a statement regarding criminal convictions and the Superintendent having forwarded to the State Education Department an application for conditional appointment and the fingerprints of the prospective employee, and on recommendation of the Superintendent, it is

RESOLVED, that the following emergency conditional appointment is hereby made, and
BE IT FURTHER RESOLVED that this appointment shall expire upon the passage of 20 business days or the approval of the appointment of such individual, whichever occurs first.

<u>NAME</u>	<u>INSTRUCTIONAL LEVEL</u>	<u>CERTIF</u>	<u>DEGREE</u>	<u>EFFECTIVE DATE</u>	<u>REMARKS</u>
Slater, Thomas	Registered Professional Nurse	RN	BSN	5/25/16	

SCHEDULE IP 4B

TEMPORARY APPOINTMENTS: ABOVE CONTRACT

Attached please find page 1 of a master list of above contract positions for the 2015-16 school year. We are asking for approval for the person, position and stipend that is underlined and in bold print. Board Meeting: May 24, 2016

<u>AREA OF APPOINTMENT</u>	<u>AREA/BLDG</u>	<u>STIPEND</u>	<u>POSTED</u>	<u>NAME</u>	<u>APPROVED</u>
INTERSCHOLASTIC ATHLETIC POSITIONS					
<u>Football: Varsity Head</u>	<u>Fall Season</u>	<u>\$6900</u>	<u>4/19/16</u>	<u>*Fisher, Martin</u>	<u>5/24/16</u>
<u>Football: Varsity Asst</u>	<u>Fall Season</u>	<u>\$5339</u>	<u>4/19/16</u>	<u>Anderson, John</u>	<u>5/24/16</u>
<u>Football: Varsity Asst</u>	<u>Fall Season</u>	<u>\$4701</u>	<u>4/19/16</u>	<u>Cerra, James</u>	<u>5/24/16</u>
<u>Football: Varsity Asst</u>	<u>Fall Season</u>	<u>\$4701</u>	<u>4/19/16</u>	<u>Stanton, Paul</u>	<u>5/24/16</u>

*pending fingerprint clearance

SCHEDULE IP 4B

**RESOLUTION FOR EMERGENCY CONDITIONAL APPOINTMENT
TEMPORARY APPOINTMENTS: ABOVE CONTRACT**

The Superintendent of Schools, having advised the Board of Education that an emergency conditional appointment is necessary in relation to an appointment of an employee, and the Board having passed policy in relation to the safety of children, and the prospective employee having filed a statement regarding criminal convictions and the Superintendent having forwarded to the State Education Department an application for conditional appointment and the fingerprints of the prospective employee, and on recommendation of the Superintendent, it is

RESOLVED, that the following emergency conditional appointment is hereby made, and
BE IT FURTHER RESOLVED that this appointment shall expire upon the passage of 20 business days or the approval of the appointment of such individual, whichever occurs first.

<u>AREA OF APPOINTMENT</u>	<u>AREA/BLDG</u>	<u>STIPEND</u>	<u>POSTED</u>	<u>NAME</u>	<u>APPROVED</u>
INTERSCHOLASTIC ATHLETIC POSITIONS					
<u>Football: Varsity Head</u>	<u>Fall Season</u>	<u>\$6900</u>	<u>4/19/16</u>	<u>Fisher, Martin</u>	<u>5/24/16</u>

SCHEDULE IP 4 C

TEMPORARY APPOINTMENTS (OTHER): INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following INSTRUCTIONAL TEMPORARY APPOINTMENTS (OTHER):

<u>NAME</u>	<u>AREA OF SERVICE</u>	<u>LEVEL</u>	<u>EFFECTIVE DATE</u>	<u>REMARKS</u>
Penna, Albert	Administrative	District-wide	7/1/16-6/30/17	Per diem work district-wide

SCHEDULE IP 5

PART TIME APPOINTMENTS: INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following INSTRUCTIONAL PART TIME APPOINTMENTS:

<u>NAME</u>	<u>POSITION</u>	<u>CERTIF</u>	<u>EFFECTIVE DATE</u>	<u>SALARY</u>
Hardy, Kimberly	0.5 School Psychologist	Provisional	9/1/16-6/30/17	TBD
Mugavero, Julie	0.8 German Teacher	Permanent	9/1/16-6/30/17	TBD

SCHEDULE IP 6

TENURE APPOINTMENTS: INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following INSTRUCTIONAL TENURE

APPOINTMENTS:

<u>NAME</u>	<u>POSITION</u>	<u>TENURE AREA</u>	<u>CERTIF</u>	<u>PROBATION PERIOD</u>	<u>EFFECTIVE DATE</u>
Clarke, Patrick	Coordinator of Instruction	Administrative Area: Coordinator	Professional	8/19/13-8/18/16	8/19/16

SCHEDULE IP 8

CHANGES IN STATUS: INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following INSTRUCTIONAL CHANGES IN STATUS:

<u>NAME</u>	<u>POSITION</u>	<u>TENURE AREA</u>	<u>CHANGE</u>	<u>EFFECTIVE DATE</u>	<u>REMARKS</u>
Thayer, Adam	Science Teacher	Academic Area: Science	Change probation period from TBD to 9/1/16-6/30/19	9/1/16	Previous NYS Tenure

SCHEDULE IP 9

RECALL APPOINTMENTS: INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following INSTRUCTIONAL RECALL

APPOINTMENT:

<u>NAME</u>	<u>POSITION</u>	<u>TENURE AREA</u>	<u>CERTIF</u>	<u>EFFECTIVE DATE</u>	<u>SALARY</u>
Gollogly, Wendy	Elementary Teacher	Elementary	Professional	9/1/16	TBD

SCHEDULE IP 10

ABOLITION OF POSITIONS: INSTRUCTIONAL

The Superintendent of Schools hereby recommends the ABOLITION of the following INSTRUCTIONAL POSITIONS:

<u>POSITION</u>	<u>TENURE AREA</u>	<u>EFFECTIVE DATE</u>
10. Reading Teacher	Special Subject Area: Remedial Reading	9/1/16

SCHEDULE IP 10A

ATTACHMENT TO SCHEDULE IP 10

<u>NAME and/or POSITION</u>	<u>REMARKS</u>	<u>PREFERRED ELIGIBLE LIST</u>
Fitzgerald, Korie (1.0) Reading Teacher	Excessed	Seven years effective 9/1/16

SCHEDULE NIP 8A

TEMPORARY APPOINTMENTS/SUBSTITUTES: NON-INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following NON-INSTRUCTIONAL TEMPORARY APPOINTMENTS/SUBSTITUTES:

<u>NAME</u>	<u>POSITION</u>	<u>EFFECTIVE</u>	<u>REMARKS</u>
*Clapper, Jesse	Temporary Custodian	6/27/16-9/23/16	
Franz, Kevin	Temporary Custodian	5/25/16-8/21/16	
*Kosty, Michael	Temporary Custodian	6/27/16-9/23/16	
Pedro, Amber	Temporary Custodian	6/27/16-9/23/16	
Shepherd, Christopher	Temporary Custodian	5/25/16-8/21/16	
*Stevens, Austin	Temporary Custodian	6/27/16-9/23/16	
*Stewart, Zachary	Temporary Custodian	6/27/16-9/23/16	
*Thrasher, Samantha	Temporary Custodian	5/25/16-8/21/16	

*pending fingerprint clearance

SCHEDULE NIP 8A

**RESOLUTION FOR EMERGENCY CONDITIONAL APPOINTMENT
TEMPORARY APPOINTMENTS/SUBSTITUTES: NON-INSTRUCTIONAL**

The Superintendent of Schools, having advised the Board of Education that an emergency conditional appointment is necessary in relation to an appointment of an employee, and the Board having passed policy in relation to the safety of children, and the prospective employee having filed a statement regarding criminal convictions and the Superintendent having forwarded to the State Education Department an application for conditional appointment and the fingerprints of the prospective employee, and on recommendation of the Superintendent, it is

RESOLVED, that the following emergency conditional appointment is hereby made, and

BE IT FURTHER RESOLVED that this appointment shall expire upon the passage of 20 business days or the approval of the appointment of such individual, whichever occurs first.

<u>NAME</u>	<u>POSITION</u>	<u>EFFECTIVE</u>	<u>REMARKS</u>
Clapper, Jesse	Temporary Custodian	6/27/16-9/23/16	

Kosty, Michael	Temporary Custodian	6/27/16-9/23/16
Stevens, Austin	Temporary Custodian	6/27/16-9/23/16
Stewart, Zachary	Temporary Custodian	6/27/16-9/23/16
Thrasher, Samantha	Temporary Custodian	5/25/16-8/21/16

SCHEDULE NIP 11

CHANGES IN STATUS: NON-INSTRUCTIONAL

The Superintendent of Schools hereby recommends the APPROVAL of the following NON-INSTRUCTIONAL CHANGES IN STATUS:

<u>NAME</u>	<u>POSITION</u>	<u>SHIFT/BLDG</u>	<u>CHANGE</u>	<u>EFFECTIVE</u>	<u>REASON</u>
Brogdale, Gary	Bus Driver PT/S	Transportation	To: Bus Driver	5/19/16	
Vandervort, Clifford	Bus Attendant (DIT)	Transportation	To: Bus Driver PT/S	5/18/16	

On motion by David Hanson, second by Linda Daino, the Board voted 7 to 0 to approve the following resolution:

WHEREAS, in accordance with a resolution duly adopted by the Board of Education of Vestal Central School District of the Towns of Vestal and Binghamton, Broome County, New York, and Town of Owego, Tioga County, New York, the annual district meeting of the qualified voters of said School District was duly held and conducted on May 17, 2016 for the purpose of voting on the propositions and vacancies on the Board of Education contained in the notice of said annual district meeting; and

WHEREAS, pursuant to paragraph c of subdivision 7 of Section 2034 of the Education Law, the inspectors of election in each of the election districts have duly made a written report of the result of the voting at said district meeting held in each election district; and

WHEREAS, the chief inspector of each election district has duly filed such written reports with the Clerk of said School District, which reports have been duly presented to said Board of Education; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Education of Vestal Central School District of the Towns of Vestal and Binghamton, Broome County, New York, and Town of Owego, Tioga County, New York as follows:

Section 1. Upon an examination of the reports of the inspectors of election presented to this Board of Education, as described in preambles hereof, the attached is hereby declared to be the result of the voting on said propositions submitted at the annual district meeting of the qualified voters of Vestal Central School District held on May 17, 2016.

Section 2. In accordance with the attached tabulation of the vote at said district meeting, it is hereby determined and declared that:

Proposition No. 1 was approved
and

Proposition No. 2 was approved

and that the following persons were elected to the Board of Education:

- Mario Nunes for a 3-year term from July 1, 2016 to June 30, 2019
- David Hanson for a 3-year term from July 1, 2016 to June 30, 2019
- Michon Stuart for a 3-year term from July 1, 2016 to June 30, 2019

On motion by Mario Nunes, second by Tony Turnbull, the Board voted 7 to 0 to approve the following resolution:

RESOLVED, that the Board of Education pursuant to its authority under Section 1709(12) of the Education Law hereby accepts the following gift:

<u>Description</u>	<u>Approx. Value</u>	<u>Donor</u>	<u>Recipient</u>
Cash Donation for African Road Elementary School	\$400.00	Target Corporation	Vestal Central School District
Cash Donation for Vestal Hills Elementary School	\$400.00	Target Corporation	Vestal Central School District
Cash Donation for Glenwood Elementary School	\$400.00	Target Corporation	Vestal Central School District
Cash Donation for Vestal Middle School	\$200.00	Target Corporation	Vestal Central School District

#475-16
Re-Certification of the Vote

#476-16
Acceptance of Donations

Cash Donation for \$300.00 Target Corporation Vestal Central
Tioga Hills Elementary School School District

On motion by Mario Nunes, second by David Hanson, the Board voted 7 to 0 to approve the following resolution:

RESOLVED, that the President or Vice-President of the Board of Education be authorized to sign a service agreement with BPAS (formerly Harbridge Consulting Group) to provide actuarial, consulting, and administrative services necessary to comply with Governmental Accounting Standard Numbers 43 and 45 and as detailed in the attached agreement, beginning July 1, 2015 through June 30, 2016.

#477-16
Contract with PBAS (formerly Harbridge Consulting Group)

On motion by Linda Daino, second by Rick Bray, the Board voted 7 to 0 to approve the following resolution:

RESOLVED, that the President or Vice-President of the Board of Education be authorized to sign a renewal agreement with Schoology, Inc., providing a web-based learning management system, beginning July 1, 2016 through June 30, 2017 in accordance with terms outlined in the attached agreement.

#478-16
Contract with Schoology

On motion by David Hanson, second by Linda Daino, the Board voted 7 to 0 to approve the following resolution:

RESOLVED, that the President or Vice President be authorized to sign an agreement with BCK-IBI Group to perform a structural review of areas identified in through the 2016 Annual Visual Inspection, in accordance with the terms outlined in the attached agreement.

#479-16
Agreement with BCS IBI Group (Structural Investigation Report)

On motion by Mario Nunes, second by Rick Bray, the Board voted 7 to 0 to approve the following resolution:

WHEREAS, the property owner and Town Assessor have requested a correction for real property taxes, the Superintendent of Schools hereby recommends the APPROVAL of such correction for the property owner delineated below for the reasons outlined on the attached applications for correction.

#480-16
Tax Roll Correction (Pierce)

Town	Tax Map #.	Taxes Billed	Actual Tax	Owner
Vestal	189.02-1-20.21	\$9214.17	\$8550.17	Pierce, Lawrence & Christina

On motion by Mario Nunes, second by Linda Daino, the Board voted 7 to 0 to approve the following resolution:

RESOLVED, that the Board of Education accept a grant of \$1,265.17 from the Vestal School Foundation, Inc., to fund expenditures for 2015-16.

#481-16
Acceptance of Grant (VSF)

On motion by David Hanson, second by Tony Turnbull, the Board voted 7 to 0 to approve the following resolution:

RESOLVED, that the President or Vice-President of the Board of Education is authorized to sign an agreement with the listed individual to provide interpretation services for District students as needed through June 30, 2016 as per attached agreements.

Biliana Staneva-Dimitrova
Sead Hadziabdic

#482-16
Professional Services Agreement – Interpreter Services (2)

On motion by Mario Nunes, second by David Hanson, the Board voted 7 to 0 to approve the following resolution:

RESOLVED, that the Board of Education accept a grant of \$599.97 from the Vestal Hills PTA, to provide funding for several Vestal Hills projects.

#483-16
Acceptance of Grant – Vestal Hills Parent Group

On motion by Rick Bray, second by David Hanson, the Board voted 7 to 0 to approve the following resolution:

WHEREAS the Vestal Board of Education entered into a contract on July 21, 2015 with Language Land (Heevy Ibrahim) to provide interpretation services through June 30, 2016 in an amount of \$1500.00; and additional services from Language Land (Heevy Ibrahim) are needed by the District; therefore the Vestal Board of Education approves the increase of the contract to \$2500.00.

#484-16
Professional Services Agreement – Interpreter Services (revised) Language Land

On motion by Mario Nunes, second by David Hanson, the Board voted 7 to 0 to approve the following resolution:

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A
LEASE PURCHASE AGREEMENT FOR THE PURPOSE OF FINANCING
CAPITAL IMPROVEMENTS IN CONNECTION WITH AN ENERGY
PERFORMANCE CONTRACT**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the Vestal Central School District, Broome County, New York (the “School District”) has heretofore entered into an energy performance contract (the “EPC”) with Honeywell International, Inc. (“Honeywell”), which EPC is not executory until approval by the State Commissioner of Education, for the installation and upgrade of certain equipment, including lighting retrofit/replacement, lighting controls, energy management system upgrades, building envelope improvements, heating and hot water system improvements, cooling and ventilation improvements, and other energy efficiency improvements as further described in the Scope of Work and Services exhibit, to said EPC therein, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith for a total maximum estimated cost, of not to exceed \$4,751,500 (the “Project”); and

WHEREAS, to finance the cost of the Project, the School District determined to seek bids from parties interested in acting as lessor in a 16 year energy performance contract lease purchase agreement as authorized and defined under Article 9 of the Energy Law, Section 109-b of the General Municipal Law and Section 3602(6)(i)(5)(i) of the Education Law, as applicable, with lease payments to be made on a semi-annual basis; and

WHEREAS, the School District has solicited proposals by written request for the financing of the Project and, as a result thereof, has determined to select Sterling National Bank (the “Lessor”) to undertake the financing of the Project; and

WHEREAS, the School District has received the requisite approvals of the State Department of Education for the Project; and

WHEREAS, it is now desired to approve the financing of this Project, at a maximum estimated cost of \$4,751,500 and to authorize execution of a master lease purchase agreement (“LPA”) with the Lessor;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board of Education hereby approves the bid of Sterling National Bank to serve as the provider of financing in the amount of \$4,751,500 (the “Principal Amount”) at an anticipated interest rate of 2.49 per centum per annum for the aforescribed Project as Lessor of the LPA therefor. The final interest rate shall be set prior to the date of closing of the LPA transaction.

Section 2. The School District hereby determines that it has critically evaluated the financing alternatives available to it pursuant to the requirements of Title 2 Part 39 of the New York Codes, Rules and Regulations (“NYCRR”) Section 39.2 and that entering into the LPA and financing the Project thereby is in the best interests of the School District as the LPA results in a lower overall cost thereof to the School District.

Section 3. The aggregate original principal amount of the LPA shall not exceed the Principal Amount and shall bear interest as set forth in the LPA and the LPA shall contain such options to pre-pay the LPA and purchase the Project by the School District as set forth therein.

Section 4. In accordance with paragraph (f) of subdivision 2 of Section 109-b of the General Municipal Law and Section 3602(6)(i)(5)(i) of the Education Law, as applicable the School District’s obligation under the LPA shall be subject to annual appropriation by the Board of Education of the School District as set forth in the LPA and the School District’s obligation under the LPA shall not constitute a general obligation of the School District nor constitute indebtedness under the Constitution or laws of the State of New York.

Section 5. It is hereby determined that the Project is a 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 class of objects or purposes is thirty years. This determination shall be conclusive upon the effective date of the LPA. Pursuant to paragraph 1 of Section 9-103 of the Energy Law of the State of New York, the School District is authorized to enter into energy performance contracts of up to thirty-five years duration, limited by the reasonably expected useful life of the object or purpose subject to such energy performance contract, and pursuant to Title 8, Part 155 of NYCRR, Section 155.20, the School District is

authorized to enter energy performance contracts of not to exceed the lesser of eighteen years or the useful life of the equipment being installed.

Section 6. It is therefore hereby further determined the term of the LPA authorized by this resolution will be less than eighteen years, which is less than the reasonably expected aggregate average useful life of the objects or purposes subject to the EPC and does not exceed the term of the EPC in accordance with the requirements of Education Law Section 3602(6)(i)(5)(i).

Section 7. The School District President as chief fiscal officer of the School District, is hereby authorized, on behalf of the School District, to execute an LPA with the Lessor in order to finance the Project described in the preambles hereof substantially in the form attached hereto as Exhibit A and hereby made a part hereof and at a rate of interest as shall be determined and approved by the School District President. The School District President is hereby further authorized to execute and deliver such additional documents, certificates, undertakings, agreements or other instruments as the School District President, with advice of counsel, may deem necessary or appropriate in connection therewith and do and cause to be done any and all acts and things necessary or appropriate for carrying out the transaction contemplated hereby.

Section 8. The School District President is hereby further authorized, with the advice of counsel, to execute and deliver such agreements with a bank or trust company located and authorized to do business in New York State to serve as escrow agent for the proceeds of the LPA, including amendments thereto, as may be necessary, in order to effectuate the financing of the Project.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the project described herein.

Section 10. This resolution shall take effect immediately.

A roll call vote was taken for this resolution; all present voted yes.

On motion by Rick Bray, second by Mario Nunes, the Board voted 7 to 0 to approve the following resolution:
RESOLVED, that the President or Vice-President of the Board of Education be authorized to sign an agreement with State University of New York for use of facilities at Binghamton University for graduation rehearsal on June 20, 2016 and graduation ceremony on June 25, 2016 in accordance with the terms outlined in the attached agreement.

#486-16
Agreement with SUNY
(Binghamton University)

After second review and on motion by Linda Daino, second by Rick Bray, the Board voted 7 to 0 to approve the changes to Policy 7450 Fund Raising by Students and Policy 7130 Attendance – Age and Residency

#487-16
Policy

First Review: Policy 5421 Administration of Opioid Overdose Medication (new)

None

#488-16
Voice of the Public

FUTURE BOARD MEETINGS:

Tuesday, June 14, 2016; 7:00PM Regular Meeting

Board Conference Room – Administration Building

Tuesday, June 28, 2016; 7:00PM Regular Meeting

Board Conference Room – Administration Building

#489-16
Future Meetings

Tuesday, July 12, 2016; 6:00pm Reorganizational Meeting

Board Conference Room

On motion by David Hanson, second by Linda Daino, the Board voted 7 to 0 to adjourn into Executive Session to review the status of the Superintendent negotiations

#490-16
Executive Session

The Board took a short break from 8:35pm-8:45pm

On motion by David Hanson, second by Mario Nunes, the Board voted 7 to 0 to adjourn immediately.

The meeting was adjourned at 8:56pm.

5-24-16
#491-16
Adjournment

Kay Ellis
District Clerk

VESTAL CENTRAL SCHOOLS

Vestal, New York

BOARD OF EDUCATION
EXECUTIVE SESSION #1
Tuesday, May 24, 2016

PRESENT:

Rick Bray
Linda Daino
Jerry Etingoff – ABSENT
David Hanson
John Hroncich – ABSENT
Mario Nunes
Sylvia Place – ABSENT
Michon Stuart
Tony Turnbull

ALSO PRESENT:

Interim Superintendent Jeffrey Ahearn
Asst Superintendent of Instruction Laura Lamash
Interim Administrator Lorraine Paushter
School District Attorney Michael Sherwood
District Clerk Kay Ellis

Anne Tristan, Director of Special Education

Executive Session commenced at 7:07PM in the Library of the Small Conference Room of the Administration Building.

Recommendations and annual reviews of the Committee on Special Education and the Committee of Preschool Special Education were on the agenda. Board members had copies of the IEPs for each student made available to them prior to the meeting for review. Board members gave due consideration to each case before voting.

On motion by Tony Turnbull, second by Rick Bray, the Board voted 7 to 0 to accept the recommendations the Committee on special Education and the Committee on Preschool Special Education for all students considered.

The session was adjourned at 7:30PM.

Kay Ellis
District Clerk

VESTAL CENTRAL SCHOOLS

Vestal, New York

BOARD OF EDUCATION
EXECUTIVE SESSION #2

Tuesday, May 24, 2016

PRESENT:

Rick Bray
Linda Daino
Jerry Etingoff – ABSENT
David Hanson
John Hroncich – ABSENT
Mario Nunes
Sylvia Place – ABSENT
Michon Stuart
Tony Turnbull

ALSO PRESENT:

Interim Superintendent Jeffrey Ahearn – ABSENT
Asst Superintendent of Instruction Laura Lamash – ABSENT
School District Attorney Michael Sherwood
District Clerk Kay Ellis - ABSENT
Interim Administrator Lorraine Paushter – ABSENT

Executive Session commenced at approximately 8:45PM in the Board Conference Room of the Administration Building.

Kay Ellis
District Clerk

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May 24, 2016

Privileged and Confidential
Client/Attorney Privilege

Via Email and Hand Delivery

Mr. Jeffrey Ahearn
 Superintendent of Schools
 Vestal Central School District
 201 Main Street
 Vestal, New York 13850

Re: Hall of Fame

Dear Jeff:

This letter will follow-up our several conversations and our meeting with the Board of Education held in this matter on March 8, 2016. You have requested our opinion and advice as to possible solutions for the issues raised in regard to the Hall of Fame involving Stacey Campfield. To briefly review, we previously advised the Board of Education that if we were to remove Mr. Campfield's portrait from the Hall of Fame, and leave all other portraits in place, that would potentially involve an instance of "viewpoint discrimination". The removal of his picture would be based upon Mr. Campfield's expressed opinions which took place after his election to the Hall of Fame. The basis of the removal would be based upon the notion that Mr. Campfield was being selected for exclusion from the Hall of Fame, after having been properly selected, because of his expression of his opinions regarding issues concerning homosexuality and related subjects.

The law is clear as to what viewpoint discrimination is. To briefly review, the U.S. District Court in *Kiesinger v. Mexico Academy and Central School District*, 427 F. Supp. 2d 182 (N.D.N.Y., 2006) per Murdue, Chief Judge, stated as follows:

"While the government may reasonably restrict expressive activity in a limited public forum on the basis of content, it may not do so on the basis of the speaker's viewpoint, "speech discussing otherwise permissible subjects cannot be excluded...on the ground that the subject is discussed from a religious viewpoint." *The Good News Club v. Milford Central School District*, 533 U.S. 98 (2001), *Kiesinger v. Mexico Academy* at pages 29-30.

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The above definition fairly well articulates what we are prohibited from doing. We are, of course, prohibited from removing Mr. Campfield's picture or taking action of an adverse nature against him, simply because we disagree with his otherwise protected expression.

When Mr. Campfield was selected to the Hall of Fame, he was selected on the basis of his then existing accomplishments. Subsequent to that time, he expressed his opinion on a variety of subjects, some of which have been found to be highly offensive and objectionable to members of the Board of Education, public school administrators, teachers and students. However, Mr. Campfield was selected for inclusion as a member of the Hall of Fame prior to these expressions of opinion by him. The Hall of Fame is legally considered a limited public forum. The limited public forum therefore, has protection under the First Amendment. A person may not be excluded from that forum solely on the basis of his speech, i.e., discussing an otherwise permissible subject. If we were to do so, it would clearly be based upon his perceived political or religious viewpoint.

If the District were to remove Mr. Campfield's photograph and reject him from the Hall of Fame, after having previously admitted him to the Hall of Fame, it must have a legitimate, nondiscriminatory reason for doing so. Merely disagreeing with his otherwise protected speech is not a sufficient justification for doing so. Certainly, it is clear from his demonstrated record, that Mr. Campfield would not be shy about engaging in a fight with the school district, particularly if he thinks he could achieve some headlines or notoriety as a result. If we were to exclude Mr. Campfield's picture from the Hall of Fame, we can anticipate that it is very likely that we will receive a notification of a lawsuit in fairly short order. The views of the District are certainly well known on this subject making it difficult to deny the motivation for our actions in removing his picture from the Hall of Fame.

The options for the Board to consider are these.

1. Remove his portrait, leaving all other portraits in place. If we were to remove the picture of Mr. Campfield, most assuredly litigation would follow. This is especially true since he has family living in the immediate area. It would be difficult, if not impossible, to defend that litigation as we discussed above. Liability would be rather clear because the motivation of the Board of Education and the District would also be equally clear.
2. We also discussed the possibility of moving the Hall of Fame to the District offices. The Hall of Fame could be moved and relocated to the administration building. This involves treating all Hall of Fame members the same way. This, however, defeats one of the primary purposes of the Hall of Fame. The Hall of Fame was originally designed to provide an example and incentive to students to excel as their predecessors have excelled. Thus, one of the primary benefits of the Hall of Fame would be eliminated by moving the same.

If you were to move the Hall of Fame and all other individuals in the Hall of Fame are treated the same way, there would clearly be no constitutional violation or liability problem associated with the move. While it might defeat the purpose and probably

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disappoint many people, there would be no legal issues that would arise from the relocation of the Hall of Fame.

3. The District and Board of Education could also consider, as you have done, posting a disclaimer. The disclaimer as described to me merely indicates that the school district and Board of Education do not endorse or support the speech of various members, including Mr. Campfield. If this disclaimer is prominently displayed and is applicable to all, no constitutional or other legal violation has occurred.
4. Future candidates and considerations. The Board is certainly free to request the Superintendent to alter the criteria for admission to the Hall of Fame in the future. The Superintendent is also permitted to alter or establish a criteria for removal of a member from the Hall of Fame, prospectively. For example, if a member of the Hall of Fame became involved in some disgraceful conduct and the Superintendent determined that the conduct was sufficient to require the removal of that person from the Hall of Fame, that would be permissible so long as it did not involve a discriminatory removal of the individual. Certainly, if Mr. Campfield were to engage in some reprehensible conduct or similar behavior, such as a criminal conviction, that could be a justification to remove him. However, Mr. Campfield has not been found to be guilty of any offense other than perhaps engaging in grotesque and offensive speech.
5. Another option for the Superintendent to consider is the possibility of closing down the Hall of Fame entirely. This option, of course, will result in considerable disappointment and loss of the inspiring stories from the Hall of Fame. If the Hall is closed down, this closes the forum which you are always entitled to do. There is no constitutional violation from closing a limited open forum.
6. Reopening and re-establishing the Hall of Fame. The Hall of Fame can be closed and then later reopened. If the Hall is to be closed and later reopened, there should be articulated criteria for membership in the Hall of Fame. In particular, the criteria must be legitimate and nondiscriminatory. We cannot exclude persons on the basis of prior speech or points of view. For example, the Hall could be limited to, for example, persons who have excelled in science, such as medicine, chemistry, astronomy, etc. Or the Hall could be limited in some other nondiscriminatory manner. This would avoid inclusions of persons such as Mr. Campfield. Of course, if you make that exclusion, then other persons who are in professions or elected positions similar to Mr. Campfield will also be excluded. Those might be persons that we would want to include in the Hall of Fame. In addition, if the Hall is closed and then later re-established, I would also recommend that you establish a procedure for removing a person from the Hall of Fame, if subsequent to his or her election, there is a behavior or a series of behaviors that bring disgrace down upon that person's name and thus make that person no longer eligible for inclusion in the Hall of Fame as a graduate who inspires students. That criteria must be explicitly spelled out and the conditions must be enumerated.

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If the Hall of Fame is merely closed down and then later re-established and Mr. Campfield is excluded, without a legitimate basis, but other similarly situated persons in comparable professions are included, that would give rise to an inference that his exclusion was occasioned by a desire to discriminate against him because of his views. This of course would fall into the problem of "viewpoint discrimination", thus presenting Mr. Campfield with an opportunity to litigate against the school district. My advice would be to assiduously avoid such a circumstance.

7. The next option, which I believe should be considered, is the option of allowing the Hall of Fame to remain as is and continue to add names and pictures to it. It is truly an honor that any Vestal High School graduate would be privileged to be a member of. Insofar as Stacey Campfield is concerned, I would think that it would be appropriate, as suggested by a Board member, that we use the appearance and presence of Mr. Campfield to illustrate precisely how the First Amendment works and how speech, even though detestable and offensive, is still protected. Mr. Campfield may actually inadvertently help to encourage tolerance and greater understanding. He may actually inadvertently help us to present a lesson to our students that it is offensive speech that needs protection, not speech that everyone agrees with. By making this a subject of discussion and study, the students in the District will receive a valuable lesson in the significance and the value of the First Amendment and the protections that it affords. By making Stacey Campfield an example to the students of what not to do and who not to be, Stacey Campfield may actually stand as an illustration of how his point of view is rejected in favor of another perspective, while at the same time allowing that speech to take place, without restraints. I would be pleased to assist you in that endeavor should my assistance be needed or of benefit.


I will be pleased to discuss this matter in greater detail with the Board of Education at our upcoming meeting.

Please let me know if you have any additional questions or concerns.

With kindest regards,

Very truly yours,

THE LAW FIRM OF FRANK W. MILLER



Frank W. Miller

FWM/ko