

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF EDUCATION
NEWARK VALLEY CENTRAL SCHOOL DISTRICT
January 23, 2023**

The Newark Valley Central School District Board of Education met in regular session at 5:30 p.m. James Phillips led the Pledge of Allegiance. The following Board Members were in attendance: Randal Kerr, James Phillips, Anthony Tavelli and Stuart Wandell. Board Members Susan Watson, Sarah Hines and Lisa Jensen were absent. The following school personnel were in attendance: Todd Schaffer, Ji Katchuk, Greg Asfoury, Edward Mertson, Robert Rodgers, Andrea Churchman, Marissa Potter and Tina Engelhard. There were four (4) guests.

ATTENDANCE

Presentation: None.

Privilege of the Floor: None.

Motion by J. Phillips, and seconded by A. Tavelli, for approval of the Meeting Minutes of the Regular Meeting of January 9, 2023 and the Executive Session of January 9, 2023.

MINUTES

Vote: 4 Yes 0 No 3 Absent Motion carried.

Interim Superintendent's Report: **Snow Days:** Interim Superintendent Todd Schaffer spoke on built-in snow days and what happens once all days have been expended. NYS started a pilot program last year where schools would utilize virtual learning in place of snow days. This program is now state-wide. Mr. Schaffer stated that NYS will require virtual instructional learning as part of each district's safety plan. Discussions followed. **Snap Shots of Success:** Mr. Schaffer stated the Cheer Team placed first as well as Grand Champs in the recent Co-Ed Cheerleading competition. Wrestling had a solid showing and placed third at IACs and are now getting ready for Sectionals. Mr. Mertson commented the play Newsies is January 27th and 28th.

Middle School: Mr. Gregory Asfoury, Middle School Principal, along with Middle School Student Council Co-Advisors Ms. Churchman and Ms. Potter and two (2) Student Council members provided a report on the Middle School Student Council: 1) why they want to be a leader; 2) what they have learned by the experiences so far; and 3) fundraising throughout the school year. Discussions followed.

Financial Reports:

Motion by A. Tavelli, and seconded by S. Wandell, for approval of resolutions 1-23-G8, 1-23-G9 and 1-23-G10

1-23-G8

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby accepts the Treasurer's Report for December 2022 with balances as follows:

**ACCEPT TREASURER'S
REPORTS-DECEMBER
2022**

General Fund	\$1,482,150.17
Special Reserves	\$1,872,249.57
Special Reserve CD	\$5,981,490.97
School Lunch Fund	\$ 369,338.94
Special Aid Fund	\$ 66,613.75
Capital Fund	\$ 378,137.16
Debt Service Fund	\$ 947,012.56

1-23-G9

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby approves the Comprehensive Budget Status Reports for: General Fund, Repair Reserve Fund, Unemployment Reserve Fund, Property Loss Reserve Fund, Retirement Reserve Fund, Employee Benefit Reserve Fund, Vehicle Reserve Fund, Capital Reserve Fund, School Lunch Fund, Special Aid Fund, Capital Fund and Debt Service Fund dated December 2022.

**APPR BUDGET STATUS
REPORTS- DECEMBER
2022**

1-23-G10

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby approves the Extra Classroom Activity Fund Reports for the months of December 2022.

**APPR EXTRA CLASS-
ROOM ACTIVITY
REPORTS- DECEMBER
2022**

Vote: 4 Yes 0 No 3 Absent Motion carried.

AUTHOR ISSUANCE
OF SERIAL BOND FOR
CAPITAL PROJECT
(CONTINUED)

New Business:

Motion by J. Phillips, and seconded by S. Wandell, for approval of resolutions 1-23-G11, 1-23-G12 and 1-23-G13

1-23-G11

BOND RESOLUTION, DATED JANUARY 23, 2023, AUTHORIZING THE ISSUANCE OF UP TO \$22,336,628 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE NEWARK VALLEY CENTRAL SCHOOL DISTRICT, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION, RECONSTRUCTION AND EQUIPPING OF THE ELEMENTARY, MIDDLE AND HIGH SCHOOL BUILDINGS, THE TRANSPORTATION BUILDING AND THE SCHOOL STORAGE BUILDING.

WHEREAS, qualified voters of the Newark Valley Central School District (the "School District") adopted one proposition at a special district meeting of the School District, held on December 14, 2022, to authorize the financing in the total amount of \$22,336,628 for the construction, reconstruction and equipping of the elementary, middle, and high school buildings, the transportation building, and the school storage building, including site work, improvements to grounds, and system and facilities upgrades, and including original furnishings, equipment, machinery, apparatus, appurtenances and any other preliminary or incidental costs related thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the School District, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the School District in the aggregate principal amount of up to \$22,336,628, pursuant to the Local Finance Law, in order to finance the cost of the specific objects or purposes hereinafter described.

Section 2. The specific objects or purposes to be financed by the issuance of such serial bonds are for construction, reconstruction and equipping of the elementary, middle and high school buildings, the transportation building, and the school storage building, including site work, improvements to grounds, and system and facilities upgrades, and including original furnishings, equipment, machinery, apparatus, appurtenances and any other preliminary or incidental costs related thereto (the "Project").

Section 3. The Board of Education of the School District has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$25,836,628; (b) the maximum cost to be financed from borrowing is \$22,336,628, (c) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (d) the Board of Education of the School District plans to finance the costs of the Project from (i) the proceeds of obligations authorized herein, except to the extent of New York State aid received by the School District, which shall reduce the principal amount of such obligations *pro tanto* and (ii) \$3,458,000 expenditure from the existing voter approved capital reserve fund established by the School District, which monies are hereby appropriated therefore, and (iii) \$42,000 of available general funds of the School District, and (e) the maturity of the obligations authorized in Section 2 hereof will be in excess of five (5) years to the extent permitted pursuant to Section 11.00 of the Local Finance Law.

Section 4. It is hereby determined that the items referred to in Section 2 hereof are specific 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 such items is thirty (30) years. The serial bonds in the principal amount of \$22,336,628 set forth in Section 2 hereof shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 5. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this Resolution, including whether to issue such serial bonds having substantially level or declining annual debt service and the power to issue, sell and deliver such serial bonds and bond anticipation notes are hereby delegated to the School District Clerk, as the chief fiscal officer of the School District. The President of the Board of Education is hereby authorized to execute on behalf of the School District all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the School District Clerk is hereby authorized to

affix the seal of the School District to all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the President of the Board of Education.

**AUTHOR ISSUANCE
OF SERIAL BOND FOR
CAPITAL PROJECT
(CONTINUED)**

Section 6. The faith and credit of the School District is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 7. When this Resolution takes effect, the School District Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the Press & Sun-Bulletin, a newspaper having a general circulation in the School District. The validity of the serial bonds authorized by this Resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the School District is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 8. Prior to the issuance of obligations authorized to be issued by this bond resolution, the Board of Education of the School District shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Education of the School District will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Board of Education of the School District that the Project will not have a significant effect on the environment.

Section 9. The School District hereby declares its official intention to issue the obligations authorized herein to finance the cost of the Project. The School District covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the School District, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code"), (except for the alternative minimum tax imposed on corporations by section 55 of the Code) or subject the School District to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by section 55 of the Code) or subject the School District to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the School District made for such purpose on or after a date which is not more than one year prior to the date of adoption of this Resolution by the School District.

Section 10. For the benefit of the holders and beneficial owners from time to time of the obligations authorized pursuant to this resolution (the "obligations"), the School District agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the School District's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the President of the Board of Education is authorized and directed to sign and deliver, in the name and on behalf of the School District, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the School District Clerk, which shall constitute the continuing disclosure agreement made by the School District for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not

**AUTHOR ISSUANCE
OF SERIAL BOND FOR
CAPITAL PROJECT
(CONTINUED)**

substantially adverse to the School District and that are approved by the President of the Board of Education on behalf of the School District, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the School District's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the School District would be required to incur to perform thereunder. The President of the Board of Education is further authorized and directed to establish procedures in order to ensure compliance by the School District with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the President of the Board of Education shall consult with, as appropriate, the School District attorney and bond counsel or other qualified independent special counsel to the School District. The President of the Board of Education acting in the name and on behalf of the School District, shall be entitled to rely upon any legal advice provided by the School District attorney or such bond counsel or other special counsel in determining whether a filing should be made.

Section 11. This Resolution will take effect immediately upon its adoption by the Board of Education of the School District.

**AUTHOR ISSUANCE
OF SERIAL BOND FOR
CAPITAL PROJECT**

1-23-G12

BOND RESOLUTION, DATED JANUARY 23, 2023 AUTHORIZING THE ISSUANCE OF UP TO \$6,100,379 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE NEWARK VALLEY CENTRAL SCHOOL DISTRICT, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION, RECONSTRUCTION AND EQUIPPING OF CERTAIN ADDITIONAL IMPROVEMENTS TO THE HIGH SCHOOL BUILDING.

WHEREAS, qualified voters of the Newark Valley Central School District (the "School District") adopted a proposition at a special district meeting of the School District, held on December 14, 2022, to authorize the financing in the total amount of \$6,100,379 for the construction, reconstruction and equipping of certain additional improvements to the high school building, including site work, improvements to grounds, and system and facilities upgrades, including original furnishings, equipment, machinery, apparatus, appurtenances and including any other preliminary or incidental costs related thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the School District, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the School District in the aggregate principal amount of up to \$6,100,379, pursuant to the Local Finance Law, in order to finance the cost of the specific objects or purposes hereinafter described.

Section 2. The specific objects or purposes to be financed by the issuance of such serial bonds are for construction, reconstruction and equipping of additional improvements to the high school building, including site work, improvements to grounds, and system and facilities upgrades, including original furnishings, equipment, machinery, apparatus, appurtenances and including any other preliminary or incidental costs related thereto (the "Project").

Section 3. The Board of Education of the School District has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$6,100,379; (b) the maximum cost to be financed from borrowing is \$6,100,379, (c) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (d) the Board of Education of the School District plans to finance the costs of the Project from the proceeds of obligations authorized herein, except to the extent of New York State aid received by the School District, which shall reduce the principal amount of such obligations *pro tanto* and (e) the maturity of the obligations authorized in Section 2 hereof will be in excess of five (5) years to the extent permitted pursuant to Section 11.00 of the Local Finance Law.

Section 4. It is hereby determined that the items referred to in Section 2 hereof are specific 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 such items is thirty (30) years. The serial bonds in the principal amount of \$6,100,379 set forth in Section 2 hereof shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 5. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this Resolution, including whether to issue such serial bonds having substantially level or declining annual debt service and the power to issue, sell and deliver such serial bonds and bond anticipation notes, are hereby delegated to the School District Clerk, as the chief fiscal officer of the School District. The President of the Board of Education is hereby authorized to execute on behalf of the School District all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the School District Clerk is hereby authorized to affix the seal of the School District to all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the President of the Board of Education.

Section 6. The faith and credit of the School District is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 7. When this Resolution takes effect, the School District Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the Press & Sun-Bulletin, a newspaper having a general circulation in the School District. The validity of the serial bonds authorized by this Resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the School District is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 8. Prior to the issuance of obligations authorized to be issued by this bond resolution, the Board of Education of the School District shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Education of the School District will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Board of Education of the School District that the Project will not have a significant effect on the environment.

Section 9. The School District hereby declares its official intention to issue the obligations authorized herein to finance the cost of the Project. The School District covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the School District, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code"), (except for the alternative minimum tax imposed on corporations by section 55 of the Code) or subject the School District to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by section 55 of the Code) or subject the School District to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the School District made for such purpose on or after a date which is not more than one year prior to the date of adoption of this Resolution by the School District.

**AUTHOR ISSUANCE
OF SERIAL BOND FOR
CAPITAL PROJECT
(CONTINUED)**

Section 10. For the benefit of the holders and beneficial owners from time to time of the obligations authorized pursuant to this resolution (the "obligations"), the School District agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the School District's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the President of the Board of Education is authorized and directed to sign and deliver, in the name and on behalf of the School District, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the School District Clerk, which shall constitute the continuing disclosure agreement made by the School District for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the School District and that are approved by the President of the Board of Education on behalf of the School District, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the School District's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the School District would be required to incur to perform thereunder. The President of the Board of Education is further authorized and directed to establish procedures in order to ensure compliance by the School District with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the President of the Board of Education shall consult with, as appropriate, the School District attorney and bond counsel or other qualified independent special counsel to the School District. The President of the Board of Education acting in the name and on behalf of the School District, shall be entitled to rely upon any legal advice provided by the School District attorney or such bond counsel or other special counsel in determining whether a filing should be made.

Section 11. This Resolution will take effect immediately upon its adoption by the Board of Education of the School District.

**ACCEPT DONATION-
VISIONS FEDERAL
CREDIT UNION**

1-23-G13

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, and on motion of J. Phillips, seconded by S. Wandell, the Board of Education hereby accepts the generous donation from Visions Federal Credit Union in the amount of \$441.13 to be used by the Middle School towards purchasing of art supplies for social work office.

Vote: 4 Yes 0 No 3 Absent Motion carried.

Personnel:

Motion by A. Tavelli, and seconded by J. Phillips, for approval of resolution 1-23-C6

**APPR APPT-SUB
SCHOOL SOCIAL
WORKER**

1-23-C6

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby approves the appointment of Melynda Davis, Substitute School Social Worker, effective January 30, 2023 pending acceptable fingerprinting.

Vote: 4 Yes 0 No 3 Absent Motion carried.

Personnel:

Motion by J. Phillips, and seconded by S. Watson, for approval of resolutions 1-23-NC12 and 1-23-NC13

**ACCEPT RESIGNATION-
COOK MANAGER**

1-23-NC12

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby accepts the resignation of Gina Thomas, Cook Manager, effective January 31, 2023.

**APPR APPT-SUB FOOD
SRVC WORKER/
HELPER**

1-23-NC13

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby approves the appointment of Cheri Stevens, Substitute Food Service Worker/Helper, effective January 25, 2023.

Vote: 4 Yes 0 No 3 Absent Motion carried.


Privilege of the Floor: None.

Board Matters:

- Mr. Randal Kerr is now a member of the NYSSBA Resolution Committee
- Board of Education Meeting, Monday, February 13, 2023, 5:30 p.m. in the Richard H. Kerr Board Room, High School **NEXT BOE MTG-2/13/23**
- Board of Education Special Business Meeting, February 13, 2023, 7:00 p.m. in the Richard H. Kerr Board Room, High School **SPECIAL BUSINESS MTG-2/13/23**
- Board of Education Meeting, Monday, February 27, 2023, 5:30 p.m. in the Richard H. Kerr Board Room, High School **BOE MTG**

Meeting adjourned at 5:53 p.m.

January 23, 2023


Tina A. Engelhard, District Clerk
Newark Valley Central School District