

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EDUCATION  
NEWARK VALLEY CENTRAL SCHOOL DISTRICT  
March 13, 2023**

The Newark Valley Central School District Board of Education met in regular session at 5:30 p.m. Susan Watson led the Pledge of Allegiance. The following Board Members were in attendance: Randal Kerr, Susan Watson, James Phillips, Anthony Tavelli, Lisa Jensen and Stuart Wandell. Board Member Sarah Hines was absent. The following school personnel were in attendance: Todd Schaffer, Ji Katchuk, Greg Asfoury, Edward Mertson, Robert Rodgers, Scott Wandell, Beth Borgna and Tina Engelhard. There was one (1) guest.

**ATTENDANCE**

Presentation: Interim Superintendent Schaffer and Ji Katchuk, School Business Administrator, reviewed the Enrollment Status & Projections, Historical Budget Data as well as the Comparative Budget Data of the proposed 2023-2024 Budget. Discussions followed.

Privilege of the Floor: Doug Cornwell, Newark Valley resident and Class of 1973 Alumni, complimented the actors in the musical, Newsies, and requested Homecoming be linked with the Alumni Concert/Reunion in October 2023. Discussions followed.

Motion by J. Phillips, and seconded by S. Watson, for approval of the Meeting Minutes of the Regular Meeting and Executive Session of February 27, 2023.

**MINUTES**

Vote: 6 Yes 0 No 1 Absent Motion carried.

**Interim Superintendent's Report:** **Snap Shots of Success:** Superintendent's Conference Day was March 10, 2023. The day had good formats with the Building Principals having nice plans for the different grade levels in the morning and wellness and teambuilding in the afternoon. Mr. Asfoury stated the Grades 5, 6 and 7 Concert is scheduled for next week. Pi Day is Friday, March 17, 2023. The day will see many activities. This year's charity fundraiser is for IACKids. Mr. Mertson stated the Prism Concert was a success. Mr. Rodgers stated Nathan T. Hall's Open House is on March 16, 2023. Discussions followed.

**Instruction:** Mr. Scott Wandell, Athletic Director, shared athletic updates: 1) All teams qualified for Sectionals; 2) Wrestling placed 3<sup>rd</sup> in IAC and Cadin Creeley was a Champion; 3) Newark Valley hosted IAC Cheerleading (which was great for Boosters); 4) Cheerleading was 2<sup>nd</sup> in IAC and 3<sup>rd</sup> in Sectionals; 5) Varsity Girls' Basketball is IAC Large School Champions with an undefeated regular season; 6) Varsity Girls' Basketball were Sectional Champions; 7) Boys Bowling won IAC Champions with Laine Underwood as IAC Champion and John Fiocco as State Qualifier; 8) 50% of the scholar-athlete winter teams scored 90% or higher in academics; 9) Numerous individuals have been Athlete of the Week; 10) Cha Gardner is the IAC MVP; 11) Signups for spring sports are solid this year; 12) Newark Valley will be hosting IAC for Tennis and Sectionals; 13) The dual participation rule was recently passed by the Section IV Football Committee and is currently being discussed at the IAC level; 14) Girls Wrestling is being added to winter sports next year; and 15) Homecoming will be Saturday, September 30, 2023.

**Old Business:**

Motion by S. Watson, and seconded by J. Phillips, for approval of resolution 2-23-NC7 (Amended)

**2-23-NC7 (AMENDED)**

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby approves the appointment of April Simmons, Substitute Teacher Aide (Classroom, Special Education, *Cafeteria*, Computer Lab), effective March 4, 2023.

**APPR APPT-SUB  
TEACHER AIDE (CLASS,  
SPEC ED, COMPUTER  
LAB, CAFÉ) (AMENDED)**

**New Business:**

Motion by S. Wandell, and seconded by L. Jensen, for approval of resolutions 3-23-G1, 3-23-G2 and 3-23-G3

**3-23-G1**

**WHEREAS**, in recent years the use and abuse of e-cigarettes. and vaping devices increased dramatically among high school and middle school students, leading to significant risks of addiction and potentially life-threatening respiratory ailments; and

**ACCEPT JUUL LABS,  
INC. SETTLEMENT**

**ACCEPT JUUL LABS,  
INC. SETTLEMENT  
(CONTINUED)**

**WHEREAS**, students attending the Newark Valley Central School District (the "School District") have not been immune to this phenomenon with the School District observing students using e-cigarettes and vaping devices in school and on school grounds; and

**WHEREAS**, the use of e-cigarettes and vaping devices by students has caused the School District to incur costs in the form of staff time, disciplinary proceedings, and other costs, with the expectation that these costs will only increase unless and until student use of these devices decreases and stops; and

**WHEREAS**, the School District authorized the law firms of Ferrara Fiorenza PC, and the Frantz Law Group, APLC, to initiate litigation against Juul Labs, Inc. and other parties by board resolution relating to the production, marketing, sale, and distribution of e-cigarettes and vaping devices; and

**WHEREAS**, the litigation involved more than 1400 U.S. public school districts across more than 25 states; and

**WHEREAS**, a tentative settlement has been reached with Defendant Juul Labs, Inc. and certain individual board members, directors, executives and parties with whom Juul Labs, Inc. has indemnity agreements; and

**WHEREAS**, litigation against Altria and remaining defendants will continue; and

**WHEREAS**, partial settlement means the School District would forever release all claims against Juul Labs and the other released entities; and

**WHEREAS**, in return, the School District would receive certain cash payments; and

**WHEREAS**, the amount that the School District receives will be based on a final allocation framework recommended by the court-appointed Special Master Thomas Perrelli with the allocation framework for all governmental entities including factors such as population and litigation risk and be no less than \$8,325 for the School District; and

**WHEREAS**, an initial payment of approximately 54% of the settlement amount is anticipated to be paid by late 2023; and

**WHEREAS**, the remaining payments will be made in four installments anticipated in late-2023, 2024, 2025 and 2026; and

**WHEREAS**, the Board of Education (the "Board") has determined it is necessary, advantageous, desirable, and in the public interest and the best interests of the School District that it settle this litigation against Juul Labs, Inc. and continue the litigation against remaining other parties involved with e-cigarettes and vaping devices.

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

1. The Board authorizes the partial settlement of the vaping lawsuit against defendant Juul Labs, Inc. and certain individual board members, directors, executives and parties with whom Juul Labs, Inc. has indemnity agreements.
2. A Settlement with the substantive terms contained herein is hereby approved in substantially the form reviewed by the Board and, together with such minor modifications as are deemed necessary by the School District's attorneys and administrators to protect the best interests of the School District.
3. The Board President, Superintendent and their designee(s) are hereby authorized to finalize, sign and enter into the Settlement Agreement on behalf of the School District and take all actions and execute all documents necessary or appropriate to carry out the intent of this Resolution.
4. This Resolution shall take effect immediately.

**3-23-G2**

**RESOLVED**, Upon the Recommendation of the Superintendent of Schools, That the Board of Education hereby adopts the 2023-2024 Instructional School Calendar as presented.

**ADOPT 2023-2024  
INSTRUCTIONAL  
SCHOOL CALENDAR**

**3-23-G3**

Upon motion of S. Wandell, seconded by L. Jensen, the Newark Valley Central School District, at its meeting held on March 13, 2023, approved the extension of the Agreement for the Cooperative Health Insurance Arrangement of the Broome-Tioga-Delaware County Area School District Fund through June 30, 2028.

**APPR AGREEMENT  
EXTENSION-BTD  
COUNTY AREA SCHOOL  
DISTRICT FUND**

Vote: 6 Yes 0 No 1 Absent Motion carried.

**Personnel:**

Motion by S. Watson, and seconded by A. Tavelli, for approval of resolution 3-23-C1

**3-23-C1**

RESOLVED, Upon the Recommendation of the Superintendent of Schools, That the Board of Education hereby approves the appointment of Melissa Reynolds, Substitute Teachers (certified), effective March 14, 2023.

**APPR APPT-SUB  
TEACHER**

Vote: 6 Yes 0 No 1 Absent Motion carried.

**Personnel:**

Motion by J. Phillips, and seconded by S. Wandell, for approval of resolutions 3-23-NC1, 3-23-NC2, 3-23-NC3 and 3-23-NC4

**3-23-NC1**

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby accepts the resignation of Patricia Carlin, Food Service Worker/Helper, effective March 17, 2023.

**ACCEPT RESIGNATION-  
FOOD SRVC WRKR/  
HELPER**

**3-23-NC2**

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby accepts the retirement resignation of Catherine Celiberti, Teacher Aide (Special Education), effective June 30, 2023.

**ACCEPT RETIREMENT  
RESIGN-TEACHER AIDE  
(SPEC ED)**

**3-23-NC3**

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby approves the appointment of Patricia Carlin, Substitute Food Service Worker/Helper, effective March 18, 2023.

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

**3-23-NC4**

RESOLVED, Upon the Recommendation of the Interim Superintendent of Schools, That the Board of Education hereby approves the appointment of Catherine Celiberti, Substitute Teacher Aide (Classroom, Special Education, Computer Lab, Cafeteria), effective July 1, 2023.

**APPR APPT SUB  
TEACHER AIDE (CLASS,  
SPEC ED, COMPUTER  
LAB, CAFÉ)**

Vote: 6 Yes 0 No 1 Absent Motion carried.

Privilege of the Floor: None.

**Board Matters:**

- Board of Education Meeting, Monday, March 27, 2023, 5:30 p.m. in the Library at Nathan T. Hall Elementary School, 86 Whig Street
- Board of Education Meeting, **THURSDAY**, April 6, 2023, 5:30 p.m. in the Richard H. Kerr Board Room, High School
- Board of Education Meeting, **TUESDAY**, April 18, 2023, 5:30 p.m. in the Richard H. Kerr Board Room, High School

**NEXT BOE MTG-3/27/23**

**BOE MTG**

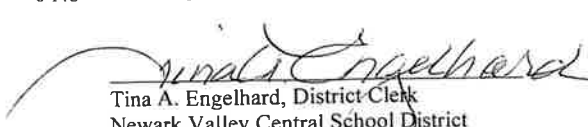
Motion by S. Watson, seconded by S. Wandell, for the Board to go into Executive Session at 6:21 p.m. for the purpose of discussing particular personnel.

Vote: 6 Yes 0 No 1 Absent Motion carried.

Motion by J. Phillips, seconded by S. Watson, for the Board to return to Regular Session at 6:48 p.m. Meeting adjourned at 6:48 p.m.

Vote: 6 Yes 0 No 1 Absent Motion carried.

March 13, 2023

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