

**ELMIRA CITY SCHOOL DISTRICT
ELMIRA, NEW YORK**

SPECIAL MEETING OF THE BOARD OF EDUCATION

**EFA – Community Room
933 Hoffman Street
Elmira, NY 14905**

March 26, 2008

6:00 pm Meeting

**MEETING CALLED TO
ORDER**

Board President Hurley called the Special Meeting of the Board of Education to order at 6:00 p.m. and opened with the Pledge of Allegiance to the Flag.

ATTENDANCE

Present: Michael Crimmins, Lynn Grottenthaler, Dan Hurley, Robin Long, Rodney Strange, Ethel Stroman, Mary Beth Turner, Roberts Wood

Absent: Board Member Anthony Fisher, Alternative High School Student Representative Shayna Perry, Elmira Free Academy Student Representative Kathleen Denicola, Southside High School Student Representative Katelynn Cooper

Others: Dr. Raymond Bryant, David Gleason, Joseph Hochreiter, Christine Mecke, Robert Van Keuren

**APPROVAL OF
AGENDA**

Mr. Crimmins moved, seconded by Ms. Grottenthaler that the Board approve the agenda as presented.

Motion Carried:

Yes: Crimmins, Grottenthaler, Hurley, Long, Strange, Stroman
Turner, Woods

No: None

Absent: Fisher

BUDGET DISCUSSION

Dr. Bryant stated that the proposal that will be presented to the Board this evening will be to present a zero percent tax increase to the public. The items that will be removed from the budget so that the district will have no increase in the tax levy are:

- Furniture-\$394,000
- Trailers at Hendy-\$75,000
- Full Time District Clerk-\$24,000
- 4th Assistant Principal at Elmira Free Academy-\$25,000
- Assistant Principal at Pine City-\$77,000
- Alternative High School Aides-\$12,000

- District Retirements-\$74,000

NEW BUSINESS

Mr. Crimmins moved, seconded by Mr. Woods that the Board approve the EFA Art Students field trip to Saratoga Springs, NY on April 1, 2008.

Motion Carried:

Yes: Crimmins, Grottenthaler, Hurley, Long, Strange, Stroman
Turner, Woods

No: None

Absent: Fisher

CONSENT ITEMS

Approval of Propositions to
Appear on the 2008-09
Election Ballot

Mr. Strange moved, seconded by Mr. Crimmins that the Board approve the propositions to appear on the 2008-09 Election Ballot.

Proposition #1: **APPROVAL OF BUDGET**

Shall the following resolution be adopted?

RESOLVED, that the proposed \$113,323,000 General Fund Budget of the Elmira City School District, Chemung County, New York for 2008-09 be approved in accordance with Section 2022 of the Education Law and that the balance of said budget after applying public monies thereto, be raised by a tax upon the taxable property of said district.

Proposition #2: **SCHOOL BUS PURCHASE**

Shall the following resolution be adopted?

Shall the bond resolution of the Board of Education of the City of Elmira, Chemung County, New York, dated and duly adopted on March 26, 2008, which (1) authorizes the Board of Education of the Elmira City School District (the "School District") to undertake the acquisition of school buses, vans and station wagons for the purpose of providing student transportation, including original equipment and incidental expenses for the foregoing purpose; (2) states the estimated aggregate maximum cost of said purpose as an amount not to exceed \$667,000; (3) determines the period of probable usefulness thereof; (4) contains an estoppel clause and provides for the publication of an estoppel notice; and (5) provides that such obligations may be issued by the School District in excess of the constitutional debt limit of the

School District pursuant to applicable law, be approved?

Motion Carried:

Yes: Crimmins, Grottenthaler, Hurley, Long, Strange, Stroman
Turner

No: Woods

Absent: Fisher

**BOND RESOLUTION
BUS ACQUISITION PROJECT**

A special meeting of the Elmira City School District (the "School District") was convened in public session in the offices of the School District located in the Community Room at Elmira Free Academy at 933 Hoffman Street, Elmira, New York on March 26, 2008 at 6:00 o'clock p.m., local time.

The meeting was called to order by the Board President and, upon roll being called, the following members of the School District were:

PRESENT:

Daniel P. Hurley	President
Michael J. Crimmins	Vice President
Anthony Fisher, Jr.	Board Member-ABSENT
Lynn Grottenthaler	Board Member
Robin R. Long	Board Member
Rodney Strange	Board Member
Ethel Stroman	Board Member
Mary Beth Turner	Board Member
Robert Woods	Board Member

ABSENT: Anthony Fisher, Jr.

THE FOLLOWING PERSONS WERE ALSO PRESENT: Dr. Raymond Bryant, David Gleason, Joseph Hochretier, Christine Mecke, Robert Van Keuren

The following resolution was offered by Mr. Strange seconded by Mrs. Crimmins, to wit:

Resolution No. E-1

BOND RESOLUTION DATED MARCH 26, 2008

A RESOLUTION AUTHORIZING THE ACQUISITION OF SCHOOL BUSES, VANS AND STATION WAGONS, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$667,000 OF THE ELMIRA CITY SCHOOL DISTRICT, CHEMUNG COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE PRESIDENT OF THE BOARD OF EDUCATION.

BE IT RESOLVED, by the Board of Education of the Elmira City School District, Chemung County, New York (the "School District") (by the favorable vote of not less than three-fifths of all members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of school buses, vans and station wagons for the purpose of providing student transportation, including original equipment and incidental expenses relating to such acquisition and the financing thereof for the foregoing purpose. The estimated maximum cost of said purpose will not exceed \$667,000.

SECTION 2. The Board of Education plans to finance the School District's maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$667,000 of the School District and the issuance of such bonds is hereby authorized pursuant to the Local Finance Law. The School District will provide for the payment of the principal of and interest on any bonds issued to finance said purpose by the levying of a tax on the real property of the School District, such tax to be paid in annual installments as approved by the qualified voters of the School District voting at an annual meeting of the School District, to be held and conducted on May 20, 2008.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 29 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is five (5) years.

SECTION 4. The faith and credit of said School District are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said School District, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 5. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties

of the Board of Education pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the President of the Board of Education, the chief fiscal officer of the School District.

SECTION 6. The President of the Board of Education is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 7. The President of the Board of Education is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 8. The School District hereby determines that the acquisition of school buses, van and station wagons is a Type II action that will not have a significant effect on the environment and, therefore, no other determinations or procedures under the State Environmental Quality Review Act ("SEQR") are required.

SECTION 9. The expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Unappropriated General Fund of the School District and is hereby authorized pursuant to Section 165.10 of the Local Finance Law. The School District then reasonably expects to reimburse a portion of such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the School District's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) (a) Such obligations are authorized for an object or purpose for which said School District is not authorized to expend money, or
- (b) 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 days after the date of such publication; or

- (2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Clerk of the School District is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the Elmira Star Gazette, a newspaper having a general circulation in said School District and hereby designated as the official newspaper of said School District for such publication.

SECTION 12. This resolution shall take effect immediately upon the adoption of a proposition approving this resolution at a special or annual school district meeting held in accordance with Articles 41 and 53 of the Education Law.

SECTION 13. The School District shall make application to the Board of Regents and the State Comptroller for consent to issue the obligations authorized hereby in excess of the constitutional debt limit of the School District pursuant to Section 104.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Daniel P. Hurley	VOTING	Yes
Michael J. Crimmins	VOTING	Yes
Anthony Fisher, Jr.	VOTING	Absent
Lynn Grottenthaler	VOTING	Yes
Robin R. Long	VOTING	Yes
Rodney Strange	VOTING	Yes
Ethel Stroman	VOTING	Yes
Mary Beth Turner	VOTING	Yes
Robert Woods	VOTING	No

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

- (1) She is the duly qualified and acting Clerk of the City School District of the City of Elmira, New York (hereinafter called the "School District") and the custodian of the records of the School District, including the minutes of the proceedings of the Board of Education; and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Board of Education held on the 26th day of March, 2008, and entitled:

A RESOLUTION AUTHORIZING THE ACQUISITION OF SCHOOL BUSES, VANS AND STATION WAGONS, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$667,000 OF THE ELMIRA CITY SCHOOL DISTRICT, CHEMUNG COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE PRESIDENT OF THE BOARD OF EDUCATION.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the School District. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board of Education was present throughout said meeting, and a legally sufficient number of members (3/5 of the Board of Education) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the School District and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 26th day of March, 2008.

(SEAL)

Janet Watson
School District Clerk

NOTICE OF BOND RESOLUTION

NOTICE IS HEREBY GIVEN that the resolution published herewith has been adopted by the Board of Education of the Elmira City School District, Chemung County on the 26th day of March, 2008 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

- (1) (a) such obligations were authorized for an object or purpose for which the Elmira City School District is not authorized to expend money or
- (b) the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice; or

- (2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF RESOLUTION

The following is a summary of a resolution adopted by the Board of Education of the Elmira City School District on March 26, 2008. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$667,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the acquisition of school buses, vans and station wagons. The period of probable usefulness for said purpose is five (5) years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the School District Clerk, located in the Elmira City School District Business Office, Elmira, New York.

FORM OF PROPOSITION

Shall the following resolution be adopted?

Shall the Bond Resolution of the Board of Education of the Elmira City School District, Chemung County, New York, dated and duly adopted on March 26, 2008, which (1) authorizes the Board of Education of the Elmira City School District (the "School District") to undertake the acquisition of school buses, vans and station wagons for the purpose of providing student transportation, including original equipment and incidental expenses for the foregoing purpose; (2) states the estimated aggregate maximum cost of said purpose as an amount not to exceed \$667,000; (3) determines the period of probable usefulness thereof; (4) contains an estoppel clause and provides for the publication of an estoppel notice; and (5) provides that such obligations may be issued by the School District in excess of the constitutional debt limit of the School District pursuant to applicable law, be approved?

Contract for External
Evaluator for FLYERS
Mentoring Grant

Mrs. Long moved, seconded by Mr. Crimmins that the Board approve the contract with Dr. Dean T. Spaulding.

Motion Carried:

Yes: Crimmins, Grottenthaler, Hurley, Long, Strange, Stroman
Turner, Woods

No: None

Absent: Fisher

**BOARD MEMBER
ANNOUNCEMENT**

Mr. Woods announced that he would not seek re-election as Board member for the May 2008 election.

ADJOURNMENT

Mrs. Long moved, seconded by Ms. Stroman that the meeting be adjourned. (6:12 p.m.)

Motion Carried:

Yes: Crimmins, Grottenthaler, Hurley, Long, Strange, Stroman
Turner, Woods

No: None

Absent: Fisher

Janet M. Watson
Board Clerk