

Center Moriches Union Free School District

BOARD OF EDUCATION
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BOARD OF EDUCATION MEETING AGENDA

REGULAR MEETING OF JUNE 1, 2011

PUBLIC AGENDA

PUBLIC SESSION 7 p.m.

1. **Pledge of Allegiance**
2. **Superintendent's Report**
➤ 2010 School Report Card – Lynda Adams
3. **Legislative Report**
4. **Public Question & Comment Period**
5. **Minutes** – Regular Meeting of May 18, 2011

PERSONNEL SECTION

6. **Rescind Action**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of Education **rescinds** its April 27, 2011, action as follows:

Excess - abolishes the following positions effective at the close of business on June 30, 2011:

| NAME | TENURE AREA | FTE/POSITION |
|------------------|--------------------|--------------|
| Jodi Cameron | Physical Education | 1.0 |
| Allison Petretti | Science | 0.2 |
| Kiera Gaudio | Social Studies | 0.2 |

Final impact of this action is the return to employment of Ms. Cameron to 1.0 FTE (Physical Education), Ms. Petretti to 0.8 FTE (Science); and Ms. Gaudio to 0.6 (Social Studies).

7. **Abolition of Position**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of Education approves the abolition of the following position from the 2011-2012 budget (effective at the close of business on June 30, 2011):

| Position | Name | FTE |
|----------------------|-------------|------------|
| Custodial Worker III | Frank Paone | 1.0 |

8. **Resignations**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the following resignations:

| Name | Position | Effective Date (At the Close of Business) |
|--------------------|--------------------------------|------------------------------------------------------|
| Mary Calise | Monitor Elementary | 05/23/11 |
| Kathy Lane | Paraprofessional Elementary | 05/20/11 |

9. **Substitutes: 2010-2011 School Year**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of Education appoints the following individuals as substitutes for the 2010-2011 school year, as follows:

| Name | Type/Building | Effective Date |
|---------------------|-------------------------------------------------------------|-----------------------|
| Teresa Nolan | Per Diem Substitute Elementary & Secondary (adjusted) | 06/01/11-06/30/11 |

FISCAL SECTION

10. **Contract**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of Education approves the following contract in accordance with the terms and conditions of the contract, as well as at the established cost contained in said contract:

Special Education Services Contract (Riverhead CSD) – 07/01/10-06/30/11.

11. **Memorandum of Agreement – International Brotherhood of Teamsters**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of education approves the following Memorandum of Agreement between the Center Moriches Union Free School District and Local 237, International Brotherhood of Teamsters:

11. **Memorandum of Agreement – International Brotherhood of Teamsters (continued)**

Appendix B (07/01/08 – 06/30/11).

12. **Monthly Activity Report**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of Education approves the Activity Treasurer's Report for the months of March and April 2011.

13. **Treasurer's Report**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of Education approves the Treasurer's Report for the month of April 2011.

14. **Tax Anticipation Notes (TANS) Authorization**

The Superintendent of Schools recommends that the Board of Education authorize Tax Anticipation Notes so that funds will be available for the new fiscal year, which starts July 1, 2011. Following a discussion, School Board President **McHeffey** calls for a resolution:

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools;

WHEREAS, the Center Moriches Union Free School District (the "school district"), a school district of the State of New York, located in the County of Suffolk, desires to issue tax anticipation notes in anticipation of the collection of real estate taxes to be levied in the school district for its 2011-2012 fiscal year.

WHEREAS, \$_____ of such real estate taxes levied in the school district's 2011-2012 fiscal year have been collected as of the date hereof, leaving approximately \$20,144,026 of such real estate taxes uncollected in such fiscal year; and

WHEREAS, no tax anticipation notes have been authorized or issued in anticipation of the collection of such real estate taxes in such fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CENTER MORICHES UNION FREE SCHOOL DISTRICT, COUNTY OF SUFFOLK, STATE OF NEW YORK, AS FOLLOWS:

Section 1. There are hereby authorized to be issued tax anticipation notes of the school district in the aggregate principal amount not to exceed \$13,000,000, pursuant to the Local Finance Law, in anticipation of the collection of real estate taxes to be levied in and for the school district in its 2011-2012 fiscal year, provided, however, that no such notes shall be issued under this resolution at any time in any amount which exceeds the "cumulative cash-flow deficit" within the meaning of the applicable Internal Revenue Code regulations, with respect to such notes. Such notes shall be designated the "Center Moriches Union Free School District, New York Tax Anticipation Notes, Series 2011" (the "Notes").

14. **Tax Anticipation Notes (TANS) Authorization (continued)**

Section 2. The Notes shall be dated, shall mature, shall be in such denominations and shall bear interest at the rate or rates of interest per annum, determined at the time of the sale of the Notes by the school district of President of the Board of Education at a public or private sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3. The Board of Education of the school district has ascertained and hereby states that (a) \$20,144,026 of such real estate taxes remain uncollected as of the date hereof for the 2011-2012 fiscal year of the school district; (b) no tax anticipation notes have heretofore been authorized or issued in anticipation of the collection of real estate taxes for such fiscal year; (c) no amount has been included in the annual budget of the school district for such fiscal year to offset, in whole or in part, any anticipated deficiency in the collection during such fiscal year of real estate taxes levied for such fiscal year; (d) all of the proceeds of the sale of the Notes will be expended within one year of the date of issuance of the Notes; (e) pursuant to Section 24.00 of the Local Finance Law, the Notes shall mature within one year of the date of their issuance and in no event shall the Notes, or any renewals thereof, extend beyond five years from the date of their original issuance and (f) all earnings from the proceeds of the Notes, if any, shall be applied for payment of interest on the Notes when due and payable, or for the payment of other governmental purposes of the school district within the meaning of the United States Treasury Regulations or other such regulations in effect or proposed on the date of issuance of the Notes.

Section 4. Pursuant to the provisions of the Local Finance Law, including Sections 30.00, 50.00, and 56.00 to 60.00, inclusive, the power to sell, issue and deliver and the power to prescribe the terms, form and contents of the Notes, including any renewals thereof, are hereby delegated to the President of the Board of Education, as the chief fiscal officer of the school district. The President of the Board of Education is hereby authorized to execute the Notes on behalf of the school district and the School District Clerk is hereby authorized to impress the seal of the school district (or to have imprinted a facsimile thereof) on the Notes and to attest such seal. The President of the Board of Education is hereby authorized to deliver the Notes to the purchaser thereof upon payment and receipt in full of the purchase price thereof.

Section 5. 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 the Notes as the same shall become due.

Section 6. The President of the Board of Education is hereby directed to file with the Board of Education of the school district certificates reporting the date of the Notes, the date the Notes mature, the rate or rates of interest payable on the Notes, the purchaser of the Notes, and a statement to the effect that the power of the President of the Board of Education to sell, issue and deliver the Notes, or any renewals thereof, is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Notes, and such other certificates as may be delivered to the purchaser of the Notes.

Section 7. The school district covenants for the benefit of the holders and beneficial owners of the Notes that it will not make any use of the proceeds of the Notes, and any funds reasonably expected to be used to pay the principal of or interest on the Notes, or any other funds of the school district, which would cause the interest on the Notes to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code")

14. **Tax Anticipation Notes (TANS) Authorization (continued)**

(except for the federal 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 the Notes or the proceeds thereof, if such action or omission would cause the interest on the Notes to become subject to federal income taxation under the Code (except for the federal 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 Notes or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof.

Section 8. For the benefit of the holders and beneficial owners from time to time of the Notes, the school district agrees, in accordance with and as an obligated person with respect to the Notes under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, 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 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 Notes 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 the costs the school district would be required to incur to perform thereunder. The President of the Board of Education, acting on behalf of the school district, 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 and shall be entitled to rely upon any legal advice provided by the school district attorney and such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 9. This resolution shall take effect immediately upon its adoption by the Board of Education of the school district.

14. **Tax Anticipation Notes (TANS) Authorization (continued)**

| | | | |
|---------------------|-----------|----------|--------------|
| Daniel Finnegan | _____ Yes | _____ No | _____ Absent |
| Thomas R. Hogan | _____ Yes | _____ No | _____ Absent |
| Joseph W. McHeffey | _____ Yes | _____ No | _____ Absent |
| Wendy R. Turkington | _____ Yes | _____ No | _____ Absent |
| Wayne A. Vitale | _____ Yes | _____ No | _____ Absent |

MISCELLANEOUS SECTION15. **First Policy Reading**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of Education conducts a first reading of the following policy:

School District Standards & Guidelines for Web Page Publishing (Policy #3120) – no CM policy;

Budget Transfers (Policy #5330) – replaces CM Policy DBK;

School Food Service Program (Lunch & Breakfast) (Policy #5660);

Independent Educational Evaluations (Policy #7680) – no CM policy; and

Children’s Internet Protection Act: Internet Content Filtering/Safety (Policy #8271) – no CM policy.

16. **Third Policy Reading and Adoption**

RECOMMENDED ACTION: that upon the recommendation of the Superintendent of Schools, the Board of Education conducts a third reading of the following policies and subsequently moves to adopt the policies:

Impartial Due Process Hearings/Selection of Impartial Hearing Officers (Policy #7670) – no CM policy.

17. **Stage 3 CMTA Grievance**

The Board of Education will review the Stage 3 grievance by a particular CMTA employee.

18. **Adjournment**

It is likely that the Board of Education will move to enter into Executive Session immediately upon adjournment of Public Session.

NOTE: ADDITIONAL ITEMS MAY BE ADDED TO THIS AGENDA.