

Center Moriches Union Free School District

BOARD OF EDUCATION
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Wendy R. Turkington, Vice President
Daniel Finnegan
Thomas R. Hogan
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REGULAR MEETING BOARD OF EDUCATION

CENTER MORICHES, NY
JUNE 1, 2011

The Board of Education, Center Moriches Union Free School District, held a Regular Meeting in the Board Room on Wednesday, June 1, 2011 at 7:00 p.m. Those present were Board Members Joseph W. McHeffey, Wendy R. Turkington, Daniel P. Finnegan, Thomas R. Hogan and Wayne A. Vitale; Superintendent Russell J. Stewart, Deputy Superintendent Lynda G. Adams, Business Official Carol M. Perkins, District Treasurer Diane M. Smith and District Clerk Patricia A. Galletta.

President McHeffey called the meeting to order at 7:05 p.m. with the Pledge of Allegiance. There were 50 visitors present.

1. **Superintendent's Report**

➤ 2010 School Report Card – Deputy Superintendent Lynda Adams made a presentation to the Board highlighting the results of the 2010 School Report and plans for continued future improvement.

2. **Minutes** – On motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to approve the following minutes as submitted:

Regular Meeting of May 18, 2011

PERSONNEL SECTION

3. **Rescind Action**

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to **rescind** 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).

4. Abolition of Position

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to approve 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

5. Resignations

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to accept 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

6. Substitutes: 2010-2011 School Year

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to appoint the following individuals as substitutes for the 2010-2011 school year, as follows:

Name	Type/Building	Effective Date	Stipend
Teresa Nolan	Per Diem Substitute - Elementary & Secondary (adjusted)	06/01/11-06/30/11	\$50/day

FISCAL SECTION

7. Contract

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to approve 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.

8. Memorandum of Agreement – International Brotherhood of Teamsters

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to approve the following Memorandum of Agreement between the Center Moriches Union Free School District and Local 237, International Brotherhood of Teamsters:

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

Appendix B (07/01/08 – 06/30/11).

9. **Monthly Activity Report**

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to approve the Activity Treasurer’s Report for the months of March and April 2011.

10. **Treasurer’s Report**

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to approve the Treasurer’s Report for the month of April 2011.

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

Upon the recommendation of the Superintendent of Schools and on motion by Mrs. Turkington, seconded by Mr. Vitale and approved 5-0, the Board of Education voted to approve the following resolution:

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, \$ 0 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”).

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.

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

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") (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.

11. Tax Anticipation Notes (TANS) Authorization (continued)

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 hereunder. 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.

Daniel Finnegan	<u> x </u> Yes	<u> </u> No	<u> </u> Absent
Thomas R. Hogan	<u> x </u> Yes	<u> </u> No	<u> </u> Absent
Joseph W. McHeffey	<u> x </u> Yes	<u> </u> No	<u> </u> Absent
Wendy R. Turkington	<u> x </u> Yes	<u> </u> No	<u> </u> Absent
Wayne A. Vitale	<u> x </u> Yes	<u> </u> No	<u> </u> Absent

MISCELLANEOUS SECTION

12. First Policy Reading

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to conduct a first reading of the following policy:

12. **First Policy Reading (continued)**

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

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to table a first reading of the following policy:

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

13. **Third Policy Reading and Adoption**

Upon the recommendation of the Superintendent of Schools, and on motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to conduct a third reading of the following policies and subsequently move to adopt the policies:

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

14. **Stage 3 CMTA Grievance (Joan Volpi)**

On motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to adjourn a decision on the CMTA Stage 3 grievance by teacher Joan Volpi pending an appearance or a written presentation by Mrs. Volpi.

On motion by Mrs. Turkington, seconded by Mr. Vitale and carried 5-0, the Board of Education voted to go into Executive Session at 9:09 p.m.

The Regular Meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Patricia A. Galiotta
District Clerk