

**Board of Education
LANCASTER CENTRAL SCHOOL DISTRICT
Lancaster, New York**

MINUTES

January 7, 2019

Regular Session

William Street School, 5201 William Street, Lancaster, NY

Patrick Uhteg, President	Glenn Jackson, Trustee
Bill Gallagher, Vice President	Sue Metz, Trustee
Shannon Cohen, Trustee	Mike Sage, Trustee
Jill Fecher, Trustee	

Michael Vallely, PhD, Superintendent of Schools
Jamie Phillips, Asst. Superintendent for Business & Support Services
Andrew Kufel, PhD, Asst. Superintendent for Curriculum, Instruction and Pupil Personnel Services
John Armstrong, Director of Special Education
Andrew Krazmien, Director of Secondary Education
Karen Marchioli, Director of Elementary Education
Michele Ziegler, Director of Instructional Technology & Accountability

District residents, staff members, students, and media representatives.

The regular meeting of the board of education was called to order at 7:00pm by President Uhteg. The pledge to the flag was recited and Mr. Uhteg asked for a moment of silent reflection.

Mrs. Stacy Conti, assistant principal at William Street School spoke about the student mentor program and how it supports students in need of increasing their achievement.

No correspondence was received.

MOVED by Fecher SECONDED by Jackson to accept the minutes from the regular session held on December 3, 2018, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

MOVED by Sage SECONDED by Cohen to accept the minutes from the capital project vote held on December 11, 2018, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

Lancaster Administrative and Supervisory Association:

MEETING DATE

KIND

PLACE

MEMBERS PRESENT

DISTRICT ADMINISTRATORS

OTHERS PRESENT

1.0 CALL TO ORDER
2.0 PLEDGE TO FLAG
3.0 MOMENT OF SILENCE

4.0 PRESENTATIONS
4.1 MENTOR PROGRAM AT
WILLIAM STREET
SCHOOL – STACY CONTI

5.0 CORRESPONDENCE

6.0 APPROVAL OF MINUTES
6.1 REGULAR SESSION –
DECEMBER 3, 2018

6.2 CAPITAL PROJECT VOTE –
DECEMBER 11, 2018

7.0 STAFF ORGANIZATIONS

Mrs. Bull wished everyone a Happy New Year and thanked the community for support of the capital project.

Lancaster Central Teachers Association:

Mr. Kirsch echoed the sentiments of LASA, recognized teacher mentors at William Street, and for charitable work accomplished during the holiday season.

Lancaster Association of Service Personnel:

No one present to report.

Lancaster Association of Substitute Teachers:

No one present to report.

No reports from the board members.

Dr. Vallely presented his administrative report.

No old business was discussed.

MOVED by Cohen SECONDED by Fecher to approve the personnel changes for the period ending January 7, 2019, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

MOVED by Gallagher SECONDED by Sage to approve recommendations of the committee on special education, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

MOVED by Cohen SECONDED by Fecher to approve recommendations of the committee on preschool special education, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

MOVED by Sage SECONDED by Gallagher to approve the financial reports, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

MOVED by Metz SECONDED by Cohen to adopt policy #7512 Student Physicals for inclusion in the district’s policy manual, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

8.0 BOARD REPORTS

9.0 SUPERINTENDENT’S ADMINISTRATIVE REPORT

10.0 OLD BUSINESS

11.0 NEW BUSINESS

11.1 PERSONNEL ITEMS

11.1.1 PERSONNEL CHANGES

11.2 EDUCATION ITEMS

11.2.1 COMMITTEE ON SPECIAL EDUCATION

11.2.2 COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

12.0 BUSINESS & FINANCIAL ITEMS

12.1 FINANCIAL REPORTS

12.2 POLICY ADOPTION #7512 STUDENT PHYSICALS

12.3 POLICY ADOPTION #7522 CONCUSSION MANAGEMENT

MOVED by Fecher SECONDED by Cohen to adopt policy #7522 Concussion Management for inclusion in the district’s policy manual, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.4 POLICY ADOPTION #7260
DESIGNATION OF PERSON
IN PARENTAL RELATION

MOVED by Gallagher SECONDED by Cohen to adopt policy #7260 Designation of Person in Parental Relation for inclusion in the district’s policy manual, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.5 POLICY ADOPTION #7222
DIPLOMA OR
CREDENTIAL OPTIONS
FOR STUDENTS WITH
DISABILITIES

MOVED by Gallagher SECONDED by Metz to adopt policy #7222 Diploma or Credential Options for Students with Disabilities for inclusion in the district’s policy manual, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.6 POLICY ADOPTION #5140
ADMINISTRATION OF
BUDGET

MOVED by Sage SECONDED by Fecher to adopt policy #5140 Administration of Budget for inclusion in the district’s policy manual, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.7 POLICY ADOPTION #6213
REGISTRATION AND
PROFESSIONAL
DEVELOPMENT

MOVED by Cohen SECONDED by Gallagher to adopt policy #6213 Registration and Professional Development for inclusion in the district’s policy manual, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.8 POLICY 2ND READING –
#5413 PROCUREMENT:
UNIFORM GRANT
GUIDANCE FOR FEDERAL
AWARDS

Policy #5413 Procurement: Uniform Grant Guidance for Federal Awards was presented to the board for a second reading. This policy will be placed on the next board agenda for adoption.

12.9 POLICY 2ND READING –
#7133 EDUCATION OF
STUDENTS IN FOSTER
CARE

Policy #7133 Education of Students in Foster Care was presented to the board for a second reading. This policy will be placed on the next board agenda for adoption.

12.10 FOOD SERVICE
DEPARTMENT

MOVED by Gallagher SECONDED by Metz to approve the food service department operating system reports for November 2018, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.11 CONTRACT: ENCORUS
GROUP

MOVED by Cohen SECONDED by Gallagher to approve the agreement between the Lancaster Central School District and Encorus Group, for commissioning services during Phase 6D and 7A of the capital improvement project at the high school in the estimated amount of \$13,000, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.12 CONTRACT: CAROLYN
LOKKEN

MOVED by Fecher SECONDED by Cohen to approve the agreement between the Lancaster Central School District and Carolyn Lokken for an estimated total cost not to exceed \$3,325, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.13 CONTRACT: CLARENCE
CSD

MOVED by Sage SECONDED by Jackson to approve the agreement between the Lancaster Central School District and Clarence Central School District, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.14 CONTRACT: CLEVELAND
HILL UFSB

MOVED by Sage SECONDED by Jackson to approve the agreement between the Lancaster Central School District and Cleveland Hill Union Free School District, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.15 CONTRACT: IBC
ENGINEERING, P.C.

MOVED by Fecher SECONDED by Gallagher to approve the contract between the Lancaster Central School District and IBC Engineering, P.C. for commissioning services during Phase 7B of the capital improvement project at the high school in the amount of \$27,900, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.16 BID ADJUSTMENT –
PICONE CONSTRUCTION
CO.

MOVED by Jackson SECONDED by Cohen to approve the amended bid to Picone Construction Company, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.17 SURPLUS EQUIPMENT

MOVED by Gallagher SECONDED by Metz to declare the attached listing of equipment as surplus and prepare for disposal according to board policy #5250, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.18 AIA CONTRACT: ARRIC CORPORATION

MOVED by Fecher SECONDED by Gallagher to approve the contract between the Lancaster Central School District and Arric Corporation in the amount of \$954,112 for Phase 7B2 of the capital project, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.19 AIA CONTRACT: PICONE CONSTRUCTION CORPORATION

MOVED by Fecher SECONDED by Gallagher to approve the contract between the Lancaster Central School District and Picone Construction Corporation in the amount of \$1,235,500 for Phase 7B2 of the capital project, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.20 AIA CONTRACT: FSR CONTRACTING INC.

MOVED by Fecher SECONDED by Gallagher to approve the contract between the Lancaster Central School District and FSR Contracting Inc. in the amount of \$339,000 for Phase 7B2 of the capital project, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.21 AIA CONTRACT: ACTION ROOFING, INC.

MOVED by Fecher SECONDED by Gallagher to approve the contract between the Lancaster Central School District and Action Roofing, Inc. in the amount of \$302,450 for Phase 7B2 of the capital project, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.22 AIA CONTRACT: ROCHESTER DAVIS FETCH CORPORATION

MOVED by Fecher SECONDED by Gallagher to approve the contract between the Lancaster Central School District and Rochester Davis Fetch Corporation in the amount of \$1,205,000 for Phase 7B2 of the capital project, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.23 AIA CONTRACT: MKS PLUMBING CORPORATION

MOVED by Fecher SECONDED by Gallagher to approve the contract between the Lancaster Central School District and MKS Plumbing Corporation in the amount of \$237,000 for Phase 7B2 of the capital project, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.24 AIA CONTRACT: JOHN
W. DANFORTH
COMPANY

MOVED by Fecher SECONDED by Gallagher to approve the contract between the Lancaster Central School District and John W. Danforth Company in the amount of \$4,845,000 for Phase 7B2 of the capital project, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.25 AIA CONTRACT:
GOODWIN ELECTRIC
CORPORATION

MOVED by Fecher SECONDED by Gallagher to approve the contract between the Lancaster Central School District and Goodwin Electric Corporation in the amount of \$986,200 for Phase 7B2 of the capital project, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.26 CHANGE ORDERS

MOVED by Sage SECONDED by Gallagher to approve Phase 6C change orders CO-00020 and CO-00025, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays
MOTION APPROVED.

12.27 BOND RESOLUTION

BOND RESOLUTION OF THE BOARD OF EDUCATION OF THE LANCASTER CENTRAL SCHOOL DISTRICT, ERIE COUNTY, NEW YORK (THE “DISTRICT”) AUTHORIZING THE ISSUANCE OF \$72,100,000 IN SERIAL BONDS OF THE DISTRICT TO FINANCE A CAPITAL IMPROVEMENT PROJECT

WHEREAS, the qualified voters of the Lancaster Central School District, Erie County, New York (the “District”), at a special meeting thereof held on December 11, 2018, approved a proposition (the “Proposition”) authorizing the Board of Education (the “Board”) of the District to undertake a district-wide capital improvement project (the “Project”) consisting of (i) alterations, renovations and improvements to Lancaster High School, Lancaster Middle School, Court Street Elementary School, Como Park Elementary School, Hillview Elementary School, John A. Sciole Elementary School, the William Street Elementary School and the transportation building located at 295 Pleasant View Drive, including in each case, site improvements for various school purposes and other appurtenant and related improvements, and (ii) the acquisition and installation in and around the foregoing buildings, facilities and improvements of original furnishings, equipment, machinery, apparatus, and other services incidental thereto (collectively, the “Project”), all at a total estimated total cost not to exceed \$77,100,000; with such cost being raised by (a) the expenditure of \$5,000,000 from the District’s existing General Capital Reserve Fund-2018, established pursuant to a proposition approved by the qualified voters of the District on May 15, 2018, (b) the expenditure of up to \$500,000 expected to be donated to the District by the Lancaster Educational Alumni Foundation (“LEAF”) to contribute to the cost of the Project, and (c) with the balance thereof, in an amount not to

exceed \$72,100,000, reduced by the aggregate dollar amount of such donation actually received by the District from LEAF (not in excess of \$500,000), or so much thereof as may be necessary, being raised by a tax upon the taxable property of said District to be levied and collected in annual installments in such amounts and in such years as may be determined by the Board as provided in Section 416 of the Education Law, with such tax to be partially offset by State aid available therefore, and in anticipation of such tax, by obligations of said District as may be necessary; and

WHEREAS, the Board of Education of the District, acting as lead agency under the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation adopted thereunder (6 NYCRR Part 617) (collectively, “SEQRA”) on October 18, 2018, determined that (i) the actions and improvements included in the Project constitute a “Type I” action pursuant to the provisions of SEQRA, (ii) the Board assumed lead agency status for purposes of conducting a coordinated review of the Project for purposes of SEQRA, (iii) the Project will not have a significant adverse impact on the environment and issued a “Negative Declaration” under SEQRA to such effect, (iv) notice of such Negative Declaration shall be filed and/or published in accordance with the requirements of SEQRA, and (v) the requirements of SEQRA applicable to the Project have been satisfied; and

WHEREAS, the Board now intends to appropriate funds for the Project and to authorize the issuance of serial bonds and bond anticipation notes of the District to finance said appropriation.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE LANCASTER CENTRAL SCHOOL DISTRICT, ERIE COUNTY, NEW YORK, HEREBY RESOLVES (by the favorable vote of at least two-thirds of all the members of such Board), AS FOLLOWS:

SECTION 1. The District is hereby authorized to undertake the Project (as hereinabove described), and to issue up to \$72,100,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance a portion of the estimated cost of said specific object or purpose, or bond anticipation notes in anticipation of such bonds.

SECTION 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$77,100,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$5,000,000 from the District’s existing General Capital Reserve Fund-2018, as authorized by the Proposition, (ii) the expenditure of up to \$500,000 expected to be donated to the District by LEAF to contribute to the cost of the Project, (iii) the issuance of up to \$72,100,000 in serial bonds of the District, as authorized by Section 1 of this Resolution, or bond anticipation notes issued in anticipation thereof, and (iv) the application of State aid, and to the extent necessary, the levy and collection of taxes on the taxable real property of the District to pay the principal of said bonds or bond anticipation notes and the interest thereon as the same may become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness of the specific object or purpose for which bonds are authorized under this resolution is thirty (30) years, pursuant to subdivision 97. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the District, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The District shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds or bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of thereof shall be general obligations of the District, payable as to both principal and interest by a general tax upon all the real property within the District without legal or constitutional limitation as to rate or amount. The faith and credit of the District are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the District by appropriation for (a) the amortization and redemption of said bonds or bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the 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 obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes, including without limitation the determination of whether to issue bonds providing for substantially level or declining annual debt service, and all matters incidental thereto, and prescribing the terms, form and contents as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the such bonds, and the renewals of said bond anticipation notes, are hereby delegated to the President of the Board of Education, the chief fiscal officer of the District (the “President of the Board”). The delegation of authority to the President of the Board contained in this Section 6 shall include the authority to determine whether to issue and sell the bonds in a private sale to the Dormitory Authority of the State of New York (the “Dormitory Authority”) in accordance with Section 57.00(a) of the Law. In connection with, and in order to effectuate any such private sale of bonds to the Dormitory Authority pursuant to Section 57.00(a) of the Law, the President of the Board is hereby further authorized to execute one or more loan agreements,

financing agreements and/or any other agreements with or for the benefit of the Dormitory Authority, including any amendments thereto and any instruments, certificates or other documents in connection therewith. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other bond resolutions of the Board, then the power of the Board to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the President of the Board, as the chief fiscal officer of the District.

SECTION 7. The President of the Board is hereby further authorized to take such actions and execute such documents as may be necessary (i) to ensure the continued status of the interest on the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 1034 of the Internal Revenue Code of 1986, as amended (the “Code”) and (ii) to designate the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The President of the Board is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser or purchasers of the bonds or notes authorized herein in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The intent of this resolution is to give the President of the Board sufficient authority to execute those applications, agreements, instruments, certificates or to do any similar acts necessary, or in the opinion of the President of the Board advisable to effect the issuance of the bonds or bond anticipation notes authorized by this resolution without resorting to further action of the Board.

SECTION 10. In the absence of the President of the Board, the Vice President of the Board is hereby specifically authorized to exercise the powers delegated to the President of the Board in this resolution.

SECTION 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of such bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the District is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution or summary thereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 12. The District Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in the official newspaper(s) of the District for legal notices, together with a notice of the District in substantially the form provided in Section 81.00 of the Law.

SECTION 13. This resolution shall take effect immediately upon its adoption.

The following vote was taken and recorded in the public or open session of said meeting, which resulted as follows:

	AYES	NAYS
Patrick Uhteg	x	
Bill Gallagher	x	
Shannon Cohen	x	
Jill Fecher	x	
Glenn Jackson	x	
Sue Metz	x	
Michael Sage	x	

MOTION APPROVED.

MOVED by Fecher SECONDED by Jackson to approve the amendment to the 403(b) retirement plan document from the OMNI Group, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.28 CONTRACT
AMENDMENT: OMNI
GROUP

MOVED by Cohen SECONDED by Gallagher to authorize the proposed tax assessment challenge settlement agreement to 457 Niagara LLC, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.29 TAX CERTIORARI – 457
NIAGARA, LLC

MOVED by Fecher SECONDED by Cohen to accept the donation of classroom furniture from Eaton Office Supply valued at an estimated amount of \$10,000, as submitted.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

12.30 DONATION ACCEPTANCE
– EATON OFFICE SUPPLY

Mrs. Kate Tomasello, 73 Nichter Road, addressed the board regarding the district’s mental health curriculum.

13.0 PUBLIC HEARING

Mr. Uhteg announced the date of the next board meeting.

At 7:44pm MOVED by Sage SECONDED by Gallagher to move to executive session to discuss litigation case# 14-CV-0712, LCTA and LASA contract negotiations, and a particular personnel item.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

14.0 EXECUTIVE SESSION

REGULAR SESSION

BOARD OF EDUCATION MEETING – January 7, 2019

At 9:42pm MOVED by Fecher SECONDED by Sage to reconvene regular session.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

15.0 ADJOURNMENT

At 9:43pm MOVED by Jackson SECONDED by Cohen to adjourn the regular session.

VOTE ON THE MOTION: 7 Ayes 0 Nays

MOTION APPROVED.

Sandra A. Janik, District Clerk