

HORNELL CITY SCHOOL DISTRICT
120 RAIDER ROAD
HORNELL, NY 14843
BOARD OF EDUCATION SPECIAL MEETING
TENTATIVE AGENDA
MONDAY, OCTOBER 23, 2023 – 5:15 PM
HIGH SCHOOL LIBRARY

- I. Opening by the President
- II. Pledge of Allegiance
- III. Roll Call: Christopher Clark, Joseph Liberto, James Marino, Dr. Uzma Mehr, Meghann Khork, Joseph Liberto, Kerry Davis, Brian May
- IV. Agenda
 - A. Revisions
 - B. Approval
- V. Public Comment
- VI. Recommended Actions
 - A. Presentations: Proposed Capital Project
 - B. Reports: NA
 - C: Consent Agenda / Routine

Moved by _____, seconded by _____ to act upon the recommendation of Superintendent Palotti to approve the following Consent Agenda 1 through 9:

1. Approval of the minutes of the meeting of October 4, 2023
2. Approval of the Federal Budget Transfer Report of August 31, 2023
3. Approval of the General Fund Budget Transfer Reports of July 31, 2023, August 31, 2023 and September 30, 2023.
4. Approval of the Revenue Report of September 30, 2023.
5. Approval of the Appropriations Report of September 30, 2023.
6. Approval of the Treasurer's Report of September 30, 2023.
7. Approval of the Student Activities Report of September 30, 2023.
8. Approval of the Warrant Reports of September 30, 2023.
9. Resolved that the Board has no objections to the recommendations of the Committee on Special Education and approves the authorization of funds to the special education programs and services consistent with such recommendations for the CSE meetings of October 6, 10, 11, 12, 13, 18 and 20, 2023, the CPSE meeting of October 13, 2023 and the 504 meeting of October 10, 11 and 13, 2023.

AYE _____ NAY _____ ABSTAINED _____

D. Old Business

None

E. New Business

1. POLICY/PROCEDURE

a. Resolution Issuing SEQRA Negative Declaration for Proposed 2023 Capital Improvements Project

WHEREAS, the Hornell City School District (the "District") and its Board of Education (the "Board") propose to undertake 2023 Safety and Security Updates and Gym Reconstruction Project (the "Project") which includes various renovations and upgrades at Hornell High School and North Hornell Elementary School; and WHEREAS, a coordinated review of the Project has been conducted with the District/Board as the "lead agency" in accordance with the State Environmental Quality Review Act and its implementing regulations promulgated by the New York State Department of Environmental Conservation ("NYSDEC") (collectively "SEQRA"); and

WHEREAS, such review included consideration of the proposed Project, the SEQRA Environmental Assessment Form for the Project, the criteria for determining whether the Project will have a significant adverse impact on the environment as set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, coordination with agencies including the NYSDEC, the New York State Education Department, and the Dormitory Authority of the State of New York regarding its authorization of the expenditure of bond proceeds for the Project, and such other information deemed appropriate; and WHEREAS, the District/Board identified the relevant areas of environmental concern, took a hard look at these areas, and made a reasoned elaboration of the basis for its determination;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Hornell City School District that:

1. The District/Board is the lead agency for the review of the proposed Unlisted action which has undergone a coordinated review under SEQRA, and the proposed 2023 Safety and Security Updates and Gym Reconstruction Project will not result in a significant adverse impact on the environment.
2. The attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached Negative Declaration, and Parts 1, 2, and 3 of the Environmental Assessment Form are also incorporated herein by reference.
3. The Superintendent of the District is authorized to sign and file or have filed on behalf of the District/Board all documents necessary to comply with SEQRA.
4. This resolution is effective immediately.

b. Declaration of Necessity for Proposed Capital Project

BE IT RESOLVED THAT:

Pursuant to Education Law §2512(3), the Board of Education of the City School District of the City of Hornell, New York has determined the necessity for certain capital improvements consisting of additions to, and reconstruction of, school buildings and facilities, site and other incidental improvements, if any, deemed necessary in connection therewith and the acquisition of original furnishings, equipment and apparatus required in connection therewith for such construction and school use.

The necessity for the above is summarized as “Exhibit A” attached hereto and occurred as a result of deliberations by the Board of Education and its various committees during the _____, _____ and _____ school years, and is set forth in the minutes of the _____ and _____ Board of Education meetings. These plans were reviewed with the public at information sessions held on _____, _____, and _____.

c. Capital Project Bond Resolution

WHEREAS, the Board of Education, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on October 23, 2023, has duly adopted a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts;

NOW THEREFORE, BE IT RESOLVED by the favorable vote of not less than two-thirds of all of the members of the Board of Education of the City School District of the City of Hornell, New York (hereinafter, the “Hornell City School District”), as follows:

Section 1. The Hornell City School District shall undertake certain capital improvements to the School District’s existing school buildings and facilities, as more particularly described in Section 3 hereof, and as generally outlined to and considered by the voters of the School District at a special voter meeting on December 20, 2023.

Section 2. The Hornell City School District is hereby authorized to issue its General Obligation Serial Bonds in the aggregate principal amount of not to exceed \$18,140,000, pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein, and such amount is hereby appropriated therefore.

Section 3. The class of objects or purposes to be financed pursuant to this resolution (hereinafter referred to as “purpose”) is certain capital improvements consisting of construction and reconstruction of school buildings and facilities within the School District (each such building being a class “A” (fireproof and certain fire resistant) building as defined in Subdivision 11 of Paragraph a of Section 11.00 of said Local Finance Law), site improvements, and the acquisition of certain original furnishings, equipment, and apparatus and other incidental improvements required in connection therewith for such construction and school use.

Section 4. It is hereby determined and declared that (a) the aggregate maximum cost of said purpose, as estimated by the Board of Education, is \$30,215,000; and (b) the Hornell City School District’s plan to finance the cost of said purpose is (i) to provide \$12,075,000 from the existing capital reserve fund for such costs; and (ii) to provide up to \$18,140,000 from funds raised by the issuance of said Bonds and the Bond Anticipation Notes hereinafter referred to; and (c) no money has heretofore been authorized to be applied to the payment of the cost of said purpose.

Section 5. It is hereby determined that the purpose is one of the class of objects or purposes described in Subdivision 97 of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

Section 6. The Hornell City School District is hereby authorized to issue its Bond Anticipation Notes in the aggregate principal amount of not to exceed \$18,140,000, and is hereby authorized to issue renewals thereof, pursuant to the Local Finance Law of New York in order to finance the purpose in anticipation of the issuance of the above described Bonds.

Section 7. It is hereby determined and declared that (a) there are presently no outstanding Bond Anticipation Notes issued in anticipation of the sale of said Bonds, (b) the Bond Anticipation Notes authorized hereby shall mature within one year of the date of issuance thereof or such longer term as may be desired in accordance with the provisions of the Local Finance Law, (c) the Bond Anticipation Notes authorized hereby are not issued in anticipation for Bonds for an assessable improvement, and (d) current funds will be provided prior to the issuance of the Bonds or Bond Anticipation Notes herein authorized, to the extent, if any, required by Section 107.00 of the Local Finance Law.

Section 8. It is hereby determined and declared that the Hornell City School District reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 9. The faith and credit of the Hornell City School District, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and Bond Anticipation Notes 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 obligations becoming due and payable in such year. There shall annually be levied on all taxable real property of said School District, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 10. The power to further authorize the sale and issuance of said Bonds and Bond Anticipation Notes and to prescribe the terms, form and contents of said Bonds and Bond Anticipation Notes, subject to the provisions of this resolution and the Local Finance Law of New York, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, the consolidation with other issues, the determination to issue Bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to credit or liquidity enhancements, if any, and to sell, issue and deliver said Bonds and Bond Anticipation Notes, subject to the provisions of this resolution and Local Finance Law, is hereby delegated to the President of the Board of Education or to the Vice President of the Board in the event of the absence or unavailability of the President. The President of the Board of Education, Vice President and the District Clerk are hereby authorized to sign by manual or facsimile signature any Bonds and Bond Anticipation Notes issued pursuant to this resolution, and are hereby authorized to affix to such Bonds and Bond Anticipation Notes the corporate seal of the School District and to attest the

same. The President of the Board of Education is additionally authorized (but not required) to execute and deliver a financing agreement with the Dormitory Authority of the State of New York and any other agreements and documents necessary to accomplish a financing, all as may be determined in the discretion of the President of the Board of Education.

Section 11. After compliance with Section 12 hereof, this resolution, or a summary hereof, shall be published in full by the District Clerk of the School District together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the School District. The validity of said Bonds and Bond Anticipation Notes issued in anticipation of the sale of said Bonds may be contested only if such obligations are authorized for an object or purpose for which said School District is not authorized to expend money, or 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 (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution shall be submitted to a referendum of the qualified electors of the School District on December 20, 2023 pursuant to Section 37.00 of the Local Finance Law of the State of New York and shall take effect immediately upon approval at such referendum.

d. Special Meeting Declaration

BE IT RESOLVED BY THE BOARD OF EDUCATION AS FOLLOWS:

1. A special meeting of the qualified voters of the City School District of the City of Hornell, New York, shall be held at the Hornell Senior High School Lobby in said District, on Wednesday, December 20, 2023, between the hours of 12:00 noon and 9:00 p.m., for the purpose of voting on the proposition described in the notice of special meeting hereinafter set forth.
2. Said special meeting shall be called by giving the following notice thereof:
NOTICE IS HEREBY GIVEN that a special meeting of the qualified voters of the City School District of the City of Hornell, shall be held at the Hornell Senior High School Lobby in said District, on Wednesday, December 20, 2023, between the hours of 12:00 noon and 9:00 p.m. The following proposition will be submitted for voter approval at said meeting:

PROPOSITION

Shall the bond resolution adopted by the Board of Education of the City School District of the City of Hornell, New York, dated October 23, 2022, authorizing certain capital improvements consisting of construction and reconstruction of existing school buildings and facilities, site improvements and the acquisition of certain original furnishings, equipment, and apparatus and other incidental improvements required in connection therewith for such construction and school use, all at an estimated maximum aggregate cost of \$30,215,000; and to appropriate and expend from the existing capital reserve fund \$12,075,000 for such costs, and that the balance of such cost, or so much thereof as may be necessary, shall be raised by the levy of a tax to be collected in annual installments, with such tax to be offset by state aid available therefor; and, in anticipation of such tax, debt obligations of the school district as may be necessary not to exceed \$18,140,000, shall be issued, and, if the proposition for

the approval of such bond resolution shall have been approved by at least a sixty percent vote, such obligations may be issued in excess of the constitutional debt limit of the School District, if applicable, pursuant to applicable law, all be approved?

The School District, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on October 23, 2023, has duly issued a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts. AND NOTICE IS GIVEN that military voters who are not currently registered may apply to register as a qualified voter of the School District by requesting to be registered by the District Clerk at (607) 324-1302 or Carol.Eaton@hornellcsd.org. Registered, qualified voters of the School District may apply for a military ballot by requesting an application from the District Clerk at the phone number or email address listed above. For a military voter to be issued a military ballot, the District Clerk must have received a valid ballot application no later than 5:00 PM on November 24, 2023. In a request for a military ballot application or ballot, the military voter may indicate their preference for receiving the application or ballot by mail, facsimile transmission or email.

AND NOTICE IS GIVEN, that applications for absentee ballots shall be obtainable during school business hours from the District Clerk; completed applications must be received by the District Clerk at least seven (7) days before the vote and election if the ballot is to be mailed to the voter, or the day before the vote and election if the ballot is to be delivered personally to the voter. Absentee ballots must be received by the District Clerk not later than 5:00 PM on December 20, 2023.

A list of persons to whom absentee and military ballots are issued will be available for inspection to qualified voters of the District in the office of the District Clerk on and after December 6, 2023, between the hours of 8:00 AM and 4:00 PM on weekdays prior to the Election; and on December 20, 2023, the day set for the Election, said list will be posted at the polling place.

DATED: October 23, 2022

Hornell, New York

District Clerk City School District of the City of Hornell, New York

3. At such meeting taxes to be levied by installments will be proposed providing for payment of such capital costs and providing for the financing costs therefore. Such taxes shall be levied upon all the taxable property of the District, shall be levied in annual installments and shall be of such amounts and levied in such years as may be determined by the Board of Education.
4. The District Clerk or the Clerk's designee is hereby directed to publish a copy of said notice of special meeting in two newspapers having general circulation within the School District in the manner prescribed by law for publication of notice of the annual meeting of the School District.
5. All actions by the School District prior to the final environmental determination by the Board of Education, if any, are hereby found and determined to have been preliminary planning activities under SEQRA necessary to the formulation of a proposal for action which did not commit the School District to commence, engage in, fund or approve any portion of the proposed capital improvement project and financing therefore.
6. This resolution shall take effect immediately upon its adoption.

e. Special Meeting – Capital Project Vote

Resolved that, pursuant to the Special Meeting – Capital Project Vote the Board:

1. approve the Notice of Special Meeting – Capital Project Vote (Exhibit A)
2. approve the Notice of Filing of School Election District Registers. (Exhibit B)
3. approve the Notice of Registration for Annual School Election/Budget Vote. (Exhibit C)
4. approve the list of school election inspectors and alternates and authorize payment at the rate of \$150 per day.
5. authorize the Clerk of the Board of Education to appoint new election inspectors in the event that those who are appointed are unable to work.
6. approve the process for absentee ballots in accordance with §2018-a of Education Law.

f. Food Service Equipment Disposal

Resolved that, upon the recommendation of Superintendent Palotti, the Board authorize Patrick Flaitz to dispose of the following Food Service Equipment:

- (2) Milk Coolers – Asset Tag # A00456858 (non-functioning)
- Warming Cart - Asset Tag # A00456855
- Safe - Asset Tag # A00497019

g. Resolution - King of Cannabis, LLC

Resolved that, upon the recommendation of Superintendent Palotti, the Board approves the resolution against the King of Cannabis, LLC working out of a building that borders the Hornell Intermediate School.

2. FINANCE

a. Bus Stop Study - PTSI

Resolved that, upon the recommendation of Superintendent Palotti, the Board approve the proposal of PTSI to perform a bus stop study,

b. Transportation Agreement - Canaseraga CSD

Resolved that, upon the recommendation of Superintendent Palotti, the Board approve the agreement with the Transportation of Canaseraga CSD.

c. Professional Service Agreement - LaBella

Resolved that, upon the recommendation of Superintendent Palotti, the Board approve the Professional Service Agreement dated September 20, 2023 with LaBella to provide pre-referendum services for the proposed Capital Project.

d. Service Proposal - Terracon

Resolved that, upon the recommendation of Superintendent Palotti, the Board approve the service proposal dated August 23, 2023 from Terracon to provide materials testing services.

3. PERSONNEL

There are numerous personnel items on the agenda.

E. Informational

The Regular Meeting scheduled for November 1, 2023 has been canceled.

The next regular meeting of the Board of Education will be held on Wednesday, December 6, 2023 at 5:15 PM in the High School Library.