Beekmantown Central School District

Special Board of Education Meeting

Place: **MS/HS Library**

May 23, 2011

Minutes

Call to Order

President Steve Trombley called the meeting to order at 6:17 pm and led the pledge of allegiance.

Members Present

☒ Karen Armstrong	☒ Stan Kourofsky	☒ Carole Race
☒ Cathy Buckley	☒ Richard LaVigne	☒ Pauline Stone
☒ Leonard King	☒ Ed Marin (Video conference 6:19 pm)	☒ Steve Trombley

Others Present

☒ Scott Amo, Superintendent of Schools
☒ Tracy Corey, MS Assistant Principal
☒ Matthew Slattery, BE Principal
☒ Diane Fox, CH Principal
☒ LeeAnn Short, Director of Special Services
☒ Joseph Lavorando, School Attorney
☒ Mary LaValley Blaine, School Business Executive
☒ Joanne Menard, District Clerk

Visitors

Carol Lyons	T.W. Daniels	Holly Sims
John Sims	Barb Stone	Charles Stone
Susan King	Patty Gallagher	Lucy Giroux
Tina King	Bryan King	Gary Gudz
Marilyn Dwyer	Kathy Hay	Nancy dcoty
Yvonne Bordeau	Christina Leclerc	Morm Gebo
Robert King	Kim Ashlaw	Renate Moore
Dan Moore		

New Business

CSE Recommendations

CSE Recommendation

It was moved by Richard LaVigne, seconded by Leonard King, and unanimously carried that upon recommendation of the Superintendent of Schools, the Board of Education approves the CSE recommendation dated 5/23/11.

Ed Marin participated via video conference. (Time 6:19 pm).

Personnel

Appointments
Temporary On-Call

Appointments

It was moved by Richard LaVigne, seconded by Carole Race and unanimously carried, that upon recommendation of the Superintendent of Schools the Board of Education approves the following *temporary on-call* appointment beginning on the date indicated:

Name	Type	Effective Date
Brink, Joseph	Non-Instructional	5/25/11

Additional Items to Discuss

Recent Budget Vote

- *Discussion on recent Public Vote on Propositions I & II*

The Superintendent informed reported on the irregularity which existed on only one voting machine. He stated he has been in contact with the Assistant Commissioner who has been in contact with the counsel on what to do with the irregularity.

The District Clerk reported on the following:

- Election Custodian is appointed by the Board of Education. This individual has been trained to prepare the machines and the name is given to the District Clerk from the Board of Elections.
- The Permanent Chairperson declares the polls opened and closed at the appropriate time.
- The School Board appoints election inspectors and at least two are required per machine. The district had more than the minimum required.
- The Board designates a Chief Election Inspector.
- Election Inspectors checks the voting machines to make sure the counters are at zero, ballot labels are properly placed, and the machine is in proper condition for use.

The information which was available on the day of election was as follows:

- PowerPoint outside the gymnasium doors – This is a snapshot of the propositions as they appeared within the voting both.
- Detail Proposed Budget for 2011-2012
    - available on the table as you entered the gymnasium
    - posted on the district website
    - available at the Budget Hearing
    - mailed to any resident who requested a copy
    - available at all school buildings and the district offices
    - available at the Dodge Library
- Beekmantown Central School District Newsletter dated May 2011
    - available on the table as you entered the gymnasium
    - 8,202 were mailed to All Eligible Voters in Household within the District which stated the following:
        - Propositions I, II, III
        - Budget Notice
        - Property Tax Report Card

- New York State Voter's Bill of Rights

District Clerk's statement:

At approximately 5:30 pm a registered voter spoke with me directly that the voting machine had 2010-2011 date for the budget and the wrong budget amount. She stated she thought it was last years. Upon immediate inspection, I observed the year and budget amount were incorrect. I immediately shut the machine down and told the election inspectors who were working the machines not to use machine #2 any more.

I later went back into the machine and found that Proposition #2 – Bus Purchases was incorrect. However, Proposition #3 Board of Education Election for Mr. King was correct.

The public count on the outside of the machine was 383. Two voting machines were used for the remainder of the evening instead of three.

I informed the Superintendent of this irregularity.

The Superintendent stated the District Clerk approached him approximately 6:40 pm and informed him of the voting irregularity. He then went to his office and contacted the School Attorney and left and e-mail for District Superintendent Craig King. Because of the number of public hearings, information on the budget, and the property tax report card, the School Attorney recommended to report out all the votes from all the machines. The Superintendent informed the Board President and Vice President of this prior to the closing of the polls.

After the vote tally was reported out publicly, the Superintendent met with the President, Vice-President and two other board members. They requested the Superintendent contact the Commissioner. The Superintendent reported he contacted Charles Szuberla, Assistant Commissioner of School Operations and who oversees elections. He explained the information to Mr. Szuberla and Mr. Szuberla concurred with our School Attorney. The Superintendent share information about how individuals wishing to file a complaint could do so with information from the website and the commissioner will rule on complaint.

Karen Armstrong inquired whether staff wore buttons in school for two days before it was stopped. The Superintendent stated he did not know how many days they were worn but when he was made aware of "buttons" and given a copy of the button an e-mail was sent to all staff strongly encouraging them not to wear them.

Karen Armstrong expressed concerns about the sit in with students and how students were informed. If this is brought to the commissioner with other things, it might shed a different light. The Superintendent stated 6 to 8 students asked to meet with him about the budget weeks earlier and he did. A lot of the information they had previously heard was incorrect.

A concern was raised that a staff member may have advised students on the budget discussion. The Superintendent reported that he had investigated and dealt with this as a personnel matter.

Richard LaVigne stated the district should have a policy on

- wearing pins which says "Vote Yes for Budget"

- classes registering to vote
- students told to vote yes

The district needs guidelines on voting. He believes the amount of the budget written in the voting machine does affect how individuals vote.

Steve Trombley informed the Board that the Board cannot vote to rescind the vote.

The School Attorney informed the Board that they could take a position that the vote on the budget should be annulled. The Commissioner will not do advisory decisions. If you want the Commissioner to review the budget vote because the irregularities rose to such a level, then the reasons must be in a sworn affidavit.

Ed Marin stated that anyone who was going to vote was informed on the levy difference and information was mailed. He stated he did not see realistically that the number would be make a difference in the outcome of the vote.

Leonard King commented that the District Newsletter stated 35 teachers would be eliminated if the budget was not approved by the voters. He commented that was misleading to the public. Steve Trombley commented 35 positions would be eliminated before the Early Retirement Incentive was applied. Mr. King stated the Early Retirement Incentive was known before the newsletter was published.

Stan Kourofsky informed the Board that he contacted the New York State School Boards and spoke with their legal department. He explained the situation and they sent him an appeal from Rush-Henrieta Central School District regarding the budget vote and displaying last year's budget amount. The Commissioner overturned the vote and the district held a revote. He commented that NYSSBA said the Board should be appealing to the Commissioner for a ruling. Mr. Kourofsky stated everything should be submitted in the petition, all the anomalies, and anything that that Board thinks was a problem. This should be looked at and verified.

Richard LaVigne had a concern about individuals voting without signing in to vote. Cathy Buckley stated voters were confused and she had to send a family back to sign in to vote.

The School Attorney informed the Board that anyone in the community who objects to the vote can file a petition with the Commissioner. The Commissioner files a decision when there is a dispute.

Richard LaVigne commented that if the gap was wider, then we wouldn't be discussing this. He stated he wanted a ruling from the Commissioner.

Authorized to Execute and File a Petition with the Commissioner of Education

Cathy Buckley stated the budget amount listed in the voting booth was less than the contingency budget.

Steve Trombley stated the written documents, newspaper and television displayed the correct amount.

It was moved by Stan Kourofsky, seconded by Leonard King and roll-call voted that the Board President be authorized to execute and file a petition with the Commissioner of Education on behalf of the Board of Education requesting an order pursuant to Section 2037 of the Education Law annulling the results of the budget vote (Proposition I) and the bus purchase vote (Proposition II) held on May 17, 2011.

The roll-call vote was as follows:

☒ Karen Armstrong	☒ Stan Kourofsky	☒ Carole Race
☒ Cathy Buckley	☒ Richard LaVigne	☒ Pauline Stone
☒ Leonard King	☒ Ed Marin	☒ Steve Trombley

Stan Kourofsky informed the Board a Ticonderoga resident was called and stated to vote yes because retirees would loose their health insurance if the budget was not passed. Following an investigation, the call came from outside the district.

Cathy Buckley received calls from upset parents because seniors where told to vote yes. Parents were frustrated because students should not have been told how to vote. The School Attorney asked if students were eligible to vote. Cathy Buckley responded yes.

Leonard King stated the telephone tree, which the teachers used to call the night before the budget vote, should not be coming from the classroom.

Pauline Stone stated since the vote was so close, that the Board should file with the Commissioner. This shows everything is out in the open.

Karen Armstrong stated the Board is responsible and Board members are allowed to be election inspectors; therefore, she volunteered to work the 2012 election.

Clerk Pro-Tem

Clerk Pro-Tem

It was moved by Richard LaVigne, seconded by Leonard King and unanimously carried, that the Board of Education appoint Steve Trombley as Clerk Pro-tem for this meeting.

Respectfully Submitted,
Joanne Menard, District Clerk

Executive Session

Executive Session

(to discuss the employment history of a particular person(s))

It was moved by Richard LaVigne, seconded by Cathy Buckley and unanimously carried, that the Board enter executive session to discuss the employment history of a particular person(s). Time 7:05 pm.

It was moved by Leonard King, seconded by Cathy Buckley and unanimously carried, that the Board return to regular session. Time 8:15 pm.

Adjournment

Adjournment

It was moved by Leonard King, seconded by Cathy Buckley and unanimously carried, that the meeting be adjourned. Time 8:16 pm.

Respectfully Submitted,
Steve Trombley, President
Board of Education