

Victor Central School  
Board of Education  
PROPOSED AGENDA  
Special Meeting, Thursday, March 23 2023, 5:30 PM  
Early Childhood School Boardroom  
953 High Street, Victor, NY

*It is expected that, upon opening the meeting, a motion will be made to adjourn to executive session and regular meeting will begin at 6:25 PM*

✓ = Board Action Expected

- ✓ 1. Meeting called to order by Board President Tim DeLucia
  - ✓ • Motion to enter executive session to discuss matters that will imperil the public safety if disclosed
  - ✓ • Motion to return to regular session.
- ✓ 2. Appoint Derek Vallese as the Clerk Pro Tem for 3/23/23
- ✓ 3. Approve the Agenda
- ✓ 4. Approve the Resolution Authorizing Partial Settlement of Vaping Litigation as submitted;
- ✓ 5. Approve Facilities Committee recommendation on the final spend down of the current capital project funds as submitted;
- ✓ 6. Motion to return to regular session
- ✓ 7. Motion to adjourn the meeting

## **RESOLUTION AUTHORIZING PARTIAL SETTLEMENT OF VAPING LITIGATION**

**WHEREAS**, in recent years the use and abuse of e-cigarettes and vaping devices increased dramatically among high school and middle school students, leading to significant risks of addiction and potentially life-threatening respiratory ailments; and

**WHEREAS**, students attending the Victor Central School District (the "School District") have not been immune to this phenomenon with the School District observing students using e-cigarettes and vaping devices in school and on school grounds; and

**WHEREAS**, the use of e-cigarettes and vaping devices by students has caused the School District to incur costs in the form of staff time, disciplinary proceedings, and other costs, with the expectation that these costs will only increase unless and until student use of these devices decreases and stops; and

**WHEREAS**, the School District authorized the law firms of Ferrara Fiorenza PC, and the Frantz Law Group, APLC, to initiate litigation against Juul Labs, Inc. and other parties by board resolution relating to the production, marketing, sale, and distribution of e-cigarettes and vaping devices; and

**WHEREAS**, the litigation involved more than 1400 U.S. public school districts across more than 25 states; and

**WHEREAS**, a tentative settlement has been reached with Defendant Juul Labs, Inc. and certain individual board members, directors, executives and parties with whom Juul Labs, Inc. has indemnity agreements; and

**WHEREAS**, litigation against Altria and remaining defendants will continue; and

**WHEREAS**, partial settlement means the School District would forever release all claims against Juul Labs and the other released entities; and

**WHEREAS**, in return, the School District would receive certain cash payments; and

**WHEREAS**, the amount that the School District receives will be based on a final allocation framework recommended by the court-appointed Special Master Thomas Perrelli with the allocation framework for all governmental entities including factors such as population and litigation risk and be no less than \$67,338 for the School District; and

**WHEREAS**, an initial payment of approximately 54% of the settlement amount is anticipated to be paid by late 2023; and

**WHEREAS**, the remaining payments will be made in four installments anticipated in late 2023, 2024, 2025 and 2026; and

**WHEREAS**, the Board of Education (the "Board") has determined it is necessary, advantageous, desirable, and in the public interest and the best interests of the School District that it settle this litigation against Juul Labs, Inc. and continue the litigation against remaining other parties involved with e-cigarettes and vaping devices.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the School District, as follows:

1. The Board authorizes the partial settlement of the vaping lawsuit against defendant Juul Labs, Inc. and certain individual board members, directors, executives and parties with whom Juul Labs, Inc. has indemnity agreements.
2. A Settlement with the substantive terms contained herein is hereby approved in substantially the form reviewed by the Board and together with such minor modifications as are deemed necessary by the School District's attorneys and administrators to protect the best interests of the School District.
3. The Board President, Superintendent and their designee(s) are hereby authorized to finalize, sign and enter into the Settlement Agreement on behalf of the School District

and take all actions and execute all documents necessary or appropriate to carry out the intent of this Resolution.

4. This Resolution shall take effect immediately.

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**District Clerk**



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**Derek Vallese**, *Assistant Superintendent for Business*

To: Tim Terranova, Superintendent  
From: Derek Vallese, Assistant Superintendent for Business  
Date: March 17, 2023  
Topic: Facilities Committee Recommendation

Dr. Terranova,

On March 9th, the Facilities Committee met to discuss the final spend down of the current Capital Project. The District originally was going to move forward with a new Public Announcement/ Clock system for the Junior High and Senior High which would enhance security measures. Due to the amount of time it took NYSED Facilities Planning to approve that project, the escalation in costs during the time would result in a smaller scale project than originally planned. In addition, the District found another security feature of a 911/lockdown integration from each classroom phone, which lessens the need of this integration.

Due to these reasons, the Facilities Committee feels that the money would be better spent on adding restrooms inside the Special Education classrooms at the Early Childhood School. Currently there are only gang bathrooms in the halls of the Early Childhood School, which causes a disruption to these classrooms when the students need to use them. We are looking at adding the restrooms in rooms 113 and 137. Due to the distance between these classrooms and the sanitary line, we expect the cost of this project to be approximately \$250,000. There is a high need for this project, as it is currently being evaluated to be in the next project. Doing it now will help improve instruction for these students next year and we believe the majority, if not all, could be completed over April break. If it is not completed by April 10th, they will finish the remaining work 2nd shift so it will not impact instruction.

Best Regards,

A handwritten signature in black ink that reads "Derek Vallese". The signature is written in a cursive, flowing style.

Derek Vallese