

**VICTOR CENTRAL SCHOOL  
BOARD OF EDUCATION**

**Approved Minutes of a Special Meeting of March 23, 2023  
Early Childhood Boardroom  
953 High Street  
Victor, NY 14564**

**CALL TO  
ORDER**

President Tim DeLucia called the meeting to order at 5:35 PM.

**Members Present**

Tim DeLucia, Kristin Elliott, Lisa Kostecki, Elizabeth Mitchell,  
Debbie Palumbo-Sanders, Christopher Parks (5:49 PM), Trisha Turner (5:38 PM)

**ENTER  
EXECUTIVE  
SESSION**

A motion was made by L. Kostecki, seconded by D. Palumbo-Sanders, to enter executive session at 5:35 PM to discuss matters that will imperil the public safety if disclosed. The motion was carried. 5 yes 0 no 0 abstentions

**REGULAR  
SESSION**

A motion was made by C. Parks, seconded by K. Elliott, to enter regular session at 6:31 PM. The motion was carried. 7 yes 0 no 0 abstentions

**CLERK PRO-  
TEM**

A motion was made by E. Mitchell, seconded by T. Turner, to appoint Assistant Superintendent for Business Derek Vallese as the Clerk Pro-Tem for the meeting. The motion was carried. 7 yes 0 no 0 abstentions

**APPROVE  
AGENDA**

A motion was made by C. Parks, seconded by K. Elliott, to approve the agenda. The motion was carried. 7 yes 0 no 0 abstentions

**RESOLUTION  
AUTHORIZING  
PARTIAL  
SETTLEMENT  
OF VAPING  
LITIGATION**

A motion was made by C. Parks, seconded by L. Kostecki, to approve the following resolution:

**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

**VICTOR CENTRAL SCHOOL  
BOARD OF EDUCATION**

**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.

The motion was carried. 7 yes 0 no 0 abstentions

**FACILITIES  
COMMITTEE  
RECOMMEN-  
DATION**

A motion was made by E. Mitchell, seconded by D. Palumbo-Sanders, to approve the Facilities Committee recommendation on the final spend down of the current capital project funds as submitted.

The motion was carried. 7 yes 0 no 0 abstentions

**ADJOURN**

A motion was made by C. Parks, seconded by D. Palumbo-Sanders, to adjourn the meeting at 6:34 PM. The motion was carried. 7 yes 0 no 0 abstentions

Respectfully submitted,

Derek Vallese  
Clerk Pro-Tem