

March 28, 2023

Regular Board of Education Meeting  
Middle-High School Library

**Present:** Joseph Ciccone  
Tricia Service  
Kathleen Sarafin  
Angela Service  
Andrew Zaffarano  
Jack Bono

**Absent:** 1 – Dominick Bellino

**Others Present:** Joseph Palmer, Superintendent of Schools, Kacey Sheppard, Assistant Superintendent, Connie Giordano, District Clerk, Julie Tangorra, Michael Stalteri, Melanie Welch

**ROLL CALL:**

Roll call was taken by Joseph Ciccone 6 – Present 1 - Absent

**CALL TO ORDER:**

The meeting was called to order by Joseph Ciccone at 6:32 p.m. and the Pledge of Allegiance was recited.

**Convene to Executive Session** to discuss the employment status of specific personnel – a motion was made by Angela Service, seconded by Jack Bono, to convene to Executive Session at 6:32 p.m.

**Convene to General Session** – a motion was made by Andrew Zaffarano, seconded by Angela Service, to convene to General Session at 7:08 p.m.

6 – YES                      0 – NO                      MOTION PASSED

**Reports/Presentations/Good News to Share:**

- 1. Kiwanis-Superintendent Students of the Month

	<u>Seniors</u>	<u>Eighth Grade</u>	<u>Fifth Grade</u>
December	Jaxsen Jasewicz	Kymani Saunders	Caleb Hinckley
January	Abigail Ogievich	Maylee Reid	Emma Betti
February	Logan Doolen	Austin Hunt	Dexter Smith

- 2. Kacey Sheppard – Early Budget Presentation
- 3. Updates – Superintendent Joseph Palmer

**Discretionary Period for Residents to Address the Board:**

N/A

**Consent Agenda:**

A motion was made by Andrew Zaffarano, seconded by Jack Bono, to approve the following **CONSENT AGENDA:** Minutes, Personnel 1-3, New Business 1 - 2 .

6- YES                      0 - NO                      MOTION PASSED

**Minutes:**

March 14, 2023

**Finance:**

N/A

**Personnel:**

- 1. Accepted Resignation for the Purpose of Retirement:  
Be it resolved that the Frankfort-Schuyler Central School District Board of Education hereby accepts the letter of resignation for the purpose of retirement of Julie Joyce from her position of Occupational Therapist, effective 6/30/23.
- 2. Appointed Secondary Social Studies Teacher:  
Be it resolved that the Frankfort-Schuyler Central School District Board of Education hereby appoints Holly Lawrence to the position of Secondary Social Studies Teacher, a two-year probationary appointment extending from 7/01/23 – 7/01/25, at a pay rate of Step 3, MA, \$44,527.
- 3. Coaching Appointments:  
Be it resolved that the Frankfort-Schuyler Central School District Board of Education hereby appointed the following to coaching positions for the 2023 Spring Sports Season:

Rescind previous appointment of Daniel Fiorentino as Varsity Softball Coach

**Appointments:**

Cody Mead	Head Modified Baseball	\$2,400
Joelle Yost	Modified Track and Field	\$2,400
Christopher Millington	Varsity Assistant Track and Field	\$3,012
Daniel Fiorentino	JV Softball	\$2,700

**New Business:**

1. **Approved CSE/CPSE Recommendations:**

It is hereby recommended that the CSE/CPSE recommendations for the following student case numbers that were reviewed be approved:

<u>Student ID</u>	<u>Meeting Date</u>
580513117	03/09/2023
580511964	03/09/2023
580512316	03/07/2023
580511675	03/08/2023
580512093	03/09/2023
580512261	03/09/2023
580512985	03/08/2023
580511285	03/09/2023
580511715	03/09/2023
580513155	03/09/2023
580510956	03/08/2023
580511562	03/09/2023
580512308	03/16/2023
580510900	03/13/2023
580512971	03/10/2023
580512681	03/13/2023
580512968	03/08/2023
580512252	03/10/2023
580512792	03/13/2023
580512759	03/08/2023
580513146	03/13/2023
580512356	03/08/2023
580512766	03/13/2023

2. **Approval of Policies in Audit of Section 7000**

Be it resolved that the Frankfort-Schuyler Central School District Board of Education hereby approves the audit of Section 7000.

**Old Business:**

**Adjourn** – A motion was made by Jack Bono, seconded by Angela Service to **adjourn** at 8:20 p.m.

6 – YES

0 – NO

**MOTION PASSED**

Respectfully Submitted,

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

March 14, 2023

Regular Board of Education Meeting  
Middle-High School Library

**Present:** Joseph Ciccone  
**(Remotely)** Tricia Service  
Dominick Bellino  
Kathleen Sarafin  
Angela Service  
Andrew Zaffarano

**Absent:** 1 – Jack Bono

**Others Present:** Joseph Palmer, Superintendent of Schools, Kacey Sheppard, Assistant Superintendent, Connie Giordano, District Clerk, Sandra Sherwood, District Superintendent, Steven Coupe, Holly

**ROLL CALL:**

Roll call was taken by Joseph Ciccone 6 – Present 1 - Absent

**CALL TO ORDER:**

The meeting was called to order by Joseph Ciccone at 6:31 p.m. and the Pledge of Allegiance was recited.

**Convene to Executive Session** to discuss the employment status of specific personnel – a motion was made by Angela Service, seconded by Dominick Bellino, to convene to Executive Session at 6:31 p.m.

**Convene to General Session** – a motion was made by Andrew Zaffarano, seconded by Angela Service, to convene to General Session at 7:17 p.m.

6 – YES 0 – NO MOTION PASSED

**Reports/Presentations/Good News to Share:**

1. BOCES Administrative and Capital Budget Presentation - Sandra Sherwood/Holy Pullis, BOCES BOE President
2. Kacey Sheppard – Early Budget Presentation
3. Updates – Superintendent Joseph Palmer

**Discretionary Period for Residents to Address the Board:**

N/A

A motion was made by Dominick Bellino, seconded by Tricia Service, to add New Business Item No. 6 to the Consent Agenda.

6 – YES 0 – NO MOTION PASSED

**Consent Agenda:**

A motion was made by Kathleen Sarafin, seconded by Dominick Bellino, to approve the following **CONSENT AGENDA:** Minutes, Finance, Personnel 1-7, New Business 1 - 6 .

6- YES 0 - NO MOTION PASSED

**Minutes:**

February 14, 2022

**Finance:**

1. Extraclassroom Activities Fund Report
2. Scholarship Report
3. Revenue Report
4. Bank Reconciliation
5. Trial Balance Report
6. Revenue Status Report
7. Appropriation Status Report

**Personnel:**

1. **Accepted Resignation for the Purpose of Retirement:**  
Be it resolved that the Frankfort-Schuyler Central School District Board of Education hereby accepts the letter of resignation for the purpose of retirement of Ann Marie Viti from her position of Elementary Teacher, effective 6/30/23.

2. Accepted Resignation for the Purpose of Retirement:  
Be it resolved that the Frankfort-Schuyler Central School District Board of Education hereby accepts the letter of resignation for the purpose of retirement of Jill DeLuke-Puleo from her position of Elementary Teacher, effective 6/30/23.
  
3. Appointed Volunteer Non-Paid Assistant Positions:  
Be it resolved that the Frankfort-Schuyler Central School District Board of Education hereby appoints the following Volunteer Non-Paid (volunteer) Assistants for the Spring 2023 Sports Season:
 

Bryan Cronkhite	Baseball
Jeff Adasek	Baseball
Anthony Rocco	Softball
  
4. Coaching Appointments:  
Be it resolved that the Frankfort- Schuyler Central School District Board of Education hereby appoints the following for the 2023 Sports Season:
 

Daniel Fiorentino	Varsity Head Softball	\$4,200
David Goodhines	Modified Head Softball	\$2,400
Anthony Reina	Varsity Head Track and Field	\$4,200
Michael Rozonkiewicz	Baseball Program Assistant	\$ 500
  
5. Assigned Tenure Area:  
Be it resolved that the Frankfort-Schuyler Central School District Board of Education hereby assigns the tenure area of Elementary Teacher to Mary Beth Harrod.
  
6. Appointed Cleaner:  
Be it resolved that the Frankfort- Schuyler Central School District Board of Education hereby appoints Christopher Welch to the position of cleaner, at a yearly salary of \$31,720 (pro-rated) plus night differential of \$1,300 (pro-rated) pending clearance from the New York State Department of Education (fingerprint clearance), effective 2/27/23.
  
7. Accepted Resignation for the Purpose of Retirement from Social Studies Teacher:  
Be it resolved that the Frankfort-Schuyler Central School District Board of Education hereby accepts the resignation for the purpose of retirement of Kelly Usherwood from her position of Social Studies Teacher effective 6/30/23.

**New Business:**

1. Second Read - Policies in Audit of Section 7000
  
2. New Textbook Proposal – English 10:  
Be it resolved that the Frankfort-Schuyler Central School Board of Education approves the following proposed textbooks (as presented in attachment):
  - The Grace Year*, by Kim Liggett
  - Dry*, by Neal and Jarrod Shustermann
  - Kindred*, by Octavia Butler
  - The House in the Cerulean Sea*, by TJ Klune
  
3. Settlement – 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 Frankfort-Schuyler 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 Perrrelli with the allocation framework for all governmental entities including factors such as population and litigation risk and be no less than \$18,865 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.

4. Approved CSE/CPSE Recommendations:

It is hereby recommended that the CSE/CPSE recommendations for the following student case numbers that were reviewed be approved:

<u>Student ID</u>	<u>Meeting Date</u>
580511784	02/13/2023
580512113	03/01/2023
580511488	03/02/2023
580511435	03/03/2023
580510940	03/01/2023
580512202	03/01/2023
580511654	02/09/2023
580513242	02/09/2023
580510958	03/01/2023
580512323	03/01/2023
580513024	03/02/2023
580512235	03/03/2023
580512511	03/02/2023
580512212	02/10/2023

5. **BOND RESOLUTION OF THE FRANKFORD-SCHUYLER CENTRAL SCHOOL DISTRICT, HERKIMER COUNTY, NEW YORK, ADOPTED MARCH 14, 2023, AUTHORIZING THE ISSUANCE AND SALE OF SERIAL BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$4,906,000 TO PAY THE DISTRICT'S SHARE OF THE COST OF CERTAIN CAPITAL IMPROVEMENTS TO EXISTING BOCES FACILITIES.**

WHEREAS, the Herkimer Fulton Hamilton Otsego Board of Cooperative Educational Services (the "BOCES") has heretofore been created and the Frankfort-Schuyler Central School District (the "District") is a component district thereof; and

**WHEREAS**, the BOCES has proposed to construct and equip improvements to various BOCES school facilities to increase their utility for the purposes of the BOCES at an estimated maximum cost of \$50,000,000 (the "Project") and in furtherance thereof, has entered into an agreement by and among the BOCES and each of the component school districts of the BOCES (the "Agreement") providing for such construction and equipping, the allocation and apportionment of such estimated maximum cost among such component school districts, the payment by each such component school district of its respective share to the BOCES, and other matters incidental thereto; and

**WHEREAS**, the Agreement has heretofore been duly executed by BOCES and by each of the component school districts thereof, including the District; and

**WHEREAS**, pursuant to Section 1950(14) of the Education Law, neither the approval of the voters of the District, nor the voting of a special tax or a tax to be collected in the installments are conditions precedent to the adoption by the Board of Education of the District (the "Board") of a bond resolution authorizing the financing of the District's share of the aforesaid estimated maximum cost; and

**WHEREAS**, the BOCES has heretofore determined that the Project constitutes a Type II action under the State Environmental Quality Review Act of the State of New York ("SEQRA") and the applicable regulations thereunder, and therefore is not subject to review under the SEQRA and the regulations promulgated thereunder; and

**WHEREAS**, the BOCES is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

**WHEREAS**, the BOCES, as lead agency, reviewed the impact of the Project upon the environment and determined that the Project is a Type II Action as such term is defined in the Regulations; and

**WHEREAS**, pursuant to the Agreement, the amount payable by the District to the BOCES in connection with the Project is \$4,906,000.00; and

**WHEREAS**, the District intends hereby to authorize (but not require) the issuance of indebtedness to finance the District's allocable share of the cost of the Project in accordance with Section 1950(14) of the Education Law; and

**WHEREAS**, the District now desires to authorize the Project and financing of the cost thereof; and

**NOW, THEREFORE BE IT RESOLVED, ON MARCH 14, 2023, BY THE BOARD OF EDUCATION OF THE DISTRICT, (BY FAVORABLE VOTE OF NOT LESS than two thirds of all members of said board of education) AS FOLLOWS:**

**Section 1.** The District has reviewed the Project, and has considered and concurs with the prior determination of the BOCES that the Project constitutes a Type II action pursuant to SEQRA and the applicable regulations promulgated thereunder, and therefore is not subject to review under the SEQRA and the regulations promulgated thereunder.

**Section 2.** The District is hereby authorized to pay the BOCES \$4,906,000.00 and said amount is hereby appropriated therefore. The estimated total cost of the District's allocable share of the Project, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,906,000.00 and the plan of financing includes the issuance of serial bonds in the aggregate principal amount not to exceed \$4,906,000.00, and the levy and collection of taxes on all the taxable real property in the District to pay the principal of the bonds and the interest thereon as the same shall become due and payable, subject to applicable amounts of state assistance available or to any revenues available for such purpose from any other source. It is hereby determined that the requirements of SEQRA have been met.

**Section 3.** Bonds and bond anticipation notes of the District are hereby authorized to be issued pursuant to the provisions of the Local Finance Law of the State of New York (the "Local Finance Law"), in a principal amount not to exceed \$4,906,000.00 to finance said payment to the BOCES.

**Section 4.** The following additional matters are hereby determined and declared:

(a) Under the Local Finance Law, the period of probable usefulness of the Project is thirty (30) years pursuant to Section 11 of the Local Finance Law;

(b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

**Section 5.** The temporary use of available funds of the District, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the District's General Fund. It is intended that the District shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the District's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

**Section 6.** Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the District, payable as to both principal and interest by general tax upon all the taxable real property within the District without limitation of rate or amount. The bonds may be issued such that annual principal and interest payments will be substantially similar or declining as provided by law. The full faith and credit of the District are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the District of appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

**Section 7.** The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said 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 such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

**Section 8.** The power to issue and sell the bonds and any notes issued in anticipation thereof (including any renewal notes), including all powers or duties pertaining or incidental thereto, is hereby delegated to the President of the Board of Education, as Chief Fiscal Officer, except as herein provided. The bonds shall be of such terms, form and contents as may be determined by the Chief Fiscal Officer, pursuant to the Local Finance Law. The Chief Fiscal Officer is authorized to execute and deliver any documents, including a financing agreement with the Dormitory Authority of the State of New York, if applicable, and to take such other action as may be necessary and proper to carry out the intent and provisions hereof.

**Section 9.** Theodore A. Trespasz, Jr. Esq. is appointed bond counsel to the District for the Project.

**Section 10.** This resolution shall take effect immediately. The District Clerk is hereby authorized and directed to publish a summary of the foregoing resolution, together with a Notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the newspapers having general circulation in the District and designated the official newspapers of District for such publication.

The motion having been duly moved, the resolution was acted upon by the Board of Education and there were 6 votes in favor of the resolution and 0 votes against the resolution as follows:

Joseph Ciccone, President	Y	
Jack Bono, Vice President	ABS.	_____
Dominick Bellino	Y	
Andrew Zaffarano	Y	_____
Kathleen Sarafin	Y	
Angela Service	Y	
Tricia Service	Y	

Be it resolved that the Frankfort-Schuyler Central School District Board of Education nominates the following for the office of Member of the Board of Cooperative Educational Services Board of Education:

James (Bob) Schmid, Dolgeville (three year term)

Ronald Loiacano, Mount Markham (three year term)

Michelle Sczarek, Poland (three year term)

Kathleen Sarafin, Frankfort-Schuyler (one year term)

Old Business:

**Adjourn** – A motion was made by Dominick Bellino, seconded by Tricia Service to **adjourn** at 8:20 p.m.

6 – YES

0 – NO

MOTION PASSED

Respectfully Submitted,

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