

A Special Meeting of the Board of Education, Seaford Union Free School District, was held on Thursday, October 11, 2012, in the All Purpose Room, Seaford Manor Elementary School, 1590 Washington Avenue, Seaford, New York.

PRESENT: Mr. Brian W. Fagan - President  
Mr. Richard G. DiBlasio – Vice President  
Mr. Bruce A. Kahn – Trustee  
Ms. Susan Ruona - Trustee  
Ms. Jeanmarie Wink - Trustee

Mr. Brian L. Conboy  
Mr. Kenney W. Aldrich  
Mr. John Strifflino  
Mr. Christopher Venator – Attorney

At 8:30 p.m., the President of the Board of Education opened the Meeting. As the first order of business, Board President Brian Fagan led the audience in the Pledge of Allegiance.

#### OPEN MEETING

Board President Brian Fagan opened by explaining the purpose of this evening's meeting. He briefly spoke about the information meeting held on October 4<sup>th</sup> and the lack of opportunity for the Board to discuss that meeting and the commentary made at that meeting. He also advised that they would like to talk about the contract for sale and BK's interest in amending such contract. He advised that the Board has received a letter from BK at Seaford concerning the contract of sale.

Areas covered in the discussion on the sale of the Seaford Avenue School included:

#### DISCUSSION – SALE OF SEAFORD AVENUE SCHOOL

Comments and concerns expressed by residents over the contract of sale BK letter received this week addresses some of the concerns raised and has put in writing things they said at October 4<sup>th</sup> meeting; committed to 55+ Need to put in writing that the development would be 55+, no school children

Opportunity to amend contract to include covenants

Good idea to amend contract and postpone the vote

History of discussions concerning the Seaford Avenue School

- No real consensus in the past as to what direction to go with building
- Concerns over the amount of bids we would receive if we locked the property into a 55+; general RFP would put out
- Received 2 bids; neither locked into anything in particular

Here to protect the taxpayers interest and the children; better to put the covenants in writing

Mixed opinion of residents as to what to do

Brief history of building/building condition

If BK is willing to amend contract believe we should

Purpose of October 4<sup>th</sup> Informational Meeting

Not opposed to amending contract to make it stronger and postpone vote

Give community time to read the contract and give an informed/educated vote

Need to postpone vote if we will amend contract

- Material change to contract

Mr. Venator advised that if the contract was to be amended to provides covenants for 55+, his recommendation would be to rescind the previous proposition and set a new date with an opportunity to advertise the new date keeping within the 45 days as required by law

- If going to amend contract to include covenant should postpone vote
- Believe amendment to contract could be accomplished by next Board Meeting
- Initially when BK made the offer they were looking for flexibility and that is why contract did not state 55+

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DISCUSSION (cont'd)

Believe more people would feel more confident with covenants written into the contract

Mr. Kahn explained that they were speaking about 3 covenants to be included:

- 55 or better
- Sale units only
- No school-age children
- Be binding on any subsequent purchaser of the property; covenant would run with the land

Mr. Venator explained that the process would be several steps:

- Board would need to vote to postpone referendum date to a subsequent date
- Amendment to contract
- Board would need to approve amended contract
- Board would need to vote on new date for referendum

Mr. Fagan clarified the steps necessary and the timeline concerning setting a new date for the referendum. Mr. Fagan then polled the Board concerning amendments reflected in BK's letter

Comments/Concerns/Questions raised by the public:

**PUBLIC COMMENTS/CONCERNS**

Good idea to postpone vote

Who pays maintenance on building if BK does not get approval

Concerns if buyer gets title to building but then does not get necessary approvals

Reversionary right; district should retain right to first refusal

If zoning board does not approve original plans, buyer would have title and could then sell property

Can we get BK to pay for vote

Are the plans going to be ADA compliant

Will road (in/out) changes be part of amendment

Can we get a copy of the traffic report put online

Can we get a copy of the inspection

Concerns over resale of units

- Availability of offerings/contracts/prospectus for purchasers of units

What ages does school-age mean

Must owner be living on property

Did we take money off the sale for asbestos abatement

- Availability of report for public
- Need to know how abatement will be done

Concerns over fire – grilling/smoking

Communication; Notification of meetings

Will there be another informational meeting before the new vote

Volunteering services to look for a solution that every registered voter in community gets informed

Why isn't all documentation posted on the website; available to community without having to be foiled

Shame there won't be any children there any more

Want to see actual deal between builder and purchaser of unit; if possible to get copy of by-laws or prospectus

No phone messages concerning this meeting  
Concerns over overcrowding/traffic/parking – not comfortable with 112 units; would be comfortable with 75 units  
Thank you for delaying the vote and re-opening the contract to renegotiate on community's behalf  
What counsel reviewed contract and do they specialize in real estate  
What's the possibility of putting a YMCA on the property; has Board looked into it

Mr. Fagan clarified that the contract is not cancelled; the contract will be amended.  
Helpful for Board/Administration to look at sale prospectus used at other development

Ms. Ruona asked if the language referring to age of "school-age" children be more specific. Mr. Venator advised that this would be looked into but must be consistent with the rules and regulations for 55 and over

Motion by Mr. DiBlasio, second by Mr. Kahn, to adopt the following resolution:

**RESOLUTION – POSTPONEMENT  
OF OCTOBER 16, 2012  
REFERENDUM VOTE**

**BE IT RESOLVED**, that the Board of Education resolution previously adopted that authorized a voter referendum on October 16, 2012 to consider the sale of the Seaford Avenue School is hereby rescinded, without prejudice, for the Board to consider a proposition to place the sale of the Seaford Avenue School on a referendum at a subsequent date to be determined after an amendment to the existing contract for sale for such building is agreed upon and executed.

Brian Fagan -	Aye
Richard DiBlasio -	Aye
Bruce Kahn -	Aye
Susan Ruona -	Aye
Jeanmarie Wink -	Aye
	Motion Carried.

Closing remarks by the Administration and Board

**CLOSING REMARKS**

◆ Homecoming this weekend

There being no further business, a motion was made by Mr. DiBlasio, second by Mr. Kahn, to adjourn the Special Meeting at 9:37 p.m.

**ADJOURN SPECIAL  
MEETING**

No Discussion.  
All Ayes  
Motion Carried.

Respectfully submitted,

Carmen T. Ouellette  
District Clerk

Bruce A. Kahn  
Vice District Clerk