

**BETHPAGE UNION FREE SCHOOL DISTRICT**  
**Bethpage, New York**  
**BOARD OF EDUCATION**  
**Regular Meeting**

**November 3, 2012 10:00am– Administration Building Conference Room**

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Mr. Kelly called the meeting to order at approximately 10:00 a.m. and led everyone in the Pledge of Allegiance.

*Present:* Sandra Watson, Vice-President; Joel Dauman; Tom Frost ; James McGlynn; and Marie Swierkowski

Michael Kelly via Telephone Conference

*Absent:* Anna Israelton

*Also Present:* Terrence Clark, Superintendent; Joseph Marchesiello, Assistant Superintendent for Business; and Laura Granelli Esq., of Jaspan Schlesinger LLP.

*Absent:* John DeTommaso, Assistant Superintendent for Instruction and Technology; Caroline Lavelle, Assistant Superintendent for Human Resources; and Patricia Hantzidiamantis, Executive Director of Pupil Personnel Services

Approximately 2 members of the community were present.

***ACTING DISTRICT CLERK***

**MOTION** by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education appoint Joseph Marchesiello as District Clerk Pro Tem.

All aye. Motion carried (5-0).

***APPROVAL OF MINUTES***

**MOTION** by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education approve the minutes of the September 11, 2012 Special/Agenda Meeting.

All aye. Motion carried (5-0).

**MOTION** by Mrs. Swierkowski, seconded by Mr. McGlynn, that the Board of Education approve the minutes of the September 27, 2012 Regular Meeting.

All aye. Motion carried (5-0).

**ACCEPTANCE OF TREASURER'S REPORT**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education accept the Treasurer's Report for the period ending August 30, 2012.

All aye. Motion carried (5-0).

**ACCEPTANCE OF WARRANT**

MOTION by Mrs. Swierkowski, seconded by Mr. McGlynn, that the Board of Education accept the Warrant for the period ending September 30, 2012.

All aye. Motion carried (5-0).

**OPPORTUNITY FOR THE PUBLIC TO BE HEARD ON AGENDA ITEMS ONLY:**

None.

**SUPERINTENDENT'S RECOMMENDATIONS:****PERSONNEL**

MOTION by Mr. Frost, seconded by Mrs. Swierkowski, that the Board of Education approve the following personnel actions:

**1. Creation of Positions**

Title	Effective Date
*Two (2) Teacher Aide PT Positions	10/31/12

**2. Abolishment of Position**

Title	Effective Date
None	-

**3. Resignations/Retirements**

CERTIFIED PERSONNEL			
Name	Position	Note	Effective Date
Michael Engelke	Per Diem Sub	Resignation	Ratify 9/22/12
Christine Geller	Teaching Assistant	Resignation	Ratify 10/12/12
Catherine Kellner	Permanent Per Diem Sub	Resignation	Ratify 10/5/12

<b>Nicole Loscalzo</b>	Per Diem Sub	Resignation	Ratify 9/27/12
<b>Brooke McKinney</b>	Per Diem Sub	Resignation	Ratify 9/24/12
<b>Jackie Jill-Rito</b>	Italian Club	Resignation	10/5/12
<b>NON-CERTIFIED PERSONNEL</b>			
<b>Barbara Magnan</b>	Account Clerk	Retirement	Ratify 10/25/12 End of Day
<b>Colleen McGrath</b>	Reg. Prof. Nurse PT Sub	Resignation	Ratify 10/2/12
<b>*Donna Patsos-Meehan</b>	Teacher Aide PT	Resignation	Ratify 10/26/12
<b>*Deborah Perry</b>	School Monitor PT	Resignation	10/30/12
<b>*Ryan Selock</b>	Clerk PT Sub	Resignation	10/30/12

#### 4. Terminations

<b>CERTIFIED PERSONNEL</b>			
<b>Name</b>	<b>Position</b>	<b>Note</b>	<b>Effective Date</b>
None	-	-	-
<b>NON-CERTIFIED PERSONNEL</b>			
None	-	-	-

#### 5. Appointments

<b>CERTIFIED PERSONNEL</b>						
<b>Name</b>	<b>Position</b>	<b>Tenure Area</b>	<b>Salary</b>	<b>Probationary Period Dates</b>	<b>Certification Status</b>	
<b>Kelsey Lohsen</b>	Teaching Assistant	Teaching Assistant	\$24,528 with Benefits	11/5/12-11/4/15	Initial –Mathematics 7-12 Mathematics 5-6 Extension	
<b>NON-CERTIFIED PERSONNEL</b>						
<b>Name</b>	<b>Position</b>	<b>10 or 12 Months</b>	<b>Salary</b>	<b>Probationary Period</b>	<b>Benefits</b>	<b>Effective Date</b>
<b>Joanne Coscino</b>	Teacher Aide PT	10 months	\$16.31/hr Step 1 12/13 Schedule	No	No	11/5/12

<b>Name</b>	<b>Position</b>	<b>10 or 12 Months</b>	<b>Salary</b>	<b>Probationary Period</b>	<b>Benefits</b>	<b>Effective Date</b>
<b>Linda Lembo</b>	Teacher Aide PT	10 months	\$16.31/hr Step 1 12/13 Schedule	No	No	Ratify 10/1/12
<b>Thomas Lichtenberger</b>	Lifeguard 1 PT	-	\$10.43/hr 12/13 Schedule	No	No	11/5/12
<b>Daniel Varley</b>	Lifeguard Trainee PT	-	\$7.77/hr 12/13 Schedule	No	No	11/5/12
<b>Glenn Neuman</b>	Information Technology Aide II	12 Months	Salary Increase to \$37,500	No	Yes	11/5/12 for the 12/13 SY
<b>*Deborah Perry</b>	Teacher Aide PT	10 months	\$16.31/hr Step 1 12/13 Schedule	No	No	11/5/12
<b>*Brendan Dowd</b>	Lifeguard Trainee PT	-	\$7.77/hr 12/13 Schedule	No	No	11/5/12
<b>*Max Shapiro</b>	Lifeguard Trainee PT	-	\$7.77/hr 12/13 Schedule	No	No	Pending Civil Service Approval
<b>*Isabel McGlynn</b>	Teacher Aide PT	-	\$16.31/hr 12/13 Schedule	No	No	11/5/12
<b>*Francine Pilgrim</b>	Clerk PT Sub	-	\$9.08/hr 12/13 Schedule	No	No	Pending Civil Service Approval & Fingerprint Clearance
<b>*Catherine Comeau</b>	Teacher Aide PT Sub	-	\$10.59/hr 12/13 Schedule	No	No	Pending Civil Service Approval
<b>*Lynn Hurley</b>	Teacher Aide PT	10 months	\$16.31/hr 12/13 Schedule	No	No	Pending Civil Service Approval
<b>*Patrice McManus</b>	School Monitor PT	10 months	\$10.95/hr 12/13 Schedule	No	No	Pending Civil Service Approval

<b>CERTIFIED PERSONNEL</b>					
<b>Name</b>	<b>Position</b>	<b>Tenure Area</b>	<b>Salary</b>	<b>Effective Date</b>	<b>Certification Status</b>
<b>Christopher Weidlein</b>	Regular Substitute	-	\$58,046 MA Step 1 Pro-rated which is 10% less than 12/13 Salary Sch. as per BCT Contract	11/5/12 through the end of the 2012-2013 School Year	Initial: Students w/Disabilities Social Studies 7-12 Initial: Social Studies 7-12
<b>Alyssa Byrne</b>	Permanent Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>Keri A. Kearney</b>	Permanent Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>Anthony Tocci</b>	Permanent Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>Jacklyn Boeshore</b>	Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>Joanne Gumo</b>	Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>Mary G. Kissane</b>	Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>*Catriona Bourke</b>	Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>*Dayna Brent</b>	Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>*Nicola Cafaro</b>	Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>*Ashley English</b>	Per Diem Sub	-	As per Board Policy	11/5/12	-
<b>*Kevin Crowley</b>	Per Diem Sub	-	As per Board Policy	11/5/12	-

Name	Position	Tenure Area	Salary	Effective Date	Certification Status
*Ashley Levy	Per Diem Sub	-	As per Board Policy	11/5/12	-
*Blake J. Malizia	Per Diem Sub	-	As per Board Policy	11/5/12	-

#### 6. Family Medical Leave of Absence

CERTIFIED PERSONNEL			
Name	Position	Effective Date	Not To Exceed 12 Weeks
*Clare Carlin	Elementary Ed	4/18/13	Yes
*Stephen Franzke	Physical Ed	Ratify 10/22/12	Yes
Sara Glassman	Social Worker	12/1/12 for the 12/13 SY	CRL Inclusive of FMLA
Erin Molloy	Special Ed	12/6/12	Yes
Michelle Phillips	Library Media Specialist	1/14/13	Yes
NON-CERTIFIED PERSONNEL			
None	-	-	-

#### 7. Child Rearing Leave of Absence

CERTIFIED PERSONNEL			
Name	Position	Effective Date	Notes
Jennifer Codispoti	Special Ed	1/26/13 for the 12/13 SY	-
Jacquelyn Keane	Special Ed	2/11/13 for the 12/13 SY	-
NON-CERTIFIED PERSONNEL			
None	-	-	-

#### 8. Corrections

CERTIFIED PERSONNEL			
Name	Position	Correction	Effective Date of Correction
Kristen Brosnan	Special Ed	Correction to 8/14/12 Board Action – Effective Date of CRL is 9/27/12	8/14/12
NON-CERTIFIED PERSONNEL			
Debra Marmorale	School Monitor PT	Correction to 8/28/12 Board Action – Salary is Step 5, \$12.78/hr per 12/13 Hourly Salary Schedule	8/28/12

Motion carried (4-0-1)

Ayes	4
Noes	0
Abstentions	1 (Mr. McGlynn)

**STIPULATION OF AGREEMENT BETWEEN THE BETHPAGE UNION FREE SCHOOL DISTRICT AND THE BETHPAGE CONGRESS OF TEACHERS**

MOTION by Mr. Dauman, seconded by Mr. Frost, RESOLVED, the Board of Education approves the Stipulation of Agreement amending Appendix "E" of the collective bargaining agreement between the Bethpage Union Free School District and the Bethpage Congress of Teachers for the period July 1, 2012 through June 30, 2014, and authorizes the Superintendent of Schools to execute said agreement on behalf of the District.

Note: This stipulation creates extracurricular positions at JFK Middle School as noted:

Medial Relations Club Advisor, stipend \$2,662
Student Council Second Advisor, stipend \$2,662

All aye. Motion carried (5-0).

**RESCIND EXTRACURRICULAR/CO-CURRICULAR APPOINTMENT**

MOTION by Mrs. Swierkowski, seconded by Mr. Frost, that the Board of Education rescind the extracurricular/co-curricular appointment as noted for the 2012-2013 school year:

**Nazli River – Drum Club**

Note: A copy of the Extracurricular/Co-Curricular Activities Schedule is available in the Office of Human Resources.

All aye. Motion carried (5-0).

**RESCIND 2012-2013 APPOINTMENTS**

MOTION by Mr. Dauman, seconded by Mr. Frost, that the Board of Education rescind the appointments of the following for the 2012-2013 school year:

<u>Videographer Advisor</u>	Joseph Lomonaco
<u>Adult Education</u>	Taryn Haruthunian, SAT Math Ann Marie Sestak, SAT English

All aye. Motion carried (5-0).

**VIDEOGRAPHER ADVISOR**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education ratify the appointment of Corey Platt, Videographer Advisor effective September 1, 2012 for a stipend of \$1,000.

All aye. Motion carried (5-0).

**EXTRACURRICULAR/CO-CURRICULAR**

MOTION by Mr. Dauman, seconded by Mrs. Swierkowski, that the Board of Education approve the extracurricular/co-curricular appointments, as submitted, for the 2012-2013 school year.

Note: A copy of the Extracurricular/Co-Curricular Activities Schedule is available in the Office of Human Resources.

All aye. Motion carried (5-0).

**2012-2013 CONTINUING EDUCATION**

MOTION by Mr. Frost, seconded by Mr. Dauman, that the Board of Education approve the following individuals for the 2012-2013 school year:

- (1) Continuing Education Instructors in the subjects indicated, subject to sufficient enrollment for each class:

<p><b>Maria Derogatis (Lombardi)</b>  <b>Joseph Granieri</b>  <b>David Gordon</b>  <b>*Cynthia Merker</b></p>	<p><b>Kardio Kickboxing</b>  <b>SAT Math</b>  <b>SAT English</b>  <b>Zumba</b></p>
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All aye. Motion carried (5-0).

**PSAT 2012-2013 APPOINTMENTS**

MOTION by Mrs. Swierkowski, seconded by Mr. McGlynn, that the Board of Education approve the appointments of the following PSAT workers for the 2012-2013 school year:

<u>Proctors</u>	
<p><b>Jamie Amodia</b>  <b>Andrew Cangemi</b>  <b>Lisa Sherry</b>  <b>Wendy Way</b></p>	<p><b>Carol Arigo</b>  <b>Danielle Lombardi</b>  <b>Conrad Skuza</b></p>

All aye. Motion carried (5-0).



**ASTRONOMY NIGHT TEACHERS**

MOTION by Mr. Dauman, seconded by Mr. Frost, that the Board of Education approve the appointments of the following Astronomy Night Teachers for the 2012-2013 school year:

- |                             |                            |
|-----------------------------|----------------------------|
| <b>Julie Aronheim</b>       | <b>Jamie Amodia</b>        |
| <b>Erin Austin</b>          | <b>Andrew Cangemi</b>      |
| <b>Joseph Granieri</b>      | <b>Amanda Leek</b>         |
| <b>Katie Lishansky</b>      | <b>Jennifer Mulholland</b> |
| <b>Chris Pollatos</b>       | <b>Elizabeth Raia</b>      |
| <b>Carolyn Saur</b>         | <b>Ronald Tauriello</b>    |
| <b>Jessica Teelucksingh</b> | <b>David Wettengel</b>     |
| <b>Daniel Zabell</b>        |                            |

All aye. Motion carried (5-0).

**CPSE AND CSE DOCUMENTS**

- |       |                    |                    |                    |
|-------|--------------------|--------------------|--------------------|
| CPSE: | October 2, 2012    | October 16, 2012   |                    |
| CSE:  | September 4, 2012  | September 6, 2012  | September 13, 2012 |
|       | September 14, 2012 | September 19, 2012 | September 20, 2012 |
|       | September 24, 2012 | September 25, 2012 | September 27, 2012 |
|       | September 28, 2012 | October 1, 2012    | October 2, 2012    |
|       | October 3, 2012    | October 4, 2012    | October 5, 2012    |
|       | October 9, 2012    | October 10, 2012   | October 11, 2012   |
|       | October 12, 2012   |                    |                    |

MOTION by Mr. Frost, seconded by Mr. McGlynn, BE IT RESOLVED that the recommendations of the CPSE/CSE for the above dates have been reviewed by the Board of Education, and arrangements will be made for the special educational programs and services and parent notification.

All aye. Motion carried (5-0).

**DONATION OF FUNDS**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, recommends that the Board of Education accept the donation of \$539.38 from Target Stores and the "Take Charge of Education" School Funding Program and allow this donation to be deposited into the General Fund to be used to benefit the children at Charles Campagne Elementary School.

RESOLVED, that the Board of Education be and is authorized by law to increase the voter approved 2012-2013 school year budget appropriation to allow for the expenditure of \$539.38 at Charles Campagne Elementary School.

All aye. Motion carried (5-0).

**DONATION OF FUNDS**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education accept a donation in the amount of \$2,000, from CSC Holdings, LLC, to be deposited into the General Fund for the purpose of defraying the cost of videotaping for the District.

RESOLVED, that the Board of Education be and is authorized by law to increase the voter approved 2012-2013 school year budget appropriation to allow for the expenditure of \$2,000 at the Bethpage Union Free School District.

All aye. Motion carried (5-0).

**DONATION OF FUNDS**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education accept the donation of \$444.32 from Target Stores and the "Take Charge of Education" School Funding Program and allow this donation to be deposited as follows: \$200 to be deposited into the Trust & Agency Fund for the purpose of providing funds for educational field trips for those students of the Bethpage School District who are financially unable to pay the expenses to attend a school-sponsored field trip and; the remaining \$244.32 to be deposited into the Student Council Extracurricular Account to benefit the children at JFK Middle School.

All aye. Motion carried (5-0).

**FIELD TRIP AGREEMENTS**

MOTION by Mr. McGlynn, seconded by Mrs. Swierkowski, that the Board of Education approve the following Field Trip Agreements for various student field trips for the 2012-2013 school year:

Vendor	Est. Date of Trip	Est. Cost	Building/Dept./Class
Medieval Times	5/31/2013	\$3,148	Kramer Lane
Medieval Times	5/17/2013	\$3,226	Charles Campagne
Medieval Times	6/7/2013	\$2,996	Central Blvd.

The Board further authorizes the Board President to execute said Agreement on their behalf.

All aye. Motion carried (5-0).

**BUS FIELD TRIP AGREEMENTS**

MOTION by Mr. McGlynn, seconded by Mr. Dauman, that the Board of Education approve the Bus Services Agreements for the following student field trips for the 2012-2013 school year:

<b>Bus Company</b>	<b>Est. Date of Trip</b>	<b>Est. Cost</b>	<b>Building/Dept./Class</b>
Coachman Luxury Transport, Inc.	5/31/2013	\$1,800	Kramer Lane
Coachman Luxury Transport, Inc.	11/10/2012	\$1,075	JFK 21 <sup>st</sup> Century
Alert Coach Lines, Inc.	5/17/2013	\$1,625	JFK Music Dept.
L&G Leasing d/b/a/ Paradise Travel	5/31-6/1/13	\$2,500	BHS Music Dept.

The Board further authorizes the Board President to execute said Agreement on their behalf.

All aye. Motion carried (5-0).

**REMOVAL OF OBSOLETE EQUIPMENT FROM DISTRICT INVENTORY**

MOTION by Mr. McGlynn, seconded by Mr. Dauman, that the Board of Education declare the following fitness equipment obsolete and of no value and no use to the School District, and authorizes that they be removed from the District inventory:

Description	Brand Name & Model #	Serial #
Treadmill	Landice L7	L7-24186
Treadmill	Landice L7	L7-22545

All aye. Motion carried (5-0).

**SPECIAL EDUCATION AGREEMENTS**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education approve the agreements between the Bethpage Union Free School District (District of Location) and the following schools (Districts of Residence) for the purpose of providing specialized educational and related services, as well as transportation:

School	Period Covered	# Students	Total Est. Cost
E. Meadow UFSD	Sept. 1, 2012-June 30, 2013	1	\$83,700
Levittown UFSD	Sept. 1, 2012-June 30, 2013	1	\$77,000

The Board further authorizes the Board President to execute the Agreements on their behalf.

All aye. Motion carried (5-0).

### **INVESTIGATIVE SERVICES AGREEMENT**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education approve the agreement between the Bethpage Union Free School District and Chester Investigative Agency, Inc., for the period October 30, 2012 through June 30, 2013, for the purpose of providing investigative services on an as-needed basis as requested by the School District, at an hourly rate of \$45.99 per hour (minimum of 2.5 hours), Mileage rate of \$0.585 per mile, and other fees as stipulated in the agreement for services which the District may require.

The Board further authorizes the Board President to execute the Agreement on their behalf.

All aye. Motion carried (5-0).

### **CORRECTION TO OFFICIAL BANK DEPOSITORIES RESOLUTION**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education approve a correction, effective July 10, 2012 to the resolution of July 10, 2012, regarding the designation of banks as official bank depositories for any and all District funds and delete specific stipulation of accounts.

All aye. Motion carried (5-0).

### **PROPOSED CAPITAL IMPROVEMENTS TO BETHPAGE UFSD:**

MOTION by Mr. Dauman, seconded by Mrs. Swierkowski, that the Board of Education approve the following:

#### 2012-2013 CIP & 2011-2012 CAPITAL RESERVE

State Environment Quality Review  
Notice of Determination of Non-Significance

WHEREAS, the Board of Education of the Bethpage UFSD is the lead agency under the State Environmental Quality Review Process for the

purpose of required determinations respecting the proposed Capital Improvement Projects as follows:

**DISTRICT WIDE CAMERA & CARD SWIPE ACCESS INSTALLATION  
SED #28-05-21-03-7-999-002**

WHEREAS, in 1995, amendments were made to the SEQRA Regulation (Part 617) to classify projects, which will be excluded from the requirements for the preparation of an Environmental Impact Statement (Type II Actions). The project mentioned above is now classified as Type II Actions as determined by 6NYCRR§617.5 and

WHEREAS, this project falls under the following categories:

- A. Routine Maintenance and Repair 6NYCRR§617.5 (c)(1): maintenance or repair involving no substantial change in an existing facility.
  
- B. Replace or Rehabilitation 6NYCRR§617.5 (c)(2): replacement or rehabilitation or reconstruction of a structure of facility, in kind, on the same site, unless the work excess a threshold for a Type I action in 6NYCRR§617.4.

THEREFORE, as the lead agency for the SEQRA determination, the above referenced project falls under Categories "A" or "B" above. The procedure for Type II Actions, with regard to the SEQRA Process for Capital Projects noted above is "No Additional Required Action under 6NYCRR§617.5(a)".

All aye. Motion carried (5-0).

**REFUNDING BOND RESOLUTION**

MOTION by Mr. Frost, seconded by Mr. McGlynn, that the Board of Education OF THE BETHPAGE UNION FREE SCHOOL DISTRICT, NEW YORK, ADOPTED OCTOBER 30, 2012, AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID DISTRICT, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$8,300,000 THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,300,000 REFUNDING SERIAL BONDS OF THE DISTRICT TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS ALL RELATIVE THERETO.

Recitals

WHEREAS, the Bethpage Union Free School District, in the County of Nassau, New York (herein called the "District"), issued \$12,525,000 School District Serial Bonds-2004 on July 29, 2004, pursuant to the bond resolution entitled:

"Bond Resolution of the Bethpage Union Free School District, New York, adopted August 29, 2000, authorizing the construction of alterations and improvements to all District buildings and the

sites thereof; stating the estimated total cost thereof is \$29,926,978; appropriating said amount therefore; and authorizing the issuance of \$29,926,978 serial bonds of said District to finance said appropriation;"

WHEREAS, \$8,605,000 of said bonds are currently outstanding (the "Outstanding Bonds") and mature on August 15 in the years and in the principal amounts and bear interest payable on February 15 and August 15 in each year, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2013	\$565,000	4.00%
2014	585,000	4.00
2015	610,000	4.00
2016	635,000	4.00
2017	660,000	4.00
2018	690,000	4-1/8
2019	720,000	4.25
2020	755,000	4.25
2021	790,000	4-3/8
2022	825,000	4-3/8
2023	865,000	4.50
2024	905,000	4.50

WHEREAS, the Outstanding Bonds maturing on August 15, 2015, and thereafter, are subject to redemption prior to maturity, at the option of the District,

in whole, or in part, on any date on or after August 15, 2014, at par, plus accrued interest to the date of redemption;

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), authorize the District to issue new bonds to refund all or a portion of the Outstanding Bonds provided the issuance of new bonds for such purpose will result in present value debt service savings for the District; and

WHEREAS, in order effectuate the refunding, it is now necessary to adopt a refunding bond resolution;

THEREFORE,

THE BOARD OF EDUCATION OF THE BETHPAGE UNION FREE SCHOOL DISTRICT, NEW YORK HEREBY RESOLVES (by the favorable vote of at least two-thirds of all the members of said Board of Education), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- (a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or any portion of the Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.
- (b) "Escrow Contract" means the contract to be entered into by and between the District and the Escrow Holder pursuant to Section 9 hereof.
- (c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 9 hereof.

- (d) "Financial Advisor" means Capital Markets Advisors, LLC.
- (e) "Outstanding Bonds" means the \$8,605,000 bonds referred to in the Recitals to this Resolution.
- (f) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid, including estimated accrued interest.
- (g) "Redemption Date" or "Redemption Dates" means August 15, 2014, or any date thereafter with respect to the Outstanding Bonds, as determined by the President of the Board of Education pursuant to Section 8 hereof.
- (h) "Refunding Bond" or "Refunding Bonds" means all or a portion of the \$8,300,000 Refunding Serial Bonds of the Bethpage Union Free School District, authorized pursuant to Section 3 hereof.
- (i) "Refunding Bond Amount Limitation" means an amount of Refunding Bonds which does not exceed the principal amount of



Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the Redemption Date, plus any redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, plus costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.

- (j) "Refunding Financial Plan" means the proposed financial plan for the refunding in the form attached hereto as **Exhibit A** and prepared for the District by the Financial Advisor.

Section 2. The Board of Education of the District (herein called the "Board of Education"), hereby authorizes the refunding of the Bonds To Be Refunded and appropriates an amount not to exceed \$8,300,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$8,300,000 Refunding Bonds, and the levy and collection of a tax upon all the taxable real property within the District to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. The Refunding Financial Plan is hereby accepted and approved, and includes (i) the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, (ii) the payment of all costs incurred by the District in connection with said refunding from such proceeds, and (iii) the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest thereon, together with the balance of such proceeds to be held uninvested, shall

be sufficient to pay the principal of and interest on and premium, if any, on the Bonds To Be Refunded becoming due and payable on and prior to the Redemption Date and to be called for redemption prior to maturity on the Redemption Date.

Section 3. Refunding Bonds in the aggregate principal amount of not to exceed \$8,300,000 are hereby authorized to be issued pursuant to the Law, and shall mature in such amounts, on such dates, and shall bear interest at such rates of interest per annum as shall be determined at the time of the sale of such bonds.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum period of probable usefulness ("PPU") permitted by law at the time of original issuance of the Bonds to be Refunded, for the objects or purposes financed with the proceeds of the Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds. The applicable periods of probable usefulness of the objects or purposes financed with the proceeds of the Bonds to be Refunded is twenty (20) years.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the Refunding Financial Plan, and computed in accordance with subdivision two of paragraph b of Sections 90.00 and 90.10 of the Law. Said Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount and will mature, be of such terms, and bear such interest as set forth therein. The actual

principal amount of the Refunding Bonds, the terms thereof, and the resulting Present Value Savings, may vary from the Refunding Financial Plan.

Section 6. (A) The Refunding Bonds may be sold at public or private sale.

(i) If the Refunding Bonds are sold at private sale, the President of the Board of Education is hereby authorized (a) to cause the Financial Advisor to solicit proposals for the refunding of the Outstanding Bonds from at least three (3) qualified firms recommended by the Financial Advisor; and (b) to execute a purchase contract on behalf of the District for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

(ii) If the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the President of the Board of Education is hereby authorized and directed to prepare or have prepared a Notice of Sale, which shall be published at least once in "*The Bond Buyer*," published in the City of New York, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale (a) to the State Comptroller, Albany, New York 12236; (b) to at least two (2) banks or trust companies having a place of business in the County in which the District is located, or, if only one (1) bank is located in such County, then to such bank and to at least two (2) banks or trust companies having a place of business in an adjoining County; and (c) to "*The Bond Buyer*", 1 State Street Plaza, New York, New York 10004; and (d) at least ten (10) bond dealers.

(B) Prior to the issuance of the Refunding Bonds the President of the Board of Education shall file with the Board of Education all requisite certifications, including a certificate approved by the State Comptroller setting forth the Present Value Savings to the District resulting from the issuance of the Refunding Bonds. In connection with the sale of Refunding Bonds, the District authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. The President of the Board of Education and his designees are hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the District in connection with said refunding, including the preparation of the Refunding Financial Plan.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the District payable as to both principal and interest by a general tax upon all the taxable real property within the District, without limitation as to rate or amount. The faith and credit of the District are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the District for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Law, the powers and duties of the Board of Education relative to determining the amount of Bonds To Be Refunded, the Redemption Date, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, approving all details of the Refunding Financial Plan not contained herein, executing any arbitrage certification relative thereto, as well as executing any agreements for credit enhancements and executing the Official Statement referred to in Section 6, and the Escrow Contract described in Section 9, are hereby delegated to the President of the Board of Education, the chief fiscal officer of the District.

Section 9. Prior to the issuance of the Refunding Bonds, the District shall contract with a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the Refunding Financial Plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the District, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and

performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the District the notice of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the monies held by it consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the District with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder, if invested, shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the provisions of the Escrow Contract shall be returned to the District and shall be applied by the District only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with any interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of

the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys not required for such payments on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion thereof as shall be required by the Refunding Financial Plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the District irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Board of Education hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as such date is determined by the President of the Board of Education. The sums to be paid therefor on such Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause notice(s) of such call for redemption to be given in the name of the District by mailing such notice(s) to the registered holders of the Bonds To Be Refunded which are subject to prior

redemption at least thirty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption on the Redemption Date and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 13. The Board of Education hereby appoints the firm of Hawkins Delafield & Wood LLP, One Chase Manhattan Plaza, 42<sup>nd</sup> floor, New York, New York to provide all necessary Bond Counsel legal services in connection with the authorization, sale and issuance of the Refunding Bonds of the District.

Section 14. The validity of the Refunding Bonds authorized by this resolution 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, or a summary thereof, 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 15. This bond resolution shall take effect immediately, and the District Clerk is hereby authorized and directed to publish the foregoing



resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in either “*The Tribune*,” “*The Newsgram*” or “*Newsday*” each newspaper having a general circulation in the District and hereby designated an official newspaper of said District for such publication.

\* \* \*

The adoption of the foregoing resolution was seconded by Board Member

Mr. McGlynn and duly put to a vote on roll call, which resulted as follows:

AYES: Mr. McGlynn, Mrs. Swierkowski, Mrs. Watson, Mr. Frost, Mr. Dauman

NOES: None

All aye. Motion carried (5-0).

The resolution was declared adopted.

#### **FIRST READING OF REVISED POLICIES**

MOTION by Mr. Frost, seconded by Mr. McGlynn. the Board of Education acknowledge that it has performed the first reading of the following revised policies, as submitted:

No. 8110	School Building Safety
No. 8115	Pesticides and Pest Management
No. 8130	School Safety Plans and Teams
No. 8134	Emergency Closings and Delayed Openings
No. 8240	Operation of Motor-Driven Vehicles on District Property
No. 8330	Authorized Use of District-Owned Materials and Equipment
No. 8332	Use of District Cell Phones
No. 8334	Use of District Credit Cards
No. 8400	Transportation Program
No. 8414.5	Alcohol and Drug Testing of Bus Drivers and Other Covered Employees
No. 8416	Use of Buses by Community and Other Groups
No. 8630	Computer Resources and Data Management
No. 8650	School District Compliance with Copyright Law

- No. 8700 Insurance
- No. 8800 Energy/Water Conservation and Recycling of Solid Waste

All aye. Motion carried (5-0).

**FIRST READING OF NEW POLICIES**

MOTION by Mr. Frost, seconded by Mr. McGlynn, that the Board of Education acknowledge that it has performed the first reading of the following new policies, as submitted:

- No. 8000 Support Services Goals
- No. 8100 Safety Program
- No. 8112 Health and Safety Committee
- No. 8140 Unsafe School Transfer Choice
- No. 8220 Buildings and Grounds Maintenance and Inspection
- No. 8410 Student Transportation
- No. 8413 Transportation for Nonpublic School Students
- No. 8414.4 Video Cameras on School Buses
- No. 8635 Information Security Breach and Notification

All aye. Motion carried (5-0).

**ABOLISHMENT OF POLICIES**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, that the Board of Education abolish the following policies:

- No. 8111 Safety and Security
- No. 8123 Hazardous Waste and Handling of Toxic Substances by Employees and Exposure Control Program
- No. 8123.1 Communicable Diseases
- No. 8132 Fire Drills, Bomb Threats and Bus Emergency Drills
- No. 8414 School Bus Safety Program
- No. 8414.1 Qualifications of Bus Drivers
- No. 8730 Health Insurance and Workers' Compensation

All aye. Motion carried (5-0).

**HURRICANE/STORM SANDY REPAIRS**

MOTION by Mr. Dauman, seconded by Mr. McGlynn, WHEREAS, as a result of Hurricane/Storm Sandy, all District schools buildings sustained significant unforeseeable damage including but not limited to roof damage at the High School and circuit switch damage through all three schools ("affected areas"); and

WHEREAS, as a result of such damage, the District retained engineers and/or other experts to assess the condition of the building and safety of holding classes in connection with the affected areas; and

WHEREAS, such engineers and experts have expressed concern that the affected areas require immediate action in that they could pose a danger to the health and safety of students, staff and others and that action is needed to prevent further damage; and;

WHEREAS, the affected areas require immediate action which cannot await competitive bidding;

NOW THEREFORE, BE IT RESOLVED, that, upon recommendation of the Superintendent of Schools, the Board of Education hereby declares the repairs to the affected areas of Bethpage High School, Kramer Lane School and Charles Campagne School to be emergency work as defined in General Municipal Law §103(4) and otherwise as appropriate to permit the assessment, design, repair and related work and expense for the affected areas; and

BE IT FURTHER RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board of Education suspends the competitive bidding requirements for the purpose of this resolution and this repair; and

BE IT FURTHER RESOLVED, that the Board of Education declares the expenditure associated with these emergency repairs to be an ordinary contingent expense; and

BE IT FURTHER RESOLVED, that such expenditures may be drawn from the unrestricted fund balance (a/k/a Management Reserve or Undesignated Fund Balance);  
;and

BE IT FURTHER RESOLVED, that the Board President be authorized to sign such contract on the Board's behalf.

All aye. Motion carried (5-0).

**OLD BUSINESS:** None.

**SUPERINTENDENT'S REPORT**

- ❖ Mr. Clark gave a detailed report on the impact Hurricane/Storm Sandy had on the various schools within the district and the extent of the damages that were incurred.
- ❖ Mr. Clark also discussed the contingency plans for opening schools the following week.

**PRESENTATION OF ITEMS BY BOARD MEMBERS:** None.

**OPPORTUNITY FOR THE PUBLIC TO BE HEARD:** None.

**FUTURE BOARD OF EDUCATION MEETING DATES:** November 20, 2012 Agenda Meeting, and November 27, 2012 Regular Meeting.

**ADJOURNMENT**

MOTION by Mr. Frost, seconded by Mr. Dauman, that the Board of Education adjourn the Regular Meeting.

All aye. Motion carried (5-0).

The Board of Education adjourned the Regular Meeting at 10:42 am.

Respectfully submitted,

Joseph Marchesiello  
District Clerk Pro Tem

Elena Becker  
District Clerk