

3/15/23

Gilbertsville-Mount Upton Central School Board of Education

Regular Meeting

15 March 2023

D131

Members present at the start of the meeting were President, Jeremy Pain, Sean Barrows, Christopher Ostrander, Sarah Green, Brenda Friedel and 7 guests.

Vice President Jed Barnes and member Whitney Talbot were absent.

Others present were Superintendent Annette Hammond, District Clerk Jarrin Hayen, District Treasurer Dorothy Iannello and Principal Heather Wilcox.

The meeting was called to order at 6:00 P.M. by President Pain, who led the Pledge of Allegiance. ORDER

The Superintendent and the Principal provided the following Positive Highlights:
-Couple of events were snowed out and not rescheduled: All County and CASSC Upstate Academic Competition (Quiz Bowl).
-Pops concert was a delight.
-1 of 3 Senior day trips to Greek Peek was successful. Everyone had a great time.
-Letter from community member stating how great the Pops concert was. Commended all involved.

POSITIVE HIGHLIGHTS

No topics raised from the floor.

PUBLIC COMMENT

Safety Patrol Advisor Shari Bennett presented the itinerary to East Stroudsburg and Pocono Mountain, PA on June 4-6, 2023, for their trip to the board. The board was in consent.

REPORTS, Safety Patrol Trip

Abbey Beaver, GMU Health Teacher; Jennifer McDowall, GMU ELA Teacher and Ashley Hughes, GMU Art Teacher reported on a "Humanity and Society" course proposal. The course would be a semester or full year course with credit TBD. It would be more of an Independent Study and open to students in 11-12th grade.

REPORTS, Humanity and Society: Course Proposal

Architect Steve Theiser, IBI Group presented on the proposed Capital Project.

REPORTS, Capital Project Presentation

Superintendent Annette Hammond and District Treasurer Dorothy Iannello reviewed current numbers for the 2023-2024 budget with the board.

REPORTS, Budget Presentation

3/15/23

The board received information on the following:

-Amended 2022-2023 Instructional Calendar-March 24 is now a full day of school, April 14th is now a ½ day of school with a noon dismissal and May 26 is a ½ day of school with a noon dismissal.

-CASSC School Boards Institute Workshop-April 25 on the School Board of Education and School Climate.

-Remote Instruction Protocol-if use all snow days (1 left), would use remote instruction (guidelines in MOA) so we do not lose State Aide on days we cannot come in.

-Mascot Name-"Raider" cannot be used anymore if a proposal goes through in April about indigenous names. We will discuss more about how to proceed once Mrs. Hammond receives more information.

INFO FOR MEMBERS

The board discussed the following:

-Candidate Nomination for DCMO BOCES Board of Education: No nomination

-Board of Education Scholarship-using the same application. Will decide on how many and the amount at the April 19th meeting.

-Modified Baseball-Currently only 2 students signed up. Previously the BOE decided would only transport if 5 students were signed up for a team. We don't have an extra driver right now. If we can get a driver who can regularly do this, we will.

-Drug Sniffing Dogs-Health and safety. Board in consent.

-SRO Officer-Board in consent to use grant money for the one year that is left for a trial run. Would have to be a full-time SRO instead of part-time, about \$60,000.

BOARD DISCUSSION

Minutes from the 13 February 2023 regular meeting were unanimously approved on a motion by Barrows, seconded by Ostrander. For the motion five, opposed none. Motion carried.

MINUTES

The proposed 15 March 2023 Regular Consent Agenda was unanimously adopted as amended on a motion by Ostrander, seconded by Friedel. For the motion five, opposed none. Motion carried.

AGENDA

Board Member Barrows made the motion, seconded by Board Member Green, RESOLVED: Upon the recommendation of the Superintendent of Schools, to accept/approve the 15 March 2023 CSE/CPSE Consent Agenda. The meeting dates include 10 & 22 February 2023 and 1, 3, & 7 March 2023. For the motion five, opposed none. Motion carried.

CSE/CPSE CONSENT
AGENDA

3/15/23

Board Member Friedel made the motion, seconded by Board Member Ostrander, **RESOLVED**: Upon the recommendation of the Superintendent of Schools, to accept/approve the 15 March 2023, Financial Consent Agenda. For the motion five, opposed none. Motion carried.

FINANCIAL CONSENT
AGENDA

SEQRA

BE IT RESOLVED, that the Gilbertsville-Mount Upton Central School District Board of Education, hereby declares the Gilbertsville-Mount Upton Central School District as the Lead Agency for purposes of the State Environmental Quality Review Act and regulations (SEQRA), associated with the 2023 Capital Improvements Project.

SEQRA

WHEREAS, the Gilbertsville-Mount Upton Central School District Board of Education (the "Board") has considered the effect upon the environment of the proposed 2023 Capital Improvements Project listed in the State Environmental Quality Review Act Process Record Sheet submitted at this meeting, and

WHEREAS, the Board has received and reviewed the State Environmental Quality Review Act Process Record Sheet prepared and submitted in connection with the Project, now therefore

BE IT RESOLVED, that the Gilbertsville-Mount Upton Central School District Board of Education, acting as Lead Agency for purposes of the State Environmental Quality Review Act and regulations (SEQRA), hereby determines that the Project is a Type II action which will not have a significant impact on the environment and is not subject to review under SEQRA.

Financial Reports

To accept the financial reports for February 2023.

Installment Purchases Agreement (IPA)

To approve the Installment Purchase Agreement (IPA) for Technology Equipment (copiers) for the South-Central Regional Information Center Service from the Broome-Tioga BOCES from 7/1/23-6/30/28.

Donation (encl F5)

To approve the donation of school supplies from the Christ Church in Gilbertsville.

Board Member Barrows made the motion, seconded by Board Member Ostrander, **RESOLVED**: Upon the

FINANCIAL PROPOSAL
AGENDA

3/15/23

recommendation of the Superintendent of Schools, to accept/approve the 15 March 2023, Financial Proposal Agenda. For the motion five, opposed none. Motion carried.

Confidential/Exempt Salaries for 2023-2024 and 2024-2025

To approve/accept confidential/exempt salaries for the 2023-2024 and 2024-2025 school years and any revisions to the proposed Terms of Employment, effective 01 July 2023.

Board Member Green made the motion, seconded by Board Member Barrows, RESOLVED: Upon the recommendation of the Superintendent of Schools, to accept/approve the 15 March 2023, Personnel Consent Agenda as amended. For the motion five, opposed none. Motion carried.

PERSONNEL CONSENT
AGENDA

Election Officials

Section 1. The following residents of the Gilbertsville-Mount Upton Central School District, qualified to vote in the school elections, are appointed to conduct the election of the Annual District Meeting/Vote to be held on 16 May 2023.

Chief Election Inspector: Sallye Sadlocha

Election Inspector: Lynne Ohl

Alternate: Jarrin Hayen

Section 2. Compensation of appointed election officials is set at \$150.00 per day. The hours assigned include one-half hour orientation, which will be considered time worked, as will additional time spent counting votes after the polls close.

Section 3. The District Clerk is authorized to fill any vacancies in these positions which may occur prior to the date of the vote.

Section 4. Duties of each position are as prescribed by Education Law and the District Clerk.

Section 5. The District Clerk is directed to inform each election officials of their appointment, and to provide each election official with a copy of the appropriate list of duties and necessary instruction in their duties.

Section 6. All Election Inspectors and/or Assistant Clerks are asked to remain/return to count ballots after the polls close.

Substitute Bus Monitor/Aide

To appoint William Arvidson as a substitute Bus Monitor/Aide for the 2022-2023 school year, effective March 15, 2023.

3/15/23

Substitutes

To appoint Sara Holmes as a **PK-12 non-certified** teacher substitute, effective March 16, 2023.

To appoint Kristin Deffler as a **PK-12 non-certified** teacher & **PK-12 Aide** substitute, effective March 16, 2023.

Resignation

To accept the resignation of Sandra Bonczkowski as Girls' Varsity Softball Volunteer Assistant Coach, effective March 15, 2023.

Board Member Friedel made the motion, seconded by Board Member Ostrander, RESOLVED: Upon the recommendation of the Superintendent of Schools, to accept/approve the 15 March 2023 New Items Consent Agenda as amended. For the motion five, opposed none. Motion carried.

NEW ITEMS CONSENT
AGENDA

Agreement between Morris Central School and Gilbertsville-Mount Upton Central School

To approve the 119-o agreement between Morris Central School and Gilbertsville-Mount Upton Central School for a shared Occupational Therapist.

Capital Project Proposition

RESOLUTION AUTHORIZING INCLUSION OF CAPITAL PROJECT PROPOSITION AT ANNUAL SCHOOL DISTRICT MEETING AND ELECTION.

BE IT RESOLVED, by the Board of Education of Gilbertsville-Mount Upton Central School District, Otsego and Chenango Counties, New York, as follows:

Section 1. The proposition hereinafter set forth is hereby authorized to be submitted for the approval of the qualified voters at the Annual School District Meeting and election to be held in said School District, on the 16th day of May 2023.

Section 2. The School District Clerk is hereby authorized and directed to include as a part of the notice of the Annual District Meeting and Election notice with reference to the submission of said proposition in substantially the following form:

* * * * *

NOTICE IS HEREBY FURTHER GIVEN that at said Annual Meeting and Election to be held on May 16, 2023, the following proposition will be submitted:

PROPOSITION

Shall the following resolution be adopted, to-wit:
RESOLVED, the Gilbertsville-Mount Upton Central School District, Otsego and Chenango Counties, New York, shall be authorized to construct improvements to and reconstruct the School District building and campus facilities, including site improvements, original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$5,200,000, and that \$116,147 of 2015 Capital Reserve Fund monies, \$500,000 of 2016 Capital Reserve Fund monies, and \$383,853 of available monies shall be expended therefor, and that the remaining \$4,200,000 or so much thereof as may be necessary, shall be raised by the levy of a tax upon the taxable property of said School District and collected in annual installments as provided by Section 416 of the Education Law; and in anticipation of such tax, obligations of said School District shall be issued.

The School District has determined said capital project is a "Type II Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA") based upon 6 NYCRR Part 617.5(c)(1), (2) and (10) (previously (8)), which as such will not have any adverse environmental impacts.

* * * * *

Section 3. This resolution shall take effect immediately.

Annual Meeting Advertisement

NOTICE OF ANNUAL MEETING

**GILBERTSVILLE-MOUNT UPTON
CENTRAL SCHOOL DISTRICT**

NOTICE IS HEREBY GIVEN that the Annual Budget Hearing for the inhabitants of the Gilbertsville-Mount Upton Central School District, qualified to vote at school meetings in said district, will be held at the Gilbertsville-Mount Upton Central School on Tuesday, May 9, 2023 at 6:00 PM, for the transaction of such business as is authorized by Education Law.

NOTICE IS ALSO GIVEN that the Annual Meeting/Election to vote upon the appropriation of the

3/15/23

necessary funds to meet the estimated expenditures, or any propositions involving the expenditure of money, or authorizing a levy of taxes, or any proposition duly presented in accordance with election law, as well as the election of members of the Board of Education, shall be held on Tuesday, May 16, 2023, between the hours of 12:00 Noon and 8:00 PM.

NOTICE IS ALSO GIVEN that a copy of the statement of the amount of money which will be required for the ensuing year for school purposes may be obtained by any resident of the District at the District Office during the fourteen days immediately preceding the vote, except Saturday, Sunday or a holiday, between the hours of 10:00 AM and 4:00 PM.

NOTICE IS ALSO GIVEN that petitions nominating candidates for the office of members of the Board of Education must be filed with the District Clerk at the District Office between the hours of 9:00 AM and 5:00 PM, not later than April 17, 2023. The following vacancies are to be filled:

Two (2) three-year terms commencing on July 1, 2023, and expiring on June 30, 2026.

Candidates do not run for a specific seat but rather all vacant seats are “at large”, meaning that each nominee is eligible for every vacancy, rather than only for a specific seat.

Each petition must be addressed to the District Clerk, be signed by at least 25 qualified voters of the District and shall state the name and physical residence (911 address) of the candidate and physical residence (911 address) of the signer.

NOTICE IS ALSO GIVEN that any proposition that is required to be included for a vote shall be submitted in writing by means of a petition signed by at least 25 qualified voters, which petition shall be filed with the Board of Education no later than 30 days before the date of the election set forth in this notice, unless a greater number of days is required by statute. Any petition shall be rejected by the Board of Education if the purpose of the proposition is not within the powers of the voters, or where the expenditure of money is required for the proposition and such proposition fails to include the necessary specific appropriation.

3/15/23

NOTICE IS ALSO GIVEN that at the annual meeting and election, the following propositions shall be presented to qualified voters, after such propositions have been finalized by the Board of Education:

Proposition No. 1: To adopt the annual budget of the District for the fiscal year 2023-2024, as presented by the Board of Education of the District, and to authorize the requisite portion thereof to be raised by taxation on the taxable property of the District.

Proposition No. 2: Shall the following resolution be adopted, to wit:

RESOLVED, that the Board of Education of the Gilbertsville-Mount Upton Central School District is hereby authorized to establish a capital reserve fund pursuant to Section 3651 of the Education Law. This fund will assist the district in planning for infrastructure upgrades while minimizing the burden on taxpayers. The capital reserve fund can be compared to a savings account which can only be used for capital improvements conducted with voter authorization. The funding comes from budget savings and unappropriated fund balances from the general fund. Balances can only be transferred to the capital reserve fund with approval from the Board of Education. In order to accomplish the same, said Board is hereby authorized to establish the ultimate amount of such Reserve Fund not to exceed \$750,000, plus accrued interest and other investment earnings thereon, with a probable term of ten years. If approved, this resolution shall take effect immediately and will have no impact on the tax levy.

Proposition No. 3: Shall the following resolution be adopted, to-wit:

RESOLVED, the Gilbertsville-Mount Upton Central School District, Otsego and Chenango Counties, New York, shall be authorized to construct improvements to and reconstruct the School District building and campus facilities, including site improvements, original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$5,200,000, and that \$116,147 of 2015 Capital Reserve Fund monies, \$500,000 of 2016 Capital Reserve Fund monies, and \$383,853 of available monies shall be expended therefor, and that the remaining \$4,200,000 or so much thereof as may be necessary, shall be raised by the levy of a tax upon the taxable property of said School District and collected in annual installments as provided

3/15/23

by Section 416 of the Education Law; and in anticipation of such tax, obligations of said School District shall be issued.

The School District has determined said capital project is a "Type II Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA") based upon 6 NYCRR Part 617.5(c)(1), (2) and (10) (previously (8)), which as such will not have any adverse environmental impacts.

NOTICE IS ALSO GIVEN that all persons offering to vote may be asked to provide proof of residency. Such proof should include a photo identification card and an additional document giving a physical address if it is not on the photo identification card. A driver's license, a non-driver identification card, a utility bill, or a voter registration card or combination of these with a photo and physical address will be accepted. Persons who do not provide a proof of residency will be asked to sign a Declaration of Eligibility before voting.

PLEASE TAKE FURTHER NOTICE that an Application for Absentee Ballot may be obtained at the District Office at the school, 693 State Highway 51, Gilbertsville, New York 13776-1104. Such applications must be received by the District Clerk at least seven days before the vote set in this notice if the ballot is to be mailed to the absentee voter, or the day before the vote if the ballot is to be delivered personally to the absentee voter.

Completed absentee ballots must be returned to the district office by 5:00 PM on the day of the election.

A list of all persons to whom absentee ballots have been issued shall be available for public inspection during regular office hours of 9:00 AM to 4:00 PM, during each of the five days prior to the election, except Sundays. Any qualified voter may, upon examination of such list, file a written challenge of qualifications as a voter of any person, whose name appears on such list, stating the reason for the challenge. Such list shall be posted in a conspicuous place during the election, and any qualified voter may challenge the acceptance of the absentee voter's ballot of a person on such list, by making this challenge and the reason for such challenge known to the inspectors of election before the close of the polls.

3/15/23

PLEASE TAKE FURTHER NOTICE that military voters who are qualified voters of the School District may apply for a military ballot by requesting an application from the District Clerk at (607) 783-2207, ext. 140 or jhayen@gmucsd.org. For a military voter to be issued a military ballot, the District Clerk must have received a valid ballot application no later than 5:00 pm on April 21, 2023. In a request for a military ballot application or ballot, the military voter may indicate their preference for receiving the application or ballot by mail, facsimile transmission, or electronic mail.

Approved by the Gilbertsville-Mount Upton Central School District Board of Education 15 March 2023.

By: Jarrin Hayen

District Clerk

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 Gilbertsville-Mount Upton 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 students 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 Altira 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 \$8,325 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 interest 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 are as deemed necessary by the School District’s attorneys and administrators to protect the best interest 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.

Amend Instructional Calendar

To approve the amended instructional calendar for the

3/15/23

2022-2023 school year.

Memorandum of Agreement

To approve the Memorandum of Agreement between the Board of Education and Superintendent Annette Hammond for vacation days between July 25, 2023 and October 3, 2023.

Memorandum of Agreement

To approve the Memorandum of Agreement between the Gilbertsville-Mount Upton Central School District and the Gilbertsville-Mount Upton Teachers Association (GMUTA) for Remote Day Instruction, expiring June 30, 2023.

Sports Mergers

To approve the following sports mergers for the 2022-2023 school year:

Modified Boys' Baseball-GMU & Unadilla Valley.
Varsity Girls' Softball-GMU & Unadilla Valley.

Board Member Barrows made the motion, seconded by Board Member Green, RESOLVED: Upon the recommendation of the Superintendent of Schools, to accept/approve the 15 March 2023 New Items Proposal Agenda as amended. For the motion five, opposed none. Motion carried.

NEW ITEMS PROPOSAL
CONSENT AGENDA

New Courses:

Humanity and Society

To approve the ELA/Art/Health course proposal submitted by Abbey Beaver, Jennifer McDowall and Ashley Hughes to take effect for the 2023-2024 school year.

The board convened in executive session at 7:44 p.m. to discuss matter relating to particular personnel with the Transportation Supervisor present, on a motion by Barrows, seconded by Ostrander and passed unanimously.

EXECUTIVE SESSION

The board reconvened in open session at 8:11 p.m. p.m. on a motion by Ostrander, seconded by Barrows and passed unanimously.

Community member B. Guida spoke to the board about NYCLASS and Community Bank. Guida stated the town is looking to upgrade their website and looking for talented students to help. The Town Board would like to have a meeting at GMU to see if students would be interested in attending. The town is willing to work with us if needed-collaboration for an SRO officer will be

PUBLIC COMMENT

3/15/23

discussed later.

The meeting adjourned at 8:22 pm. on a motion by Barrows, seconded by Ostrander, and passed unanimously.

ADJOURNMENT