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## Gilbertsville-Mount Upton Central School Board of Education

Special Meeting

31 October 2022

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Members present at the start of the meeting were President, Jeremy Pain, Sean Barrows, Sarah Green, Whitney Talbot and Brenda Friedel.

Member Christopher Ostrander arrived at 7:34 a.m.

Vice-President Jed Barnes was 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 7:30 A.M. by President Pain. ORDER

No topics raised from the floor. PUBLIC COMMENT

The board convened in executive session at 7:30 a.m. to discuss details of a proposed, current, or pending litigation on a motion by Barrows, seconded by Talbot and passed unanimously. EXECUTIVE SESSION

The board reconvened in open session at 7:37 a.m. on a motion by Talbot, seconded by Ostrander and passed unanimously.

The proposed 31 October 2022 Regular Consent Agenda was unanimously adopted on a motion by Talbot, seconded by Ostrander. For the motion six, opposed none. Motion carried. AGENDA

Board Member Barrows made the motion, seconded by Board Member Talbot, RESOLVED: Upon the recommendation of the Superintendent of Schools, to accept/approve the 31 October 2022 New Items Consent Agenda. For the motion six, opposed none. Motion carried. NEW ITEMS CONSENT AGENDA

### **Authorizing Commencement of E-Cigarettes and Vaping Litigation**

**WHEREAS**, the use and abuse of e-cigarettes and vaping devices has increased dramatically among high

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school and middle school students in recent years, leading to significant risks of addiction, potentially life threatening respiratory ailments, and other health consequences; and

**WHEREAS**, the use of e-cigarettes and vapid devices by students has caused the Gilbertsville-Mount Upton Central School District (the “School District”) to incur costs in the form of staff time, disciplinary proceedings, and other costs with the exception that these costs will only increase unless and until student use of these devices decreases; and

**WHEREAS**, the School District’s Board of Education (the “Board”) has been invited to join a nationwide lawsuit by school districts against Juul Labs, Inc. the largest seller of e-cigarettes in the United States and other parties responsible for the production, marketing, sale and distribution of e-cigarettes and vaping devices; and

**WHEREAS**, the Board wishes to join this lawsuit to discourage the proliferation of e-cigarettes, end the marketing of e-cigarettes to children, and seek compensation for harm caused to the District due to e-cigarette use.

**NOW, THEREFORE, BE IT RESOLVED, the Board of Education hereby resolves:**

1. To appoint the law firms of Ferrara Fiorenza PC, and the Frantz Law Group, APLC, and approve the agreement to provide legal services in connection with pursuing claims for damages against Juul Labs, Inc. and other consistent with the recitals above;
2. To authorize the Superintendent to take all steps necessary for the District to become an active co-plaintiff to pretending litigation filed on behalf of school districts Nationwide by the Frantz Law Group against Juul Labs, Inc. and others.

No topics raised from the floor.

PUBLIC COMMENT

The meeting adjourned at 7:38 a.m. on a motion by Talbot, seconded by Friedel, and passed unanimously.

ADJOURNMENT