

WYOMING CENTRAL SCHOOL

WYOMING, NEW YORK

BOARD OF EDUCATION

REGULAR MEETING

DECEMBER 14, 2023

- Members present:** Benjamin Chamberlain, Jessica Merrill, Barry True, Rudd Wetherwax,
Nicole White
- Members absent:** Kaitlyn Bush, Haley Tygart
- Others present:** Emily Herman, Joelle Stroud, Nancy Norton
- Guests present:** Stephen Sovocool, Margot Sovocool
- Call to Order:** The meeting was called to order at 6:00 pm by Mr. Chamberlain, Board President.
- Approval of Agenda:** Resolved, the Board approves the agenda on motion by Mrs. Merrill and second by Mrs. White.

Yes-5 Chamberlain, Merrill, True, Wetherwax, White
No-0

Approved.
- Public Forum:** None.
- Board Discussion:** None.
- Presentations:** Stephen Sovocool, Academic Challenge Bowl Advisor and Yearbook Advisor, gave an overview of each of his respective advisorships.
- Consent Items:** Resolved, the Board approves the following items A. – G. on motion by Mr. Chamberlain and second by Mrs. Merrill:
- A. Approve the minutes of the 11/14/23 regular meeting
 - B. Approve the Treasurer’s Report, Budget by Function & Budget Transfers for October 2023
 - C. Approve to order the opening of the ballot box and destruction of the ballots from May 16, 2023 vote and election
 - D. Approve to accept the JOC (Job Order Contracting) proposal from Kircher Construcion, Inc., through Gordian, upon the recommendation of CPL (Clark, Patterson, Lee)

E. Approve the contract with Kircher Construction, Inc. for 2023-2024 Capital Outlay Exception Project

F. Approve Agri-Business Child Development Memorandum of Agreement (LEA) effective 2-1-2024 to 1-31-2025

G. Approve Bond Resolution for the Capital Improvement Project approved by voters on December 7, 2023:

BOND RESOLUTION OF THE BOARD OF EDUCATION OF THE WYOMING CENTRAL SCHOOL DISTRICT, WYOMING AND GENESEE COUNTIES, NEW YORK (THE "SCHOOL DISTRICT") AUTHORIZING THE ISSUANCE OF \$3,875,000 IN SERIAL BONDS OF THE SCHOOL DISTRICT TO FINANCE A CAPITAL IMPROVEMENT PROJECT

WHEREAS, the qualified voters of the Wyoming Central School District, Wyoming and Genesee Counties, New York (the "School District") on December 7, 2023 approved a proposition authorizing the Board of Education (the "Board") of the School District to undertake a capital improvement project consisting of (i) the construction of additions, alterations, renovations and improvements to the School District's existing main school building and transportation facility, including in each case, site improvements for various school purposes and other appurtenant and related improvements, (ii) exterior site work to include the replacement of sidewalks and asphalt, and (iii) the acquisition and installation in and around such buildings, facilities and improvements of original furnishings, equipment, machinery, apparatus and technology improvements, and other services incidental thereto (collectively, the "Project"), for a total aggregate maximum cost of \$5,375,000, with such cost being raised by (i) the expenditure of \$1,500,000 from the following respective funds and in the respective amounts:

(a) \$104,735 from the School District's existing "2019 Building Capital Reserve Fund" (said fund being established pursuant to a proposition approved by the qualified voters of the School District on May 14, 2019),

(b) \$815,939 from the School District's existing "2021 Building Capital Reserve Fund" (said fund being established pursuant to a proposition approved by the qualified voters of the School District on May 18, 2021), and

(c) \$579,326 from the School District's existing "2023 Building Capital Reserve Fund" (said fund being established pursuant to a proposition approved by the qualified voters of the School District on May 16, 2023),

and (ii) with the balance thereof, not to exceed \$3,875,000, being raised by a tax upon the taxable property of said School District to be levied and collected in annual installments in such amounts and in such years as may be determined by the Board as provided in Section 416 of the Education Law, with such tax to be partially offset by State aid available therefore, and in anticipation of such tax, by obligations of said School District as may be necessary (the "Proposition"); and

WHEREAS, the Board, acting as lead agency under the State Environmental Quality Review Act and the regulations thereunder (6 NYCRR Part 617) (collectively, "SEQRA"), by resolution adopted on October 12, 2023 immediately prior to the adoption of this resolution, determined that (i) the actions to be undertaken as part of the Capital Project constitutes a "Type II" action within the meaning of SEQRA and, as such, (ii) no further actions under SEQRA need be undertaken; and

WHEREAS, the Board of the School District now wishes to appropriate funds for the Project and to authorize the issuance of the School District's serial bonds or bond anticipation notes to finance said appropriation.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE WYOMING CENTRAL SCHOOL DISTRICT, WYOMING AND GENESEE COUNTIES, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all its members), AS FOLLOWS:

SECTION 1. The School District is hereby authorized, in accordance with the Proposition, to (i) undertake the Project and (ii) issue up to \$3,875,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) (the "Bonds"), or bond anticipation notes in anticipation of the Bonds, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the estimated maximum cost of the aforesaid specific objects or purposes is \$5,375,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$1,500,000 from the following respective funds and in the respective amounts:

(a) \$104,735 from the School District's existing "2019 Building Capital Reserve Fund" (said fund being established pursuant to a proposition approved by the qualified voters of the School District on May 14, 2019),

(b) \$815,939 from the School District's existing "2021 Building Capital Reserve Fund" (said fund being established pursuant to a proposition approved by the qualified voters of the School District on May 18, 2021), and

(c) \$579,326 from the School District's existing "2023 Building Capital Reserve Fund" (said fund being established pursuant to a proposition approved by the qualified voters of the School District on May 16, 2023),

and (ii) the issuance of up to \$3,875,000 in serial bonds of the School District authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of the bonds, (iii) the payment of the principal of said bonds or bond anticipation notes and the interest thereon as the same shall become due and payable by the application of State aid, and, to the extent necessary, the levy and collection of taxes on all the taxable real property in the School District.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is thirty (30) years, pursuant to paragraph 97. of subsection a. of Section 11.00 the Law.

SECTION 4. The temporary use of available funds of the School District, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby

authorized pursuant to Section 165.10 of the Law, for the purposes described in Section 1 of this resolution. The School District shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section I hereof with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the School District, payable as to both principal and interest by a general tax upon all the real property within the School District without legal or constitutional limitation as to rate or amount. The faith and credit of the School District are hereby irrevocably pledged to the punctual payment of the principal and interest on the Bonds and bond anticipation notes and provisions shall be made annually in the budget of the School District by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes, including without limitation the determination of whether to issue bonds providing for substantially level or declining annual debt service, and all matters incidental thereto, and prescribing the terms, form and contents as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the such bonds, and the renewals of said bond anticipation notes, are hereby delegated to the President of the Board of Education, the chief fiscal officer of the School District (the "President of the Board"). The delegation of authority to the President of the Board contained in this Section 6 shall include the authority to determine whether to issue and sell the bonds in a private sale to the Dormitory Authority of the State of New York (the "Dormitory Authority") in accordance with Section 57.00(a) of the Law. In connection with, and in order to effectuate any such private sale of bonds to the Dormitory Authority pursuant to Section 57.00(a) of the Law, the President of the Board is hereby further authorized to execute one or more loan agreements, financing agreements and/or any other agreements with or for the benefit of the Dormitory Authority, including any amendments thereto and any instruments, certificates or other documents in connection therewith. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other bond resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the President of the Board, as the chief fiscal officer of the School District.

SECTION 7. The President of the Board is hereby further authorized to take such actions and execute such documents as may be necessary (i) to ensure the continued status of the interest on the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and (ii) to designate the bonds authorized by this resolution and any

bond anticipation notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The President of the Board is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the Bonds or bond anticipation notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The intent of this resolution is to give the President of the Board sufficient authority to execute those applications, agreements, instruments, certificates or to do any similar acts necessary or in the opinion of the President of the Board advisable to effect the issuance of the Bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 10. In the absence of the President of the Board, the Vice President of the Board is hereby specifically authorized to exercise the powers delegated to the President of the Board in this resolution.

SECTION 11 . The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the School 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 (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 12. The School District Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in the official newspaper(s) of the School District for legal notices, together with a notice of the School District in substantially the form provided in Section 81.00 of the Law.

SECTION 13. This resolution shall take effect immediately upon its adoption.

The following vote was taken and recorded in the public or open session of said meeting, which resulted as follows:

	<u>AYES</u>	<u>NAYS</u>
Jessica Merrill	X	
Rudd Wetherwax	X	
Nicole White	X	
Haley Tygart-Absent		
Kaitlyn Bush-Absent		
Barry True	X	
Benjamin Chamberlain	X	

The resolution was thereupon declared duly adopted by a vote of 5 ayes and 0 nays.

December 14, 2023

STATE OF NEW YORK)
COUNTY OF WYOMING) ss:

I, the undersigned District Clerk of the Wyoming Central School District, Wyoming and Genesee Counties (the "School District"), DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting District Clerk of the School District, and the custodian of the records of the School District, including the minutes of the proceedings of the Board of Education, and am duly authorized to execute this certificate.

2. A regular meeting of the Board of Education of the School District (the "Board") was held on December 14, 2023, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

BOND RESOLUTION OF THE BOARD OF EDUCATION OF THE WYOMING
CENTRAL SCHOOL DISTRICT, WYOMING AND GENESEE COUNTIES, NEW
YORK (THE "SCHOOL DISTRICT") AUTHORIZING THE ISSUANCE OF
\$3,875,000 IN SERIAL BONDS OF THE SCHOOL DISTRICT TO FINANCE A CAPITAL
IMPROVEMENT PROJECT

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the School District. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the School District and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Wyoming Central School District this 14th day of December, 2023.

WYOMING CENTRAL SCHOOL DISTRICT

By: Nancy Norton
Nancy Norton, District Clerk

[SEAL]

Yes- Chamberlain, Merrill, True, Wetherwax, White

No-0

Approved.

President's Report:

Thank you note from Penny Fisher.

Superintendent's Report:

Capital Improvement Project vote on 12/07/23 results:

Yes-27 No-17 Approved.

Capital Improvement Project meetings have been scheduled for January – April 2024. The final design is scheduled for Feb. 2024, final submissions to NYSED in July 2024, bids will take place 12/24 – 1/25, with construction to begin in April 2025.

The Transportation Dept. reported the following:

- The new transportation supervisor passed the school bus test.
- Bus maintenance and DOT inspection schedules have been created.
- Cleaning and organizing.
- Electric bus feasibility study has been completed.
- Winter Bus drills are completed.

Treasurer's Report:

-State Aid Output Report indicates a \$75,000 increase in Boces Aid for next year.

-Foundation Aid initial projection is a 0% increase from last year.

-Minimum wage will increase from \$14.20 per hour to \$15.00 per hour in 2024.

-Contract negotiations will begin in February 2024 with the Wyoming Support Staff Association.

-Bus Purchase Discussion:

A diesel bus quote is \$161,000 and the oldest bus in the fleet has 70,000 miles. Suggested budgeting for the amount of a new bus, but put it in a reserve for a future bus.

Quote for an Electric Bus \$428,500:

-Base voucher \$147,000 Class "C" bus

-We are not a priority district, which puts us at a disadvantage, we will not receive \$36,750.

-Bonus for scraping \$62,000

-Bus companies apply for the grants and they receive the funds and reduce our bill.

-Charging voucher to cover all costs of low voltage installation is \$25,000 for non-priority

-Fleet Electrification Plan to identify needs before applying for the voucher of \$55,000.

-Bus company representatives will come to a board meeting to provide information.

Old Business:

Resolved, the Board approves a school reunion in 2025 on motion by Mr. True and second by Mrs. Merrill.

Yes-5 Chamberlain, Merrill, True, Wetherwax, White

No-0

Approved.

New Business:

Resolved, the Board approves the 2023 Instructional Calendar revision to designate 4/8/24 as a day off of school, due to the solar eclipse, an emergency weather day will be used, on motion by Mr. Chamberlain and second by Mr. True.

Yes-5 Chamberlain, Merrill, True, Wetherwax, White

No-0

Approved.

Executive Session:

Resolved, the Board approves to retire into executive session at 6:39 pm for the purpose of contractual matters on motion by Mr. Chamberlain and second by Mr. True.

Yes-5 Chamberlain, Merrill, True, Wetherwax, White

No-0

Approved.

Out of Executive Session:

The Board reconvened regular session at 7:06 p.m.

Personnel:

Resolved, the Board approves the following on motion by Mrs. Merrill and second by Mr. True:

A. Approve Memorandum of Agreement between the Wyoming Central School District and the Wyoming Support Staff Association.

B. Approve the updated Terms and Conditions for Matthew Hollister.

C. Approve MOAs for Capital Improvement Compensation for Emily Herman and Joelle Stroud.

Yes-5 Chamberlain, Merrill, True, Wetherwax, White

No-0

Approved.

CSE/CPSE:

Resolved, the Board approves the CSE minutes dated 11/17/13, 12/1/23, 11/27/23 and 12/08/23, on motion by Mr. True and second by Mrs. Merrill.

Yes-5 Chamberlain, Merrill, True, Wetherwax, White

No-0

Approved.

Adjournment:

Resolved, the Board approves to adjourn the meeting at 7:09 p.m. on motion by Mr. Chamberlain and second by Mr. True.

Yes-5 Chamberlain, Merrill, True, Wetherwax, White

No-0

Approved.

Respectfully submitted,

Nancy Norton
District Clerk