

BYRON-BERGEN CENTRAL SCHOOL  
BOARD OF EDUCATION MEETING  
Thursday, June 27, 2019  
7:00 p.m. – Board Conference Room

- Call to Order: The meeting was called to order at 7:13 p.m. by President D. List.
- Members Present: D. List, Y. Ace-Wagoner, W. Forsyth, T. Menzie, J. VanValkenburg
- Members Absent: K. Carlson and A. Phillips
- Executive Session: It was moved by Y. Ace-Wagoner and seconded by J. VanValkenburg to enter executive session at 7:14 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.  
The motion passed 5 Yes, 0 No.
- Return to Public Session: It was moved by W. Forsyth and seconded by Y. Ace-Wagoner to return to public session at 7:23 p.m.  
The motion passed 5 Yes, 0 No.
- Also Present: M. Edwards, L. Prinz, R. Stevens
- Approve –  
2019-2020  
Board of Education  
Meeting Dates Upon the recommendation of the Superintendent, it was moved by J. VanValkenburg and seconded by T. Menzie to approve the 2019-2020 Board of Education Meeting Dates.  
The motion passed 5 Yes, 0 No.
- Approve –  
Bus Ban Bond  
Resolution Upon the recommendation of the Superintendent, it was moved by W. Forsyth and seconded by J. VanValkenburg to accept the Bus Ban Bond Resolution.

**BOND RESOLUTION OF THE BOARD OF EDUCATION OF THE BYRON-BERGEN CENTRAL SCHOOL DISTRICT, GENESEE, MONROE AND ORLEANS COUNTIES, NEW YORK (THE “DISTRICT”) AUTHORIZING THE ISSUANCE OF \$261,500 IN SERIAL BONDS OF THE DISTRICT TO FINANCE THE PURCHASE OF SCHOOL TRANSPORTATION VEHICLES**

**WHEREAS**, the qualified voters of the Byron-Bergen Central School District, Genesee, Monroe and Orleans Counties, New York (the “District”), at the annual meeting thereof held on May 21, 2019, approved a proposition (the “Proposition”) authorizing the Board of Education (the “Board”) of the District to purchase two 70-passenger

school buses and one minivan, at an aggregate cost not to exceed \$261,500, which is estimated to be the maximum cost thereof, to expend such sums for such purpose, levy the tax necessary therefore, to be levied and collected in annual installments in such years and in such amounts as may be determined by the Board, taking into account State Aid received, and in anticipation of the collection of such tax, to issue bonds and notes of the District at one time or from time to time, or enter into a lease-purchase agreement to acquire said vehicles (the "Proposition"); and

**WHEREAS**, the Board now intends to appropriate funds for the Project and to authorize the issuance of serial bonds and bond anticipation notes of the District to finance said appropriation.

**NOW, THEREFORE**, THE BOARD OF EDUCATION OF THE BYRON-BERGEN CENTRAL SCHOOL DISTRICT, GENESEE, MONROE AND ORLEANS COUNTIES, NEW YORK, HEREBY RESOLVES (by the favorable vote of at least two-thirds of all the members of such Board), AS FOLLOWS:

SECTION 1. The District is hereby authorized (i) in accordance with the Proposition, to purchase two 70-passenger buses and one minivan (collectively, the "Project") and (ii) to issue up to \$261,500 principal amount of serial bonds (including, without limitation, statutory installment 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 \$261,500, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$261,500 in serial bonds of the District authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of the bonds, (ii) 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 District.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is five (5) years, pursuant to paragraph 29. of subsection a. of Section 11.00 the Law.

SECTION 4. The temporary use of available funds of the 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 capital purposes described in Section 1 of this resolution. The 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 1 hereof with the proceeds of the bonds or 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 the such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of thereof shall be general obligations of the District, payable as to both principal and interest by a general tax upon all the real property within the District without legal or constitutional 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 serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the District by appropriation for (a) the amortization and redemption of said bonds or 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, and Sections 62.10 and 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 having substantially level or declining debt service, and all matters incidental thereto, and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the President of the Board of Education (the "President of the Board"), as the chief fiscal officer of the District. Further, pursuant to subdivision b. of Section 11 of the Law, in the event that bonds to be issued for the specific objects or purposes 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 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 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 or purchasers of the bonds or notes authorized herein 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 authorized by this resolution without resorting to further action of the Board.

SECTION 10. The Project and the financing thereof through the issuance of the District's obligations constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations thereunder (collectively, "SEQRA"), and no further actions or proceedings must be taken by the Board under SEQRA prior to authorizing the issuance of obligations or expenditure of funds for said purchase.

SECTION 11. 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 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of such bonds 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 this resolution or summary thereof 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 13. The 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 District for legal notices, together with a notice of the 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>
W. Forsyth	x	
T. Menzie	x	
J. VanValkenburg	x	
Y. Ace-Wagoner	x	
D. List	x	

The motion passed 5 Yes, 0 No.

Approve –  
Resignation –  
K-12 Special  
Education  
Teacher –  
William Fitzpatrick  
(Eff. 8/30/19)

Upon the recommendation of the Superintendent, it was moved by W. Forsyth and seconded by J. VanValkenburg to accept the Resignation of K-12 Special Education Teacher William Fitzpatrick (Eff. 8/30/19).

The motion passed 5 Yes, 0 No.

Approve –  
Resolution  
Accepting  
Donation  
WNY Tech  
Academy  
Grant  
For 18-19  
School Year

Upon the recommendation of the Superintendent, it was moved by T. Menzie and seconded by Y. Ace-Wagoner to approve the Resolution Accepting Donation WNY Tech Academy Grant for 2018-2019 School Year.

RESOLUTION ACCEPTING DONATION  
WNY TECH ACADEMY GRANT FOR 2018-19 SCHOOL YEAR

WHEREAS, Byron Bergen Central School District is authorized to accept and maintain donations of real and personal property pursuant to New York State Education Law for the benefit of its district residents; and

WHEREAS, the following persons and entities have approved a New York State grant set forth below to Byron Bergen Central School District:

Name of Donor	Donation Amount
New York State Education Department	\$375,535

WHEREAS, all such donations have been distributed to the District for the benefit of the WNY Tech Academy students and faculty, as allowed by law; and

WHEREAS, the Byron Bergen Central School District Board of Education finds that it is appropriate to accept the grant offered.

NOW, THEREFORE, BE IT RESOLVED BY THE BYRON BERGEN CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION, GENESEE COUNTY, NEW YORK, AS FOLLOWS:

1. The grant described above is accepted and shall be used in accordance with noted terms and conditions either alone or in cooperation with others, as allowed by law.
2. The District Clerk is hereby directed to acknowledge to New York State Education Department the District's acceptance of the grant donation.

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>
W. Forsyth	x	
T. Menzie	x	

J. VanValkenburg	x
Y. Ace-Wagoner	x
D. List	x

The motion passed 5 Yes, 0 No.

Adjournment:

It was moved by W. Forsyth and seconded by Y. Ace-Wagoner to adjourn the meeting at 7:36 p.m.

The motion passed 5 Yes, 0 No.