

SOUTH SENECA CENTRAL SCHOOL DISTRICT  
BOARD OF EDUCATION MEETING MINUTES

Date: December 7, 2011

Type of Meeting: Regular

Location: Miller Auditorium, Ovid

Members Present: Mike DiPerna, David Terry, Kurt Minges, Carl Pell, Betsy Dreyer, Roger Clemenson

Members Absent: Ken Sweet

Others Present: Janie Nusser, Naomi Zuckerman, Shelley Reynolds, Margarete Couture, Steve Zielinski, Cathy Flanders, Sue Lynch, Jim Drew, staff members, members of the public and press

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I. Meeting called to order: @ 7:34

II. Pledge of Allegiance

III. Resolution #1      Motion by Carl Pell seconded by Kurt Minges  
Approve Agenda      RESOLVED, upon the recommendation of the Superintendent of  
Schools, that the Board of Education approve the agenda.  
Motion Carried 6-0

IV. Resolution #2      Motion by David Terry seconded by Betsy Dreyer  
Approve Minutes      RESOLVED, upon the recommendation of the Superintendent of  
Schools, that the Board of Education approve the minutes of the  
**November 9, 2011** Regular Board Meeting **November 14, 2011**  
Special Board Meeting  
Motion Carried 6-0

V. a) Resolution #3      Motion by Roger Clemenson seconded by Carl Pell  
RESOLVED, upon the recommendation of the Superintendent of  
Schools, that the Board of Education of South Seneca CSD  
approve all warrants in association with the Internal Claim Auditor  
Report dated November 23, 2011.  
Motion Carried 6-0

b) Resolution #4      Motion by Betsy Dreyer seconded by Kurt Minges  
RESOLVED, upon the recommendation of the Superintendent of  
Schools, that the Board of Education of South Seneca CSD  
approve the October Treasurer's Report  
Motion Carried 6-0

VI. Public Comments: (*agenda items only*) – *NONE*

VII. Presentations: –

*Parent Members from the Elementary, Middle and High School Shared Decision Making Team gave reports on the topics and progress of their meetings.*

*The Principals gave enrollment projections for 2012-2013*

*Janie Nusser and Naomi Zuckerman provided budget scenarios in order to survive through 2014-15. Janie pointed out that it will be up to the Board on how they handle the financial state of district in order to sustain for as long as possible. Staff cut recommendations will be given to the Board in January and hopefully the Governor's proposal will be out by that time,*

*Cathy Flanders presented data from the Lifetrack survey that seniors have participated in over the past three years. The Board would be interested in adding a comment section in order to provide further feedback on questions that are asked.*

#### VIII. RECEIVING REPORTS

- a) Superintendent Report: *Janie handed out materials from the Business department in regards to their current and future programs. Information from our programs in the district will be forthcoming to the Board. Janie announced that Bovis Lend Lease has donated \$500 to be given to selected students to buy holiday gifts for their family. Ms. Nusser reported that currently ICSD are using an e-newsletter to replace paper newsletters. Janie pointed out that after we mail the newsletters to community the garbage can in the post offices are full of likely un-read newsletters. Sending e-newsletters would be much more cost effective and a great tool for getting information out to parents and community. This form of communication could also be used for merger information.*
- b) Administrative Reports: *Naomi reported on the positive outcome of the on-line auction for surplus items. Over \$11,000 was generated through this process. Naomi asked the Board if they would be okay with getting quarterly internal auditor reports instead of monthly, which is how the other school in our BOCES receives their reports. The Board was fine with this.*
- c) Board Member Reports: *Mike reported on the meeting that Janie, David Terry and himself attended with the Romulus Board and Superintendent. He said the meeting was very positive with Board boards showing interest in a merger study. Mike also reported on the Four County School Board general membership meeting he attended, topics included addressing bullying/harassment in school and unfunded mandates. Mike handed out self-assessments to the Board for their*



b) Resolution #8      Motion by David Terry seconded by Kurt Minges  
Approve                RESOLVED, upon the recommendation of the Superintendent of  
Agreement             Schools, that the Board of Education approve the Agreement for  
                              Related Services with Franziska Racker Centers.  
                              Motion Carried 6-0

c) Resolution #9      Motion by Carl Pell seconded by Betsy Dreyer  
Approve                RESOLVED, upon the recommendation of the Superintendent of  
Budget Calendar      Schools, that the Board of Education approve 2012-2013 Budget  
                              Calendar.  
                              Motion Carried 6-0

d) Resolution #10     Motion by Betsy Dreyer seconded by Carl Pell  
Approve Physical      RESOLVED, upon the recommendation of the Superintendent of  
Education Plan        Schools, that the Board of Education approve the Physical  
                              Education Plan  
                              Motion Carried 6-0

**e) Resolution #11      Motion by David Terry seconded by Betsy Dreyer**

WHEREAS, the South Seneca Central School District, New York (the "School District") has heretofore duly issued \$17,710,000 initial aggregate principal amount of School District Refunding (Serial) Bonds, 2002, such bonds being dated September 4, 2002 and maturing in annual installments in each of the years 2003 to 2017, both inclusive (the "Refunded Bonds"), as more fully described therein; and

WHEREAS, the Refunded Bonds were authorized pursuant to a refunding bond resolution dated June 26, 2002, to (i) pay the costs of issuance related to the Refunded Bonds, and (ii) purchase a portfolio of direct obligations of the United States of America, the principal of and investment income of which was sufficient to pay the maturing principal of, interest on and redemption premium, if any, payable with respect to the \$6,800,000 School District (Serial) Bonds, 1997 dated May 1, 1997, the \$9,950,000 School District (Serial) Bonds, 2001 dated March 1, 2001, and the \$5,127,057 School District (Serial) Bonds, 2001 dated July 15, 2001, previously issued by the School District; and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$7,150,000 outstanding principal balance of the Refunded Bonds (such outstanding principal balance being stated as of the date hereof) by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law.

WHEREAS such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF EDUCATION AS FOLLOWS:

Section 1. For the object or purpose of refunding a portion of the \$7,150,000 outstanding aggregate principal amount of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay; (i) the principal amount of the Refunded Bonds; (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the maturity dates thereof or the date on which the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined; (iii) the costs and expenses incidental to the issuance of refunding bonds herein authorized, if any that are not to be paid from current funds available therefor, including, without limitation, the development of the Refunding Financial Plan, compensation to the Underwriter, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned; (iv) the redemption premium, if any, to be paid on the Refunded Bonds which are to be called prior to their respective maturities, if any; and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$6,100,000 refunding serial bonds of the School District pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$5,795,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "SCHOOL DISTRICT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, as the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the President of the Board of Education pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph (f) of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the President of the Board of Education shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the

Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the School District by lot in any customary manner of selection as determined by the President of the Board of Education. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue the book-entry-only system, or the School District shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such book-entry-only system. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the School District Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the School District maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the President of the Board of Education providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the President of the Board of Education as fiscal agent of the School District for the Refunding Bonds (collectively, the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the

same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The President of the Board of Education, as chief fiscal officer of the School District, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in connection with the Refunding Bonds as the Fiscal Agent for said School District, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the School District, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the President of the Board of Education is also hereby authorized to name the School District Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The President of the Board of Education is hereby further delegated all powers of this Board of Education with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the School District by the manual or facsimile signature of the President of the Board of Education, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph (j) of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the President of the Board of Education shall determine. It is hereby determined that it is to the financial advantage of the School District not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph e of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that: (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law; (b) the maximum period of probable usefulness permitted by law at the time of the issuance of each issue of the Refunded Bonds for the object or purpose for which the Refunded Bonds were issued is thirty (30) years, pursuant to Subdivision 97 of paragraph a. of Section 11.00 of the Local Finance Law, with respect to each underlying series or purpose, computed from the date of the first obligations issued therefor; and (c) the

estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Refunded Bonds subject to such requirements, if any, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, and, to the extent required by the Local Finance Law, the estimated present value of the total debt service savings, and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in the Exhibit attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to refund all of the Refunded Bonds and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Refunding Financial Plan. This Board of Education recognizes that the Refunding Bonds may be issued in series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, interest rate or rates borne by the Refunding Bonds and provisions for redemption thereof prior to maturity, if applicable, will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto. The President of the Board of Education is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the President of the Board of Education, provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The President of the Board of Education shall file a copy of his or her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the District Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The President of the Board of Education is hereby authorized and directed to enter into an escrow contract or contracts (collectively, the "Escrow Contract") with a bank or trust company or banks or trust companies located and authorized to do business in this State as he or she shall designate (collectively, the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said South Seneca Central School District, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be annually levied on all the taxable real property within said School District a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Accrued interest on the Bonds shall be paid to the School District to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders from time to time of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the School District irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the School District shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated by the United States Treasury Department thereunder, as then in effect.

Section 9. Subject only to the issuance of the Refunding Bonds as herein authorized, the School District hereby elects to redeem all of the Refunded Bonds to be refunded maturing on and after the date of issuance of the Refunding Bonds that are callable at a present value savings, if any. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the School District in the manner and within the time provided in the respective Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from

time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to the underwriter or underwriters duly determined by the President of the Board of Education (collectively, the "Underwriter") for purchase prices to be determined by the President of the Board of Education, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of a payment for the Refunding Bonds, it being hereby determined that this Board of Education hereby announces at a regular public meeting of the Board of Education the intent of the School District to accept proposals for the refunding of its Refunded Bonds and all such proposals therefor shall have been discussed at a second public meeting of the Board of Education on a date at least fourteen (14) days after the date hereof, to the extent required by law, if any. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the President of the Board of Education is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the School District providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the President of the Board of Education to the Underwriter in accordance with said purchase contract upon the receipt by the School District of said purchase price, including accrued interest. The Board President is additionally authorized (but not required) to execute and deliver a financing agreement with the Dormitory Authority of the State of New York and any other agreements and documents necessary to accomplish a refinancing, all as may be determined in the discretion of the Board President.

Section 11. The President of the Board of Education and all other officers, employees and agents of the School District are hereby authorized and directed for and on behalf of the School District to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds, consistent with the provisions of Section 90.10 of the Local Finance Law, including without limitation, the determination to issue Refunding Bonds with substantially level or declining annual debt service, shall be determined by the President of the Board of Education and all powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Board President.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said School District is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this resolution (or a summary hereof) 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

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, which takes effect immediately, or a summary hereof, shall be published in full in each official newspaper of said School District, together with a notice in substantially the form provided in Section 81.00 of the Local Finance Law.

**MOTION Carried 6-0**

f) Resolution #12      Motion by Carl Pell seconded by Kurt Minges  
Accept                      RESOLVED, upon the recommendation of the Superintendent of  
Policy #5661                Schools, that the Board of Education accept for a 1st reading  
revised District Wellness Policy #5661  
Motion Carried 6-0

g) Resolution #13      Motion by Betsy Dreyer seconded by David Terry  
Accept                      RESOLVED, upon the recommendation of the Superintendent of  
Policy #7132                Schools, that the Board of Education accept for a 1st reading  
revised Admission of Non-Resident Students Policy #7132  
Motion Carried 6-0

h) Resolution #14      Motion by Roger Clemenson seconded by Kurt Minges  
Accept                      RESOLVED, upon the recommendation of the Superintendent of  
Policy #7530                Schools, that the Board of Education accept for a 1st reading  
revised Child Abuse Policy #7530  
Motion Carried 6-0

X. Public Comments (*on any items*) *Mary Church inquired on the e-newsletter that Superintendent Nusser spoke about earlier in the meeting. She wanted to know if the newsletter would come as an attached file, Ms. Nusser said that it would.*

XI. Materials for Distribution and Calendar Announcements

Resolution #15      Motion by Carl Pell seconded by Betsy Dryer  
Executive Session      that the Board of Education enter into executive session for the  
                                 purpose of collective negotiations in accordance with Article IV of  
                                 the Civil Service Law @ 9:20 p.m.  
                                 Motion Carried 6-0

XII. Resolution #16      Motion by Kurt Minges seconded by Roger Clemenson  
Adjournment              that the Board of Education adjourn the meeting @ 10:35 p.m.  
                                 Motion Carried 6-0

Respectfully Submitted,

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Shelley Reynolds, District Clerk