

Regular Meeting

A Regular Meeting of the Board of Education of the Northport-East Northport Union Free School District was held on Monday evening, November 19, 2012, beginning at 6:00 p.m., in the Board Conference Room at the William J. Brosnan School, 158 Laurel Avenue, Northport, New York, with Mr. Stephen V. Waldenburg, Jr., Chairperson, opening the meeting and presiding.

Members present: Mr. David Badanes, Ms. Julia Binger, Mr. James Maloney, Mrs. Lori McCue, Mr. Andrew Rapiejko, Mr. Joseph Sabia, Mrs. Jennifer Thompson, Mrs. Tammie Topel, Mr. Stephen V. Waldenburg, Jr.

Members absent: None

Also present: Dr. Marylou McDermott, Superintendent of Schools
Ms. Kathleen Molander, Assistant Superintendent for Business
Mr. Matthew Nelson, Assistant Superintendent for Instruction and Administration
Dr. Thomas Caramore, Interim Assistant Superintendent for Human Resources
Mr. John Gross, Board Counsel

1. President Waldenburg called the meeting to order.

Motion was made by Trustee Sabia, seconded by Trustee Topel, to convene into Executive Session to discuss matters pertaining to contract negotiations and the employment history of particular persons. These matters cannot be discussed in public session because it may impact the negotiations and may compromise privacy rights.

Unanimously carried.

At 7:10 p.m. the Board reconvened in public session in the Cafeteria at the William J. Brosnan School.

Public attendance: There were approximately 60 persons present.

2. Mr. Waldenburg led those present in the Pledge of Allegiance; and
3. Pointed out the emergency exits.
4. APPROVAL OF MINUTES

Motion was made by Trustee Sabia, seconded by Trustee McCue, to approve all items under 4.

4.01 Minutes

- 4.01.1 Public Work Session, September 24, 2012
- 4.01.2 Regular Meeting, October 1, 2012
- 4.01.3 Public Work Session and Special Business Meeting, October 15, 2012

Unanimously carried.

5. SPECIAL REPORT/ANNOUNCEMENTS FROM THE SUPERINTENDENT

5.01 Accomplishments of Staff and Students

5.01.1 Ms. Jennifer Nesfield, Chairperson of World Languages and ESL, introduced Erich Veitch, World Languages Department Student of the Month. Ms. Nesfield stated that Erich is part of a special group of students who have opted to study multiple world languages, taking

classes in French, Spanish, Italian and German over the last three years. In addition to enrolling in both French and Spanish 5IB classes this year, Erich maintains an impressive grade point average in other challenging classes such as AP Calculus and IB English Literature. Erich has achieved high scores on both the Spanish and French New York State Regents Examinations and continues to earn top grades in his IB French and Spanish courses. Ms. Nesfield stated that Erich was inducted into the World Language Honor Society in October and was chosen by the World Language faculty to present the keynote address at the induction ceremony. Erich is a wonderful example of a student who recognizes the importance of learning about different people and cultures. Ms. Nesfield noted that he not only has an interest in languages and world culture, but also in mathematics. He plans to double major in Spanish and Accounting when he goes to university next year. Ms. Nesfield stated that Erich is truly a source of pride for the Department of World Languages, Northport High School, and our community.

President Waldenburg and Superintendent McDermott congratulated Erich on his fine accomplishments and presented him with a commendation from the Board.

5.01.2 Ms. Jennifer Nesfield, Chairperson of World Languages and ESL, introduced Alona Kushnir, English Language Learner Student of the Month. Ms. Nesfield stated that Alona is an incredible young woman who has distinguished herself not only academically, but has shown tremendous personal growth and resilience. Alona is a motivated student who has done well since her arrival from Chernivtsy, Ukraine in 2009, acclimating to a new country, a new school, and a new language. Ms. Nesfield stated that Alona has not only mastered the English language, but has enriched the lives of many Northport High School students and faculty members. Alona is a confident young woman who can handle challenges that come her way and developed the confidence to trust her own ability and to work more independently. Ms. Nesfield stated that Alona is a young lady who has learned to embrace the challenge of learning to expand her horizons, both academically and personally. Alona has enrolled in a variety of courses to expand her knowledge of business and mathematics, including AP Statistics, and is determined to pursue a career in international business. Ms. Nesfield stated that Alona is a source of pride for her family, the English as a Second Language Department, and Northport High School.

President Waldenburg and Superintendent McDermott congratulated Alona on her fine accomplishments and presented her with a commendation from the Board.

5.01.3 Ms. Jennifer Nesfield, Chairperson of World Languages and ESL, introduced the following students who tested proficient on the NYSESLAT and have successfully exited the ESL program:

Natalia Benitez-Granados, James Bernhard, Emiliano Bonilla, Steven Aguirre, Kenti Raymundo, Adriano Terrones-Nunez, Yoora Cho, Runmei Cui, Bregethe Garcia, Alejandro Suarez, Christine Vongprachanh

President Waldenburg and Superintendent McDermott congratulated the students and presented them with commendations from the Board.

5.01.4 Governor Andrew Cuomo declared the week of October 29 – November 2, 2012 as School Board Recognition Week. The Governor declared this special week to commend school board members for their dedicated service to the children of New York State. Superintendent Marylou McDermott and PTA Council Co-President Lori Basel presented the nine members of the Board with commendations from Western Suffolk BOCES and the Northport-East Northport School District and PTA Council.

Dr. McDermott announced that Northport High School has been named to the College Board Advanced Placement Honor Roll for increasing the number of students taking AP courses and maintaining high student scores.

Superintendent McDermott announced the following student athletic achievements: The girls soccer team were Long Island Champions and State Semi-finalists, a high school female swimmer competed in the State Meet, the boys soccer team made it to the first round of the Suffolk County playoffs, the boys volleyball team made it to the second round of the Suffolk County playoffs, the Girls and Boys Cross Country Teams were Suffolk County Champions, and football ended with a 6-2 record and hosted the first round of the Suffolk County playoffs.

Dr. McDermott noted that last Friday evening the NYSCAME concert was hosted by Northport High School with over 700 All County participants in band, orchestra and chorus. Northport had 28 outstanding musicians participate.

5.02 Review of Instructional Initiatives in the following areas:

5.02.1 World Languages and ESL

Ms. Jennifer Nesfield reviewed the 2011-2012 initiatives of developing students' target language writing skills at all levels using activities such as journal writing, document based essays, and collaborative writing using the *Moodle* web interface; providing the World Language faculty with professional development opportunities related to instructional technology; incorporating differentiated instruction into daily lessons with a focus on anchor activities such as vocabulary enrichment activities, and writing activities; and continuing to nurture a culture of respect in the World Language classrooms by highlighting cultural differences between the various target language countries and the United States and encouraging student diversity.

Ms. Nesfield stated that the 2012-2013 World Languages Department Initiatives include a focus on developing a spiraling curriculum for writing on all levels incorporating diverse writing formats, including new literacies and authentic writing; aligning curricula and assessments to support the Common Standards, including, but not limited to the creation of local assessments and Student Learning Objectives (SLOs); continuing to move forward with differentiated instruction efforts, expanding the use of tiered assignments and anchor activities at all levels of instruction; and continuing to nurture a culture of respect in the World Language classrooms by highlighting cultural differences and similarities between the various target language populations and Americans. Ms. Nesfield stated that the World Language units of instruction will contain activities that are highlighted in the Common Core State Standards.

There was a discussion regarding student exposure to different cultures, increased emphasis on writing, students in the evening German class, IB Italian results, emphasis on speaking, internet language courses, the afterschool language program including exploring a bridge program for 6th grade, and teaching languages during classroom instructional time.

The Board thanked Ms. Nesfield for her very informative report.

5.03 Motion was made by Trustee Rapiejko, seconded by Trustee Sabia, to accept the Annual Report of the Independent Auditor, prepared by Cullen & Danowski, LLP for the year ended June 30, 2012.

Trustee Rapiejko, Audit Committee Chairperson, stated that the Audit Committee went through the report at its October meeting and made several recommended revisions. The Committee recommended that the Board accept the report after the revisions were made. Mr. Rapiejko noted that Mr. Peter Rodriguez from Cullen & Danowski, LLP will attend the December 10th meeting to present the report.

Vote on Trustee Rapiejko's motion to accept the Annual Report of the Independent Auditor, prepared by Cullen & Danowski, LLP for the year ended June 30, 2012 was unanimously carried.

Motion was made by Trustee Sabia, seconded by Trustee Maloney, to reorder the agenda and move item 11.01, discussion of the use of Suffolk County Police Department Narcotics Detection Dogs, before item 5.04 Upcoming Meetings.

Unanimously carried.

11. UNFINISHED BUSINESS

11.01 Discussion of the use of Suffolk County Police Department Narcotics Detection Dogs.

President Waldenburg recapped the Board's actions with regards to the use of the Suffolk County Police Department Narcotics Detection Dogs. Mr. Waldenburg stated the Board crafted a policy with regards to the lockers in the secondary schools and the expectation of privacy for students with regard to the lockers. The Board also discussed crafting a letter notifying parents of this policy.

Trustee Badanes read a letter he presented to the Board on November 5th stating his strong opposition to the use of drug sniffing dogs. Mr. Badanes stated that the proposed use of drug sniffing dogs has a major flaw in that it can and will lead to false arrests. The program will only deter students from keeping drugs in their lockers and will falsely assure parents that by keeping drugs out of student lockers will make a dent in student drug use. Mr. Badanes stated that the use of the drug sniffing dogs will not lead to any reduction in drug use, it will lead to students becoming smarter about how to avoid drug sniffing dogs. Mr. Badanes noted that the program will cost the District significant legal fees in defending itself in court. Mr. Badanes also stated that the indiscriminate use of drug sniffing dogs, without a reasonable suspicion that a particular student is using drugs, is legally suspect and most likely unconstitutional (under the New York State Constitution). The use of drug sniffing dogs is a violation of a student's privacy, liberty and constitutional rights.

Mr. John Gross, Board Counsel, stated that in large measure the decision to use drug sniffing dogs is a policy determination. Mr. Gross stated that a number of issues Trustee Badanes points out lead one to heavy consideration on whether or not it is an appropriate mechanism to search. Mr. Gross stated that he respectfully disagrees with Trustee Badanes and that the responsibility of Board Counsel is to advise the Board what their perspective of the law is. Counsel Gross noted that if the Board moves in the direction of using the drug sniffing dogs, the Suffolk County Police Department has several preliminary steps that must be undertaken. The District would be required to have in place a protocol for the utilization of the dogs with respect to children and parents, particularly with respect to putting children and parents on notice. The Suffolk County Police Department requires that Board policy, with respect to lockers, be very clear that children do not have an expectation of privacy. Mr. Gross noted that there is an inconsistency between the Board policy and the High School Student Handbook and he is recommending that the High School Student Handbook be modified and the inconsistency be straightened out. The Suffolk County Police Department will not undertake the program if the requirement for reasonable suspicion exists. Mr. Gross noted that the 1st and 4th Amendments do not exist in school buildings to the extent of the protection afforded by both of those amendments outside of schools. Mr. Gross stated that the recommendation by counsel, if the Board decides it wants to pursue this, is to first rectify the handbook issue, second adopt the protocol that the police department requests, and third after the adoption of the protocol to enter into an agreement with the police department.

There was discussion regarding legal challenges, student drug testing, reasonable suspicion, student sharing of lockers, and constitutional rights in a school setting.

Trustee Sabia stated that he brought this initiative to the floor approximately a year and a half ago and noted that other schools, such as Commack and Smithtown, have used the program with phenomenal results. Mr. Sabia stated that anything that we can do as a community to stop drug abuse is a plus and that the important message to send to youth is that the District will not tolerate students coming into this

institution with drugs.

There was additional discussion regarding independent studies on results at other districts, student locker reprogramming, procedures taken when a student is found in possession of drugs, the high school climate and culture, and the Drug & Alcohol Task Force opinion on the use of the drug sniffing dogs.

Motion was made by Trustee Sabia, seconded by Trustee Maloney, to approve the use of the narcotics detection dogs in the Northport-East Northport Union Free School District.

At 9:40 p.m., the President announced a five minute recess.

At 9:48 p.m. the Board reconvened in public session.

Ms. Trisha Fricke, parent, stated that the District needs to take whatever measures necessary to protect the students, and that this program should be put in place.

Mr. Rob Ingraham and Ms. Ellen Hatch, Drug and Alcohol Task Force Members, stated that they were opposed to the use of the dogs.

There was further discussion regarding detection of prescription medications and over-the-counter drugs

Motion was made by Trustee Topel to call the question. There was no second.

The Board discussed the amendments that need to be made to the High School Student Handbook if they approve the use of the drug sniffing dogs and how the Board will be informed of the results of sweeps.

Vote on Trustee Sabia's motion to approve the use of the narcotics detection dogs in the Northport-East Northport Union Free School District was as follows:

YES: Ms. Binger, Mr. Maloney, Mrs. McCue, Mr. Rapiejko, Mr. Sabia, Mrs. Thompson, Mrs. Topel,
Mr. Waldenburg

NO: Mr. Badanes

Motion passed.

Motion was made by Trustee Badanes to modify Trustee Sabia's motion that just passed to state that this policy can only be put in place with specific written consent from parent allowing dogs to sniff child's locker. There was no second.

Superintendent McDermott stated that she met with the Western Suffolk Component Districts on Friday and discussed making up lost time from Hurricane Sandy. Dr. McDermott stated that most districts have proposed using part or all of February break.

Dr. Thomas Caramore, Interim Assistant Superintendent for Human Resources, stated that the current school year calendar, approved last spring by the Board, has 181 student days and two teacher conference days. Given the devastation from Hurricane Sandy, the District lost six student days and one staff day, and then lost an additional day due to snow. Dr. Caramore stated that New York State Education Law requires 180 instructional days and they must take place before the end of the Regents calendar. The State expects that districts will reach the 180 day minimum by first using vacation periods before using any other option. The recommendation from many districts is to use the full break in February with the expectation that all students and staff will be in attendance. Dr. Caramore noted that if show days are needed the District will have to take away from the December or March breaks.

There was a discussion regarding additional snow days, delayed openings, busing, State waiver, and common assessments and midterms.

At 10:34 p.m., motion was made by Trustee Waldenburg, seconded by Trustee Maloney, to extend the meeting.

Unanimously carried.

Several Board members requested that once a decision is made that the community and parents be informed immediately.

Motion was made by Trustee Thompson, seconded by Trustee Sabia, to amend the District calendar to reflect full school operation February 18th to February 22nd.

Unanimously carried.

5.04 The President of the Board reviewed the upcoming meetings of December 10th, January 14th and January 28th.

Vice President Thompson stated that the cancelled Policy Committee Meeting has been rescheduled for Monday, December 17th at 8:30 a.m. in the Board Conference Room.

6. COMMUNICATIONS

6.01 There were no communications to the Board of Education requiring Board action.

7. PUBLIC PARTICIPATION

<u>Name</u>	<u>Comment</u>
Rachel Friedman Parent	Stated that she sent an e-mail to the Board of Education and several members of the administration on Friday, October 12 th regarding a request that the District have Ruby Bridges come and present to the schools, especially with the new Dignity for All Students.

Dr. McDermott stated that this is more of a curricular issue, not a Board issue, and should be addressed with individual building administration. It was suggested that Mrs. Friedman discuss this with the principals and PTA Council.

Motion was made by Trustee Sabia, seconded by Trustee McCue, to approve all items under 8. and 9., including Supplemental 8.01.1 (Schedule A #112-122) and Supplemental 8.01.2 (Schedule B #9-25), and severing item 9.10.

8. SUPERINTENDENT'S REPORT, GENERAL

8.01 Personnel Schedules, each dated November 19, 2012, and each attached and made part of the official minutes:

- 8.01.1 Schedule A – Certified Staff (including Supplemental #112-122)
- 8.01.2 Schedule B – Non-Instructional Staff (including Supplemental #9-25)
- 8.01.3 Schedule C – Salary Transfers
- 8.01.4 Schedule D – Extra Pay
- 8.01.5 Schedule L – PDC UTN

8.02 Receiving for a second reading and adopting revisions the following policies:

- 8.02.1 Policy #6240 “*Investment Policy*”
- 8.02.3 Policy #6700 “*Purchasing Policy*”

8.03 Approving the following resolution:

"WHEREAS, Section 18 of the Public Officers Law of the State of New York authorizes municipal corporations, including boards of education, to adopt supplemental defense and indemnification provisions to those contained in the Education Law; and

WHEREAS, the statute authorizes boards of education to defend, indemnify and save harmless, members of boards of education and officers, agents and employees of boards of education; authorized parent volunteers; members of school-based planning and shared decision making committees; and members of the school district's audit committee, in connection with any claims, awards or judgments obtained against such board members, officers, agents or employees; authorized parent volunteers; members of school-based planning and shared decision making committees; and members of the district's audit committee in any State or Federal Court, in the amount of any judgment, award or settlement of any such claim, provided the act or omission from which such judgment, award or claim arose occurred while the board member, officer, agent or employee or authorized parent volunteer; member of school-based planning and shared decision making committee; or member of the district's audit committee was acting within the scope of his or her office or employment or authorized volunteer duties;

BE IT RESOLVED, that the Board of Education of the Northport-East Northport Union Free School District hereby adopts the supplemental defense and indemnification provisions contained in Section 18 of the Public Officers Law for its Board members, officers, agents and employees; authorized parent volunteers; members of school-based planning and shared decision making committees; and members of the school district's audit committee. This coverage shall supplement and shall be in addition to the coverage available to such individuals under other enactments, including but not limited to the Education Law of the State of New York; and

BE IT FURTHER RESOLVED, that supplemental hereto and an additional requisite to the public office and employment, the Board hereby further extends the right to be defended and indemnified as provided in Public Officers Law §18, to board members, school officers, agents and employees who are requested or are called to testify as a witness or to answer questions concerning their acts or omissions within the scope of their office, agency or employment before a grand jury, the Office of the District Attorney or other law enforcement official. Nothing herein contained shall be construed to authorize or require defense or indemnification to a board member, school officer, agent or employee who has been identified as a defendant in a pending criminal prosecution or where such individual, or the school district, has reason to believe that such individual is a target in a criminal investigation or prosecution by the Office of the District Attorney or other law enforcement entity"

9. SUPERINTENDENT’S REPORT, FINANCIAL

9.01 Taking specified action on the following BID:

SCHOOL LUNCH

9.01.1 AWARD: Uniforms – School Lunch

9.02 Approving a request from Mr. David Storch to establish the David A. Trachtenburg Memorial Scholarship awarding \$500 scholarships to high school seniors who extended themselves beyond their comfort zones and challenged more intense and rigorous coursework prior to high school graduation

9.03 Receiving the following donations to the District:

- 9.03.1 \$100.00 from Theodore and Nancy Brooks to the David A. Trachtenburg Memorial Scholarship
- 9.03.2 \$25.00 from Alisa Wainio to the David A. Trachtenburg Memorial Scholarship
- 9.03.3 \$10.00 from Gail E. Barcun to the David A. Trachtenburg Memorial Scholarship
- 9.03.4 \$500.00 from Henry and Margaret Trachtenburg to the David A. Trachtenburg Memorial Scholarship

9.04 Approving the following resolution:

"RESOLVED, that the Board of Education accept the donation of \$2,000 from MSG Varsity Network toward the purchase of digital SLR and digital video cameras for the creation of media that will be uploaded to the MSG Varsity School Media web page and increase the 2012-2013 budget code A2110.2030.30.2000 by \$2,000 for this purpose.

RESOLVED, that the Board of Education hereby approves an increase in the revenue code A2705 of the 2012-2013 budget by \$2,000 with the understanding that this increase in revenue is the result of Northport High School Art Department participation in the ongoing school media program with MSG Varsity Network"

9.05 Approving the following resolution:

"RESOLVED, that the Board of Education accept the donation of \$100 from Astoria Federal Savings toward the purchase of High School art supplies and increase the 2012-2013 budget code A2110.5030.30.0200 by \$100 for this purpose.

RESOLVED, that the Board of Education hereby approves an increase in the revenue code A2705 of the 2012-2013 budget by \$100 with the understanding that this increase in revenue is the result of Northport High School's participation in 2012 Teen Photo Contest"

9.06 Approving the following resolution:

"RESOLVED, that the Board of Education accept the donation of \$403.04 toward the purchase of supplies for Dickinson Avenue Elementary School and increase the 2012-2013 budget code A2110.5030.11.0200 by \$403.04 for this purpose.

RESOLVED, that the Board of Education hereby approves an increase in the revenue code A2705 of the 2012-2013 budget by \$403.04 with the understanding that this increase in revenue is the result of Dickinson Avenue Elementary School's participation in the Target Take Charge of Education Program"

9.07 Approving the following resolution:

"BE IT RESOLVED, that the Board of Education hereby gratefully accepts a donation of \$1,722.50 from Northport-East Northport residents whose names are more fully set forth in the attached document, for the purposes of covering the cost of transportation for a Northport High School Urban Studies class field trip and increase the 2012-2013 budget code A2110.4161.30.2903 by \$1,722.50 for this purpose.

BE IT RESOLVED, that the Board of Education hereby approves an increase in the revenue code A2705 of the 2012-2013 budget by \$1,722.50 with the understanding that this increase in revenue is the result of donations from Northport-East Northport residents."

9.08 Approving the following resolution:

"RESOLVED, that the Board of Education accept the donation of \$1,000 toward the purchase of supplies for Northport High School Music Department and increase the 2012-2013 budget code A2110.5030.30.2100 by \$1,000 for this purpose.

RESOLVED, that the Board of Education hereby approves an increase in the revenue code A2705 of the 2012-2013 budget by \$1,000 with the understanding that this increase in revenue is the result of the Northport High School Tiger Marching Band's participation in a program with Google and Something Ideal, Inc."

9.09 Approving a 2012-2013 Special Education Services Contract as required by State Education Law Section 2603-c between the Board of Education of the Northport-East Northport Union Free School District and the Board of Education of the Oyster Bay-East Norwich Central School District

9.11 Approving a Consultant Agreement between the Board of Education of the Northport-East Northport Union Free School District and Journeys into American Indian Territory

9.12 Approving a Rider to Agreement between the Board of Education of the Northport-East Northport Union Free School District and Mount Alvernia

9.13 Approving an Agreement between the Northport-East Northport Union Free School District and the Suffolk County Vanderbilt Museum

9.14 Approving a Supplementary Education Services Agreement between the Northport-East Northport Union Free School District and Clifford S. Trotter Associates, Inc.

9.15 Approving a 2012-2013 Service Agreement between the Northport-East Northport Union Free School District and Metro Therapy, Inc.

9.16 Approving a Public School Tuition Contract for Special Education Services between the Board of Education of the Commack Union Free School District and the Board of Education of the Northport-East Northport Union Free School District

9.17 Approving an increase to the Driver Education per student tuition by \$25.00 to \$430.00

9.18 Approving the Corrective Action Plan for the 2011-2012 Internal Audit Report on Information Technology

9.19 Approving the following refunding bond resolution of the Northport-East Northport Union Free School District, authorizing the refunding of certain outstanding serial bonds of said district, stating the plan of refunding, appropriating an amount not to exceed \$24,500,000 therefor, authorizing the issuance of not to exceed \$24,500,000 refunding serial bonds of the district to finance said appropriation, and making certain other determinations of all relative thereto, including Exhibit A, the proposed 20-page Refunding Financial Plan, attached and made part of the official minutes:

"WHEREAS, the Northport-East Northport Union Free School District, in the County of Suffolk, New York (herein called the "District"), issued \$24,500,000 School District Serial Bonds-2004 on April 29, 2004, pursuant to the bond resolution entitled:

"Bond Resolution of the Northport-East Northport Union Free School District, New York, adopted June 5, 2000, authorizing the construction of building additions, alterations and improvements at various District school buildings; stating the estimated total cost thereof is \$30,557,995, appropriating said amount

therefor, and authorizing the issuance of \$30,557,995 serial bonds of said District to finance said appropriation,”

duly adopted by the Board of Education on the date therein referred to, following the approval of a Bond Proposition by the qualified voters of the School District present and voting at the Special District Meeting duly called and held on May 16, 2000; and

WHEREAS, \$15,695,000 of said bonds are currently outstanding (the “Outstanding 2004 Bonds”) and mature on April 1 in the years and in the principal amounts and bear interest payable on April 1 and October 1 in each year, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2013	\$1,305,000	4.25%
2014	1,360,000	4.25
2015	1,415,000	4.25
2016	1,470,000	4.25
2017	1,530,000	4.25
2018	1,590,000	4.25
2019	1,655,000	4-3/8
2020	1,720,000	4.50
2021	1,790,000	4.50
2022	1,860,000	4.50

WHEREAS, the Outstanding 2004 Bonds maturing on or after April 1, 2015, are subject to redemption prior to maturity, at the option of the District, on April 1, 2014, and thereafter on any date, in whole or in part, and if in part, in any order of maturity and in any amount within a maturity (selected by lot within a maturity), at par, plus accrued interest to the redemption date; and

WHEREAS, the District also issued \$9,000,000 School District Serial Bonds-2005 on August 3, 2005; \$3,100,000 of such bonds were issued pursuant to the bond resolution referred to in the first Recital above and \$5,900,000 of such bonds were issued pursuant to the bond resolution entitled:

“Bond Resolution of the Northport-East Northport Union Free School District, New York, adopted August 25, 2003, authorizing the replacement of various roofs, at the estimated maximum cost of \$5,940,115 and the replacement of gymnasium bleachers, at the estimated maximum cost of \$150,000; stating the estimated total cost thereof is \$6,090,115, appropriating said amount therefor, and authorizing the issuance of \$6,090,115 serial bonds of said District to finance said appropriation,”

duly adopted by the Board of Education on the date therein referred to, following the approval of a Proposition by the qualified voters of the District present and voting at the Annual District Meeting duly called and held on June 3, 2003; and

WHEREAS, \$6,620,000 of said bonds are currently outstanding (the “Outstanding 2005 Bonds”) and mature on August 1 in the years and in the principal amounts and bear interest payable on February 1 and August 1 in each year, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2013	\$ 395,000	4.00%
2014	410,000	4.00
2015	430,000	4.00

2016	445,000	4.00
2017	465,000	4.00
2018	485,000	4.00
2019	505,000	4.00
2020	525,000	4.00
2021	545,000	4.10
2022	565,000	4.15
2023	590,000	4.20
2024	615,000	4.25
2025	645,000	4.25

WHEREAS, the Outstanding 2005 Bonds maturing on or after August 1, 2016 are subject to redemption prior to maturity, at the option of the District, on August 1, 2015 and thereafter on any date, in whole or in part, and if in part, in any order of maturity and in any amount within a maturity (selected by lot within a maturity), at par, plus accrued interest to the redemption date.

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), authorize the District to issue new bonds to refund all or a portion of the Outstanding 2004 Bonds and the Outstanding 2005 Bonds (herein referred to collectively as the "Outstanding Bonds") provided the issuance of new bonds for such purpose will result in present value debt service savings for the District; and

WHEREAS, in order effectuate the refunding, it is now necessary to adopt a refunding bond resolution;

THEREFORE, THE BOARD OF EDUCATION OF THE NORTHPORT-EAST NORTHPORT UNION FREE SCHOOL DISTRICT, NEW YORK HEREBY RESOLVES (by the favorable vote of at least two-thirds of all the members of said Board of Education), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- (a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or any portion of the Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.
- (b) "Escrow Contract" means the contract to be entered into by and between the District and the Escrow Holder pursuant to Section 9 hereof.
- (c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 9 hereof.
- (d) "Financial Advisor" means Munistat Services, Inc., Port Jefferson Station, New York.
- (e) "Outstanding Bonds" means the Outstanding 2004 Bonds and the Outstanding 2005 Bonds referred to in the Recitals to this Resolution.
- (f) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid, including estimated accrued interest.
- (g) "Redemption Date" or "Redemption Dates" means any date on or after April 1, 2014, with respect to the Outstanding 2004 Bonds maturing on or after April 1, 2015, and any date on or after August 1, 2015, with respect the Outstanding 2005 Bonds maturing on or after August 1, 2016, as determined by the President of the Board of Education pursuant to

- Section 8 hereof.
- (h) “Refunding Bond” or “Refunding Bonds” means all or a portion of the \$24,500,000 Refunding Serial Bonds of the Northport-East Northport Union Free School District, authorized pursuant to Section 3 hereof.
 - (i) “Refunding Bond Amount Limitation” means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the Redemption Date, plus any redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, plus costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.
 - (j) “Refunding Financial Plan” means the proposed financial plan for the refunding in the form attached hereto as **Exhibit A** and prepared for the District by the Financial Advisor.

Section 2. The Board of Education of the District (herein called the “Board of Education”), hereby authorizes the refunding of the Bonds To Be Refunded and appropriates an amount not to exceed \$24,500,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$24,500,000 Refunding Bonds, and the levy and collection of a tax upon all the taxable real property within the District to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. The Refunding Financial Plan is hereby accepted and approved, and includes (i) the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, (ii) the payment of all costs incurred by the District in connection with said refunding from such proceeds, and (iii) the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest thereon, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay the principal of and interest on and premium, if any, on the Bonds To Be Refunded becoming due and payable on and prior to the Redemption Date and to be called for redemption prior to maturity on the Redemption Date.

Section 3. Refunding Bonds in the aggregate principal amount of not to exceed \$24,500,000 are hereby authorized to be issued pursuant to the Law, and shall mature in such amounts, on such dates, and shall bear interest at such rates of interest per annum as shall be determined at the time of the sale of such bonds.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness applicable to the objects or purposes financed by the proceeds of the Outstanding 2004 Bonds is 20 years. The maximum periods of probable usefulness applicable to the objects or purposes financed by the proceeds of the Outstanding 2005 Bonds are set forth below:

- (1) Construction of building additions, alterations and improvements pursuant to the bond resolution adopted on June 5, 2000 20 years
- (2) Roof replacement pursuant to the bond resolution adopted on August 25, 2003 30 years
- (3) Replacement of gymnasium bleachers pursuant to the bond resolution adopted on August 25, 2003 5 years

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the Refunding Financial Plan, and computed in accordance with subdivision two of paragraph b of Sections 90.00 and 90.10 of the Law. Said Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount and will mature, be of such terms, and bear such interest as set forth therein. The actual principal amount of the Refunding Bonds, the terms thereof, and the resulting Present Value Savings, may vary from the Refunding Financial Plan.

Section 6. (A) The Refunding Bonds may be sold at public or private sale.

(i) If the Refunding Bonds are sold at private sale, the President of the Board of Education is hereby authorized (a) to cause the Financial Advisor to solicit proposals for the refunding of the Outstanding Bonds from at least three (3) qualified firms recommended by the Financial Advisor; and (b) to execute a purchase contract on behalf of the District for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

(ii) If the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the President of the Board of Education is hereby authorized and directed to prepare or have prepared a Notice of Sale, which shall be published at least once in "*The Bond Buyer*," published in the City of New York, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale (a) to the State Comptroller, Albany, New York 12236; (b) to at least two (2) banks or trust companies having a place of business in the County in which the District is located, or, if only one (1) bank is located in such County, then to such bank and to at least two (2) banks or trust companies having a place of business in an adjoining County; and (c) to "*The Bond Buyer*", 1 State Street Plaza, New York, New York 10004; and (d) at least ten (10) bond dealers.

(B) Prior to the issuance of the Refunding Bonds the President of the Board of Education shall file with the Board of Education all requisite certifications, including a certificate approved by the State Comptroller setting forth the Present Value Savings to the District resulting from the issuance of the Refunding Bonds. In connection with the sale of Refunding Bonds, the District authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. The President of the Board of Education and his designees are hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the District in connection with said refunding, including the preparation of the Refunding Financial Plan.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the District payable as to both principal and interest by a general tax upon all the taxable real property within the District, without 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 Refunding Bonds and provision shall be made annually in the budget of the District for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Law, the powers and duties of the Board of Education relative to determining the amount of Bonds To Be Refunded, the Redemption Date, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, approving all details of the Refunding Financial Plan not contained herein, executing any arbitrage certification relative thereto, as well as executing any agreements for credit enhancements and executing the Official Statement referred to in Section 6, and the Escrow Contract described in Section 9, are hereby delegated to the President of the Board of Education, the chief fiscal officer of the District.

Section 9. Prior to the issuance of the Refunding Bonds, the District shall contract with a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow

Contract shall contain such terms and conditions as shall be necessary in order to accomplish the Refunding Financial Plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the District, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the District the notice of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the monies held by it consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the District with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder, if invested, shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the provisions of the Escrow Contract shall be returned to the District and shall be applied by the District only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with any interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys not required for such payments on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion thereof as shall be required by the Refunding Financial Plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the District irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Board of Education hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Dates, as such dates are determined by the President of the Board of Education. The sums to be paid therefor on such Redemption Dates shall be the par value thereof, the accrued interest to the Redemption Dates and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause notice(s) of such call for redemption to be given in the name of the District by mailing such notice(s) to the registered holders of the Bonds To Be Refunded which are subject to prior redemption at least thirty days prior to such Redemption Dates. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption on the Redemption Dates and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 13. The validity of the Refunding Bonds authorized by this resolution 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 such resolution, or a summary thereof, 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
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 14. This bond resolution shall take effect immediately, and the District Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in one (1) of the following newspapers: "*The Times of Northport*" or "*The Observer*," each having a general circulation in the District and hereby designated the official newspaper of said District for such publication.

9.20 Approving Treasurer's Report and Monthly Summary of Receipts and Disbursements:

- 9.20.1 Treasurer's Report for the period July 1, 2012 through July 31, 2012
- 9.20.2 Treasurer's Report for the period August 1, 2012 through August 31, 2012
- 9.20.3 Monthly Summary of Receipts and Disbursements for July 2012
- 9.20.4 Monthly Summary of Receipts and Disbursements for August 2012

9.21 Approving Student Activity Account Reports for July 2012 and August 2012 from:

- 9.21.1 Northport High School
- 9.21.2 East Northport Middle School
- 9.21.3 Northport Middle School

9.22 Approving Schedule of Investments as of July 31, 2012 and August 31, 2012

9.23 Approving Collateral Schedule for July 2012 and August 2012

9.24 Approving Bank Reconciliation Reports for the Month Ended July 31, 2012 and the Month Ended August 31, 2012

9.25 Approving the Claims Auditor's Report for Warrants and Schedule of Claims:

Warrants and Schedule of Claims for payments dated: July 2012 (Wire Transfer Report), July 16, 2012 (Accounts Payable Warrant), July 12, 2012 (Payroll Trust & Agency Warrant), July 31, 2012 (Accounts Payable Warrant), July 27, 2012 (Payroll Trust & Agency Warrant), July 2012 (Claims Audit Report), August 2012 (Wire Transfer Report), August 15, 2012 (Accounts Payable Warrant), August 10, 2012 (Payroll Trust & Agency Warrant), August 30, 2012 (Accounts Payable Warrant), August 24, 2012 (Payroll Trust & Agency Warrant), August 2012 (Claims Audit Report)

9.26 Approving the following resolution:

"WHEREAS, various educational and municipal corporations located within the State of New York desire to bid jointly for Provision of Electricity (Deregulation) RFP #12-83P; and

WHEREAS, the Northport-East Northport Union Free School District, an educational/municipal corporation is desirous of selectively participating with other educational and/or municipal corporations in

the State of New York in joint bidding in the areas mentioned above pursuant to General Municipal Law § 119-o, and Educational Law Section 1950; and

WHEREAS, the District is a municipality within the meaning of General Municipal Law § 119-n and is eligible to participate in the Board of Cooperative Educational Services, Second Supervisory District of Suffolk County (hereinafter Western Suffolk BOCES) Joint Municipal Cooperative Bidding Initiative in the areas mentioned above; and

WHEREAS, with respect to all activities conducted by the Western Suffolk BOCES, the District wishes to delegate to Western Suffolk BOCES the responsibility for drafting of specifications, advertising for bids/proposals, accepting and opening bids/proposals, tabulating bids/proposals, awarding the bids/proposals, and reporting the results to the District.

BE IT RESOLVED that the District hereby appoints Western Suffolk BOCES to represent it and to act as the lead agent in all matters related to the services as described above; and

BE IT FURTHER RESOLVED that the District hereby authorizes Western Suffolk BOCES to place all legal advertisements for any required cooperative bidding in Newsday, which is designated as the official newspaper for Western Suffolk BOCES; and

BE IT FURTHER RESOLVED that this Agreement with the District shall be for a term of one (1) year as authorized by General Municipal Law § 119-o.2.j.”

9.27 Approving Monthly Revenue and Budget Status Reports – School Lunch Fund for the months ending July 2012 and August 2012

9.28 Approving Monthly Revenue and Budget Status Reports – Special Aid Fund for the months ending July 2012 and August 2012

9.29 Approving Monthly Revenue and Budget Status Reports – General Fund for the months ending July 2012 and August 2012

9.30 Approving Monthly Revenue and Budget Status Reports – Capital Fund for the months ending July 2012 and August 2012

9.31 Approving School Lunch Profit and Loss Statements for the 2011-2012 school year

Vote on Trustee Sabia’s motion to approve all items under 8. and 9., including Supplemental 8.01.1 (Schedule A #112-122) and Supplemental 8.01.2 (Schedule B #9-25), and severing item 9.10, was unanimously carried.

Motion was made by Trustee Thompson, seconded by Trustee Sabia, to approve item 9.10

9.10 Approving a 2012-2013 Consultant Agreement between the Northport-East Northport Union Free School District and Long Island Center for the Arts and Sciences

Vote on Trustee Thompson’s motion was as follows:

YES: Mr. Badanes, Ms. Binger, Mr. Maloney, Mrs. McCue, Mr. Rapiejko, Mr. Sabia, Mrs. Thompson, Mrs. Topel
ABSTAIN: Mr. Waldenburg

Motion passed.

10. SUPERINTENDENT’S REPORT – FOR INFORMATION ONLY

10.01 Schedule H – Use of Facilities

12. NEW BUSINESS

13. ADJOURNMENT

There being no further business to discuss, motion was made by Trustee McCue, seconded by Trustee Sabia, to adjourn the meeting.

Unanimously carried.

At 11:18 p.m. the Chair declared the meeting adjourned.

Beth M. Nystrom
District Clerk

bmn