

CUBA-RUSHFORD CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION MEETING MINUTES
April 18, 2023

All appendices referenced to, herein, are incorporated into and made a part of the official minutes of this meeting to the same extent as if fully set forth.

BOARD MEMBERS PRESENT: Mr. Crowley, Mr. Linderman, Mr. Neu, Mrs. Rose, Mrs. Sirianni, Mr. Wright and Mr. Young.

BOARD MEMBERS ABSENT: McKennah Patten

ADMINISTRATION/MANAGERS PRESENT: Mr. Gildemeister, Mr. Fee, Dr. Ralston and Miss Mosher/Mrs. Sears

ADMINISTRATION/MANAGERS ABSENT: None

SUPPORT STAFF PRESENT: Mrs. Pfeiffer

SUPPORT STAFF ABSENT: None

OTHERS PRESENT: Tina Dalton, Anne Brungard and Aaron Wight

1. Call to Order/Agenda Review

The meeting was called to order at 7:01pm.

The pledge of allegiance was given at this time.

2. Executive Session - None

3. Special Report

Mr. Gildemeister presented the budget report. He thanked Mr. Bliss for allowing the Board to use the Rushford Town Hall for the meeting.

Tina Dalton of the Cuba Circulating Library shared their annual report and achievements throughout the year. She also provided information about how funding is used at the library.

4. President's/Board Member's Report

Mr. Crowley shared that he has been approached about using the elementary school parking lot for a farmers' market.

Mr. Neu shared that McKennah Patten did a great job throwing at the track invitational.

5. Superintendent's Report

Mr. Gildemeister provided updates to the board:

- He explained bonding for the Capital Project.
- He spoke about the graduation credit requirements and asked the board members if they would like to revisit the requirements. The board indicated they would not like to change requirements.
- He provided information about a teacher interested in pursuing a sabbatical leave.

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6. Consent Agenda Items for Routine Matters (Reference items A-J)

- a) *Approval of the minutes of the regular board meeting for March 28, 2023*
- b) *Approval of CSE/CPSE recommendations as attached*
- c) *Approval of transportation requests for non-public schools for 2023-2024*
- d) *Approval of the 2023-2024 CAEW BOCES Administrative Budget*
- e) *Approval of authorization to cover electronic STAC data transmission by Cattaraugus County and Allegany County to STAC and Medicaid Unit for CPSE*
- f) *Approval of Cafeteria Report for March 2023*
- g) *Approval of Treasurer's Report for March 2023*
- h) *Approval of Extra-Curricular Report for March 2023*
- i) *Approval of Revenue's Report for March 2023*
- j) *Approval of Warrants for March 2023*
 - totaling \$898,877.49 for general fund bills*
 - totaling \$42,237.42 for cafeteria fund bills*
 - totaling \$59,123.13 for federal fund bills*
 - totaling \$60,918.75 for capital fund bills*
 - totaling \$5,298.58 for extra-curricular fund bills*
 - totaling \$613,434.64 for general fund payroll*
 - totaling \$18,478.82 for cafeteria fund payroll*
 - totaling \$194,352.78 for federal fund payroll*

Motion pertaining to Approval of Consent Agenda (Reference items A-J)

Moved: Mrs. Sirianni

Seconded: Mr. Young

Motion Carried: 7-0

7. Consent Agenda Items for Personnel Matters (Reference items A-E)

- a) *Approval of appointments as follows:*
 - 1. *Kassie Krzos to the provisional appointment of Typist to be effective 4/19/2023 pending civil service exam results, physical and fingerprint clearance. Pay per CRESPA contract.*
 - 2. *Paul Austin to the part-time position of STEAM Consultant to be effective 8/9/2023. Pay per individual contract.*
 - 3. *Ryan Lewis to the probationary position of Senior Maintenance Mechanic to be effective 7/1/2023 through 7/1/2024. Pay per individual contract.*
 - 4. *JoAnn Brown and Mark Lungershausen as accompanists to be effective 4/19/2023-6/30/2023 at the professional pay rate.*
- b) *Approval of Individual Contract:*
 - 1. *Paul Austin, STEAM consultant to be effective 8/9/2023-6/30/2026.*
- c) *Approval of Leave of Absence:*
 - 1. *Brenda Ellis for medical purposes to be effective 4/14/2023 pending medical release from her physician to return to work.*
 - 2. *Linda Tullar for medical purposes to be effective 5/9/23 pending medical release from her physician to return to work.*
- d) *Approval to accept resignations, with regret:*
 - 1. *Jillian McNeil from her cleaner position to be effective 4/30/2023.*
 - 2. *Ryan Lewis from his Building Maintenance position to be effective 6/30/2023.*
 - 3. *Jane Dye, for the purposes of retirement, from her monitor position to be effective 6/30/2023.*
- e) *Approval of addition to substitute teacher list for 2022-2023; Keeton Sittig, NC – BS PE.*

Approval of Personnel Agenda (Reference items A-E)

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Moved: Mr. Crowley

Seconded: Mr. Neu

Motion Carried: 7-0

8. **A RESOLUTION, DATED APRIL 18, 2023, SPECIFICALLY AUTHORIZING THE CUBA-RUSHFORD CENTRAL SCHOOL DISTRICT, ALLEGANY COUNTY, NEW YORK (THE “DISTRICT”), TO PARTICIPATE IN A PROGRAM THAT IS CURRENTLY BEING STRUCTURED AND IMPLEMENTED BY THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (THE “AUTHORITY”) PURSUANT TO WHICH THE DISTRICT WILL BE ABLE TO SECURE PERMANENT FINANCING ARRANGEMENTS FOR A CERTAIN CAPITAL PROJECT OF THE DISTRICT, AND FURTHER SPECIFICALLY AUTHORIZING THE DISTRICT (ACTING THROUGH THE PRESIDENT OF ITS BOARD OF EDUCATION) TO ENTER INTO, DELIVER AND PERFORM (A) A FINANCING AGREEMENT (INCORPORATING A PROPOSED FINANCIAL PLAN) WITH THE AUTHORITY AND (B) ALL OTHER REASONABLY NECESSARY AND RELATED DOCUMENTS REQUIRED TO BE EXECUTED AND DELIVERED BY THE DISTRICT IN CONNECTION WITH SUCH PROGRAM.**

WHEREAS, the Cuba-Rushford Central School District, Allegany County, New York (the “District”) heretofore issued its \$11,020,000 Bond Anticipation Note, 2022 (the “Prior Note”) the proceeds of which were used to finance an approved “Capital Improvements Project, 2016” consisting of the partial reconstruction and renovation of, and the construction of additions, improvements and upgrades to, various District buildings and facilities and the sites thereof (the “Project”); and

WHEREAS, the Prior Note remains outstanding pending the entry by the District into arrangements for the permanent financing of the Project that was temporarily financed by the issuance of the Prior Note; and

WHEREAS, the Prior Note was issued by the District pursuant to a bond resolution that was adopted by the Board of Education of the District (the “Board”) on January 24, 2017 (the “Bond Resolution”); and

WHEREAS, the Bond Resolution provides that, subject to certain provisions of statutory law, the powers and duties of the Board relative to prescribing the terms, form and contents and details as to the sale and issuance of the bonds authorized by the Bond Resolution are delegated to the President of the Board, as the chief fiscal officer of the District (the “President”) or, under certain circumstances, to the Vice President of the Board; and

WHEREAS, the Bond Resolution remains in full force and effect and has not been amended, modified or revoked; and

WHEREAS, Chapter 383 of the Laws of 2001 (the “Act”) significantly altered the method and timing whereby building aid from the State of New York (the “State”) is to be paid to the District; and

WHEREAS, the Act contemplates and permits the participation of individual school districts in a program for pooled financing of their outstanding indebtedness and other authorized but unissued indebtedness through the issuance of bonds by such school districts directly to the Dormitory Authority of the State of New York (the “Authority”), in connection with the contemporaneous issuance of bonds by the Authority to the public; and

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WHEREAS, school districts electing to participate in such program are able to obtain, pursuant to the Act, the assurance of the State Education Department that they will receive building aid for all or substantially all of the aid-eligible portion of the debt service payments to be made on the bonds that they issue to the Authority; and

WHEREAS, the Authority duly adopted, on February 7, 2018 its Amended and Restated Master School Districts Financing Program Revenue Bond Resolution (the “Master Resolution”), and on one or more dates subsequent thereto duly adopted its Supplemental Resolutions (each such Supplemental Resolution being referred to herein as the “Supplemental Resolution”) authorizing multiple Series of its School Districts Revenue Bond Financing Program Revenue Bonds (the “Authority Bonds”); and

WHEREAS, the Authority has deemed it necessary and in keeping with its purposes to issue, under the Master Resolution (and the Supplemental Resolution), the Authority Bonds therein authorized for the purpose of lending to certain school districts as defined in the Act funds sufficient to (A) finance or refinance the costs of certain capital projects undertaken by such school districts, and (B) pay the costs of issuance of the bonds to be issued by the Authority; and

WHEREAS, the District has requested the Authority to finance or refinance the Project, and the Authority has agreed, on the basis of certain representations and warranties to be made by the District, to make a loan or loans to the District to currently refund and retire the Prior Note; and

WHEREAS, the District desires to receive a loan or loans from the Authority upon substantially the terms and conditions set forth in the Financing Agreement between the Authority and the District, a substantially final form of which has been presented to the Board and by this reference is incorporated herein (the “Financing Agreement”), and has authorized the execution and delivery of bonds of the District payable to the Authority (the “School District Bonds” or the “Bonds”) to evidence its obligation to repay such loan or loans; and

WHEREAS, the Authority has authorized the issuance of the Authority Bonds pursuant to the Master Resolution (and the Supplemental Resolution), a portion of the proceeds of which are to be applied for purposes of making a loan or loans to the District for the permanent financing of the Project; and

WHEREAS, the Authority Bonds are to be special obligations of the Authority payable solely from the revenues or other receipts, funds or moneys to be derived by the Authority under or pursuant to the Financing Agreement and from other revenues pledged and available therefor under the Master Resolution (and the Supplemental Resolution); and

WHEREAS, pursuant to the Financing Agreement the District will deliver its School District Bonds to the Authority and pledge to the Authority, to secure the payments to be made by the District under the Financing Agreement, a sufficient portion of any and all public funds to be apportioned or otherwise made available by the State of New York to the District;

NOW, THEREFORE, BE IT RESOLVED, by the Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. For the purpose of currently refunding and retiring the Prior Note relating to the Project and generating moneys that will be sufficient to pay (A) the principal amount of the Prior Note, (B) the costs and expenses incidental to the issuance of the School District Bonds herein authorized and the Authority Bonds which they support, including, but not limited to, the District’s proportionate share of the fees and costs of the Authority incurred in connection with the issuance of the Authority Bonds (including, without limitation, the compensation payable to the underwriter of the Authority Bonds), (C) the fees and costs of the municipal

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advisory and bond counsel firms retained by the District in connection with the issuance of the School District Bonds, and (D) all other fees and costs of issuance associated with the issuance of the Authority Bonds and the School District Bonds, there are hereby specifically authorized to be issued by the District the School District Bonds, as contemplated by the Financing Agreement, in an aggregate principal amount not to exceed \$10,035,600 with the precise final amount to be determined by the President of the Board (acting on the advice of the District's municipal advisory firm) and included in the Financing Agreement. The Bonds shall be dated on or about June 15, 2023, shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity (unless a bond of odd denomination is required), and shall mature and shall bear interest on such dates as are set forth in a Notice of Terms that is to be delivered by the Authority to the District, a form of which is attached as Exhibit I to the Financing Agreement (the "Notice of Terms").

SECTION 2. The School District Bonds shall be executed in the name of the District by the manual or facsimile signature of the President of the Board, and the District's seal shall be imprinted thereon and attested by the District Clerk. The School District Bonds shall contain 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 as the President of the Board shall determine.

SECTION 3. A Financial Plan showing the estimated details of the proposed issuance of the Authority Bonds and the School District Bonds will be prepared by the underwriter retained by the Authority (the "Financial Plan"). The Financial Plan will show the estimated sources, amounts and uses of all funds required to accomplish such transaction. The Financial Plan will be prepared based upon the assumption that the School District Bonds will be issued in the aggregate principal amount of not more than \$10,035,600 and that the School District Bonds will be issued in such amount, will mature, will be of such terms, and will bear interest as set forth in the final Notice of Terms that is to be approved by the President of the Board in accordance with this resolution. The President of the Board is hereby authorized and directed to determine (or adjust) the amount of the Prior Note (or any replacement notes) to be refunded, the amount of the School District Bonds to be issued, the date of such School District Bonds and the date of issue, maturities and terms thereof, the provisions relating to any redemption of the School District Bonds prior to maturity, whether the School District Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, the terms of the private sale of the School District Bonds to the Authority, including the form, terms and conditions of the Financing Agreement providing for the sale of the School District Bonds, and all powers in connection therewith are hereby delegated to the President of the Board; provided that the terms of the School District Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of any applicable law. The President of the Board shall file a copy of the certificate determining the final details of the School District Bonds and the final Financial Plan with the District Clerk not later than ten (10) days after the delivery of the Bonds, as herein provided.

SECTION 4. The President of the Board is hereby delegated all powers of the Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for the School District 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.

SECTION 5. The faith and credit of the District are hereby irrevocably pledged for the payment of the principal of and interest on the School District 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 the School District Bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the District a tax sufficient to pay the principal of and interest on the School District Bonds as the same become due and payable.

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SECTION 6. The Board hereby approves and directs the execution and delivery (by the President of the Board, acting on behalf of the District) of the Financing Agreement, the School District Bonds, the Letter of Representation, the Continuing Disclosure Agreement, the Arbitrage and Use of Proceeds Certificate (all as defined in the Financing Agreement) and any and all other agreements, certificates or other documents required or contemplated by the Financing Agreement (collectively, the “Agreements”) in order to provide for the permanent financing of all or a portion of the Prior Note, as may be required by the Authority. The President of the Board is authorized and directed to execute such other documents, and take such other actions, as are necessary or appropriate to refinance all or a portion of the Prior Note (or any notes issued in contemplation or replacement thereof) through the Authority and to perform the District’s obligations under the Agreements (if applicable). The President of the Board’s execution and delivery of any such documents prior to the date hereof is hereby ratified, approved and adopted.

SECTION 7. The President of the Board is further authorized to take such actions and execute such documents as may be necessary to ensure (if applicable) the continued status of the interest on the School District Bonds 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 (if applicable) to designate the School District Bonds authorized by this resolution as “qualified tax-exempt obligations” in accordance with Section 265 of the Code.

SECTION 8. In the absence or unavailability 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 9. The District hereby determines that the issuance of the School District Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determinations or procedures under the State Environmental Quality Review Act (“SEQR”) are required.

SECTION 10. The President of the Board and, to the extent appropriate, the District Clerk, are hereby authorized and directed for and on behalf of the 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 or contemplated hereby, including, but not limited to, the Financing Agreement, the other Agreements, and all documents defined therein or required or contemplated thereby.

SECTION 11. All other matters pertaining to the terms and issuance of the School District Bonds shall be determined by the President of the Board and all powers in connection therewith are hereby delegated to the President of the Board.

SECTION 12. Except to the extent modified by this resolution, the Bond Resolution is hereby confirmed and ratified in all respects.

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

Approval of Capital Project Bond Resolution

Moved: Mr. Linderman

Seconded: Mr. Young

Motion Carried: 7-0

9. **Administrative Reports**

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Mr. Fee shared details about the Middle School lock in. He thanked all of the staff who helped out and shared it was a fun night for all who participated.

10. Public Forum

Anne Brungard spoke about the change in the budget since she retired as Superintendent of the District. She shared that she feels it is to be admired the programs that are being offered while remaining fiscally responsible.

11. Executive Session - None

12. Adjournment

Motion to adjourn meeting at 8:05pm

Moved: Mrs. Sirianni

Seconded: Mr. Neu

Motion Carried: 7-0

Respectfully Submitted:

Heather Pfeiffer
Board Clerk