

**OLEAN CITY SCHOOL DISTRICT
410 West Sullivan Street
Olean, NY 14760**

**Special Meeting
October 27, 2010**

The Special Meeting of the Board of Education of the City School District of Olean, NY was held on Wednesday, October 27, 2010, at 12:00 p.m. at Olean Middle School – LGI Room, 410 Wayne Street, Olean, NY. The meeting was called to order by Eric Garvin, Vice President of Board, with a moment of silent prayer or a moment of personal reflection. James Padlo led the Board of Education in the Pledge of Allegiance to the Flag.

PRESENT: Eric Garvin, Vice President
Laurie Branch
Gordon E. Cross
Daniel Harris
Ira Katzenstein
Michiko McElfresh
James Padlo

ABSENT: John Bartimole, President
Michael Martello

STAFF PRESENT: Colleen Taggerty, Superintendent of Schools
Kathleen Elser, Business Administrator
Victoria Zaleski-Irizarry, District Clerk

OTHERS: George Nianiatius, Olean Times Herald

Moved by D. Harris, seconded by L. Branch, to approve the proposed Meeting Agenda.

Agenda
Approval

Ayes 7

Nays 0

Motion Carried

Public Comment:

None

Public Comment

Moved by L. Branch, seconded by I. Katzenstein, upon the recommendation of Colleen Taggerty, Superintendent of Schools, to adopt the following SEQRA resolution:

SEQRA
Resolution
Adopted

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
TYPE II RESOLUTION REGARDING
OLEAN CITY SCHOOL DISTRICT
PROPOSED EXCEL PROJECT**

WHEREAS, the Olean City School District (the "District") proposes to undertake an EXCEL project at various school facilities involving various alterations and renovations which may include, without limitation, EXCEL-eligible work such as restoration of masonry and replacement of window lintels at Boardmanville Elementary School, replacement of the District's phone system with an upgraded voice-over IP system, interior renovations including relocation of the Main Office and music rooms to provide for a secured entrance at Ivers J. Norton Elementary School, replacement of glazing on windows at the 1991 addition portion of the Middle School to enhance energy efficiency, replacement of heating and ventilation units in the Washington West Elementary School cafeteria, and restoration and cleaning of stone coping (joints and façade), associated abatement of asbestos caulk and/or flashing, and possible replacement of stone coping with metal coping at the High School's parapet, and possibly other items involving health and safety, technology, accessibility, energy savings, and physical capacity expansion; and

WHEREAS, in accordance with SED guidance and policy, the local school district / board of education is the appropriate agency to be the lead agency to undertake project review under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, Section 617.5 of the SEQRA regulations (6 NYCRR Part 617) provides that certain activities are Type II actions which are not subject to review under SEQRA and that such activities include "routine activities of educational institutions including expansion of existing facilities by less than 10,000 square feet of gross floor space," "maintenance or repair involving no substantial changes in an existing structure or facility," and/or "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site...unless such action meets or exceeds any of the thresholds in section 617.4;" and

WHEREAS, the proposed project constitutes such routine activities of educational institutions, maintenance or repair activities and/or in-kind, same-site replacement, rehabilitation or reconstruction activities without exceeding any of the applicable thresholds; and

WHEREAS, the District's architect, as it has with prior projects, will continue to consult with the New York State Office of Parks, Recreation and Historic Preservation (a/k/a State Historic Preservation Office ("SHPO")) regarding the portions of this proposed project which may involve historic building elements in keeping with the District's and SHPO's desire to undertake such restoration and preservation work; and

NOW THEREFORE, based on such review and consideration, the Board of Education for the District as lead agency hereby resolves that the proposed project is a Type II action

which is not subject to review under SEQRA, and the proposed action will not result in a significant adverse impact on the environment.

A ROLL CALL VOTE WAS TAKEN with the following results:

James Padlo	VOTING	YES
Michicko McElfresh	VOTING	YES
Daniel Harris	VOTING	YES
Gordon Cross	VOTING	YES
Laurie A. Branch	VOTING	YES
Ira Katzenstein	VOTING	YES
Eric Garvin	VOTING	YES

Ayes 7

Nays 0

Motion Carried

Moved by L. Branch, seconded by I. Katzenstein, upon the recommendation of Colleen Taggerty, Superintendent of Schools, to adopt the following Resolution of Necessity:

Resolution of
Necessity
Adopted

RESOLUTION OF THE OLEAN CITY SCHOOL DISTRICT, CATTARAUGUS COUNTY, NEW YORK (THE "DISTRICT"), ADOPTED OCTOBER 27, 2010, SPECIFYING IN DETAIL THE NECESSITY FOR THE RECONSTRUCTION AND RENOVATION, IN PART, AND THE CONSTRUCTION OF IMPROVEMENTS TO THE DISTRICT'S SCHOOL BUILDINGS AND FACILITIES (AND THE SITES THEREOF), AT A MAXIMUM ESTIMATED AGGREGATE COST OF \$743,724.

WHEREAS, the Board of Education of the Olean City School District (the "District") is concerned with the need to continue to provide safe and appropriate educational facilities and resources for the students and employees of the District and, toward that end, believes it to be necessary and appropriate to undertake the reconstruction and renovation, in part, and construction of improvements and upgrades to the District's school buildings and facilities (and the sites thereof);

Now, therefore, be it

RESOLVED BY THE BOARD OF EDUCATION OF THE OLEAN CITY SCHOOL DISTRICT IN THE CITY OF OLEAN, CATTARAUGUS COUNTY, NEW YORK, AS FOLLOWS:

SECTION 1. The Board of Education of the District hereby determines that in order to continue to provide safe and appropriate educational facilities and resources for the students and employees of the District, it is necessary and in the public interest to undertake the reconstruction and renovation, in part, and construction of improvements to the District's school buildings and facilities (and the sites thereof), substantially as described in (but not to be limited by) the general project plan prepared by the District with the assistance of Hunt Engineers, Architects & Land Surveyors, P.C. that is on file and available for public inspection in the administrative offices of the District, such work being currently anticipated to include, without limitation, the restoration of masonry and the replacement of window lintels at the District's Boardmanville Elementary School, the replacement of the District's phone system with an upgraded VOIP system, interior renovations including relocation of the Main Office and music rooms to provide for a secure entrance at the District's Ivers J. Norton Elementary School, replacement of glazing on the windows at the 1991 addition portion of the District's Middle School to enhance energy efficiency, the replacement of heating and ventilation units in the District's Washington West Elementary School cafeteria, and the restoration and cleaning of stone coping (joints and façade), associated abatement of asbestos caulk and/or flashing, and possible replacement of stone coping with metal coping at the High

School's parapet as well as other EXCEL aid-eligible plumbing, heating, energy conservation, mechanical, electrical, health, safety, code compliance, instructional space reconfiguration, handicapped accessibility and technology infrastructure improvements, interior and exterior reconstruction and renovation and various related site improvements; all at a maximum estimated aggregate cost of \$743,000.

SECTION 2. This resolution shall take effect immediately.

Moved by L. Branch, seconded by I. Katzenstein, upon the recommendation of Colleen Taggerty, Superintendent of Schools, to adopt the following resolution regarding a notice of a special meeting of the qualified voters:

Notice of a
Special Meeting
of the Qualified
Voters
Resolution
Adopted

RESOLUTION OF THE BOARD OF EDUCATION OF THE OLEAN CITY SCHOOL DISTRICT, CATTARAUGUS COUNTY, NEW YORK (THE "DISTRICT"), ADOPTED OCTOBER 27, 2010, DETERMINING THAT A SPECIAL VOTE OF THE QUALIFIED VOTERS OF THE DISTRICT SHALL BE HELD ON DECEMBER 14, 2010, DIRECTING THAT A CAPITAL IMPROVEMENTS PROJECT PROPOSITION SHALL BE SUBMITTED TO SUCH VOTERS AT SUCH VOTE, AND PRESCRIBING THE FORM OF LEGAL NOTICE TO BE PUBLISHED FOR SUCH VOTE.

WHEREAS, the Board of Education (the "Board") of the Olean City School District, Cattaraugus County, New York (the "District") desires to undertake a District capital improvements project consisting of the reconstruction and renovation, in part, and the construction of improvements to the District's school buildings (and the sites thereof), such work being currently anticipated to include, without limitation, the restoration of masonry and the replacement of window lintels at the District's Boardmanville Elementary School, the replacement of the District's phone system with an upgraded VOIP system, interior renovations including relocation of the Main Office and music rooms to provide for a secure entrance at the District's Ivers J. Norton Elementary School, replacement of glazing on windows at the 1991 addition portion of the District's Middle School to enhance energy efficiency, the replacement of heating and ventilation units in the District's Washington West Elementary School cafeteria, and the restoration and cleaning of stone coping (joints and façade), associated abatement of asbestos caulk and/or flashing, and possible replacement of stone coping with metal coping at the High School's parapet as well as other EXCEL aid-eligible plumbing, heating, energy conservation, mechanical, electrical, health, safety, code compliance, instructional space reconfiguration, handicapped accessibility and technology infrastructure improvements, interior and exterior reconstruction and renovation and various related site improvements (collectively, the "Project"); and

WHEREAS, the estimated total cost of the Project is \$743,724; and

WHEREAS, the Project is to be funded by the application and direct expenditure of the District's entire remaining allocation (\$743,724) of EXCEL building aid from New York State, without the expenditure of any other District funds or the issuance of any bonds, notes or other obligations of the District; and

WHEREAS, Section 416 of the Education Law, as amended, provides that proposed capital projects to be undertaken by a small city school district must be approved by the voters of the District;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

SECTION 1. The Board hereby finds and determines that pursuant to the provisions of

the Education Law, the Board has determined to schedule a Special District Meeting and Vote at which a proposition authorizing a District capital project can be considered by the qualified voters of the District.

SECTION 2. Since the Project consists of in-kind, same-site replacement, rehabilitation or reconstruction activities and is a routine activity of a school district, it is considered to be a Type II action as defined in the State Environmental Quality Review Act ("SEQRA") regulations, and, in conjunction with and in support of that finding, the Board has considered the proposed and anticipated scope of the Project and reviewed the criteria set forth under SEQRA and determined that the Project will not result in any significant adverse environmental impacts.

SECTION 3. In consequence of the foregoing, the Board hereby determines to schedule a Special District Meeting and Vote for Tuesday, December 14, 2010 (the "Special District Meeting and Vote") to submit to the qualified voters of the District a proposition ("Proposition No. 1") for the purpose of seeking the approval by such voters of the Project and the proposed financing thereof.

SECTION 4. The Board further determines that the legal notice of the Special District Meeting and Vote shall be published in such manner and at such times as is required under the Education Law. Specifically, the notice shall be published in the *Olean Times Herald* (the only newspaper having general circulation in the District) at least four times within the seven-week period immediately preceding the Special District Meeting and Vote, with the first such publication to occur at least 45 days prior to the Special District Meeting and Vote.

SECTION 5. The Board hereby determines that the notice of the Special District Meeting and Vote shall be published in substantially the following form:

**OLEAN CITY SCHOOL DISTRICT
CATTARAUGUS COUNTY, NEW YORK
NOTICE OF SPECIAL SCHOOL DISTRICT VOTE**

NOTICE IS HEREBY GIVEN that a Special School District Vote of the Olean City School District, Cattaraugus County, New York (the "District"), will be held on Tuesday, December 14, 2010, at the Olean Middle School, at 401 Wayne Street in the District, from 7:00 o'clock A.M., prevailing time, to 9:00 o'clock P.M., prevailing time, for the purpose of voting on the proposition set forth below. In the event that the District's schools are closed on Tuesday, December 14, 2010 due to inclement weather (or for any other reason), the date of the Special School District Vote shall be changed to the day on which the District's schools are next open, without any further public notice necessarily being given.

AND FURTHER NOTICE IS HEREBY GIVEN that the voting at the Special School District Vote shall consist of voting on the following proposition:

**PROPOSITION NO. 1
(DISTRICT CAPITAL IMPROVEMENTS PROJECT TO BE FULLY-FUNDED BY EXCEL AID)**

Shall the following resolutions be adopted, to-wit:

RESOLVED, that the Board of Education (the "Board") of the Olean City School District, Cattaraugus County, New York (the "District"), is hereby authorized to undertake a District capital improvements project (the "Project") consisting of the reconstruction and renovation, in part, and the construction of improvements to the District's school buildings and facilities (and the sites thereof) to implement various health, safety, accessibility and code compliance measures required by the State Education Department in connection with any significant capital project and various other measures that are generally described in (but not to be limited by) the general plan for the Project that has been prepared by the District with the assistance of Hunt Engineers, Architects & Land Surveyors, P.C. (the "Project Plan"), which is available for public inspection in the offices of the District Clerk, such work to include, without limitation: the restoration of masonry and the replacement of window lintels at the District's Boardmanville Elementary School, the replacement of the District's phone system with an upgraded VOIP system, interior renovations including relocation of the Main Office and music rooms to provide for a secure entrance at the District's Ivers J. Norton Elementary School, the replacement of glazing on windows at the 1991 addition portion of the District's Middle School to enhance energy efficiency, the replacement of heating and ventilation units in the District's Washington West Elementary School cafeteria, and the restoration and cleaning of stone coping (joints and façade), associated abatement of asbestos caulk and/or flashing, and possible replacement of stone coping with metal coping at the High School's parapet as well as other EXCEL aid-eligible plumbing, heating, energy conservation, mechanical, electrical, health, safety, code compliance, instructional space reconfiguration, handicapped accessibility and technology infrastructure improvements, interior and exterior reconstruction and renovation and various related site improvements, all at an estimated maximum cost of \$743,000, the foregoing to include the purchase of original furnishings, equipment, machinery and apparatus required in connection with the purposes for which such buildings, facilities and sites are used, and all ancillary or related work required in connection therewith; and to expend therefor, including for preliminary costs and costs incidental thereto and to the financing thereof, an amount not to exceed the estimated total cost of \$743,724, provided that the detailed costs of the components of the Project (as generally described in the Project Plan) may be reallocated among such components, supplemented, changed or eliminated if (i) the Board shall determine that such action is in the best interests of the District and (ii) the aggregate amount to be expended for the Project shall not exceed \$743,724 and (iii) no material change shall be made in the overall scope of the Project; and be it further

RESOLVED, that the Project shall be funded solely by the application and expenditure of the District's entire remaining allocation of EXCEL aid funds from New York State, without the expenditure of any other District funds or the issuance of any bonds, notes or other obligations of the District.

AND FURTHER NOTICE IS HEREBY GIVEN that such Proposition No. 1 shall appear on the ballot labels to be inserted in the voting machines used for voting on such Proposition in substantially the following abbreviated form:

PROPOSITION NO. 1 (DISTRICT CAPITAL IMPROVEMENTS PROJECT TO BE FULLY-FUNDED BY EXCEL AID)

YES

NO

Shall the following resolution be adopted, to wit:

RESOLVED, that the Board of Education (the "Board") of the Olean City School District (the "District") is hereby authorized to undertake a District capital improvements project consisting of reconstruction and renovation, in part, and the construction of improvements to the District's school buildings (and the sites thereof) to implement various health, safety, accessibility and code compliance measures and various other

measures that are generally described in the Project Plan referred to in the public notice of the vote on this Proposition, and to expend therefor an amount not to exceed \$743,724, with such project to be funded solely by the application and expenditure of the District's entire remaining allocation of EXCEL aid funds from New York State, without the expenditure of any other District funds or the issuance of any bonds, notes or other obligations of the District?

AND FURTHER NOTICE IS HEREBY GIVEN that since the Project consists of in-kind, same-site replacement, rehabilitation or reconstruction activities and is a routine activity of a school District, it is considered to be a Type II action as defined in the State Environmental Quality Review Act ("SEQRA") regulations, and, in conjunction with and in support of that finding, the Board has considered the Project and reviewed the criteria set forth under SEQRA and determined that the Project will not result in any significant adverse environmental impacts.

AND FURTHER NOTICE IS HEREBY GIVEN that applications for absentee ballots may be obtained at the office of the District Clerk between the hours of 9:00 a.m. and 4:00 p.m., prevailing time. Completed applications must be received by the District Clerk at least seven days before the Special District Meeting and Vote, if the ballot is to be mailed to the voter, or on the day before the Special District Meeting and Vote, if the ballot is to be delivered personally to the voter. The list of all persons to whom absentee ballots shall have been issued will be available for inspection in the office of the District Clerk, between the hours of 9:00 a.m. and 4:00 p.m., prevailing time, until the day set for voting, except for Saturdays, Sundays and holidays, at the District offices at 410 West Sullivan Street, Olean, New York.

Dated: Olean, New York
October 27, 2010
BY ORDER OF THE BOARD OF EDUCATION
OF THE OLEAN CITY SCHOOL DISTRICT
CATTARAUGUS COUNTY, NEW YORK

Victoria L. Zaleski-Irizarry
District Clerk

Section 6. That the District Clerk is hereby authorized and directed to cause notice to be given of such Special District Meeting and Vote, in substantially the form hereinbefore prescribed, by publishing the same four (4) times within the seven (7) weeks next preceding the date of such Special District Meeting and Vote, the first publication to be at least 45 days (but not more than 49 days) before such Special District Meeting and Vote, in the *Olean Times Herald*, the only newspaper having general circulation in the District, and by giving such other notice as in the District Clerk's discretion may be deemed advisable.

Section 7. This resolution shall take effect immediately.

A ROLL CALL VOTE WAS TAKEN with the following results:

James Padlo	VOTING	YES
Michicko McElfresh	VOTING	YES
Daniel Harris	VOTING	YES
Gordon Cross	VOTING	YES
Laurie A. Branch	VOTING	YES
Ira Katzenstein	VOTING	YES
Eric Garvin	VOTING	YES

SPECIAL MEETING
WEDNESDAY, OCTOBER 27, 2010
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Ayes 7

Nays 0

Motion Carried

Moved by L. Branch, seconded by J. Padlo, to adjourn from the Special Meeting and go in to Executive Session at 12:10 p.m. for the purpose of discussing: collective bargaining.

Executive
Session

Moved by L. Branch, seconded by J. Padlo, to adjourn from Executive Session and reconvene to the Special Meeting at 12:30 p.m.

Special
Meeting

Ayes 7

Nays 0

Motion Carried

Moved by G. Cross, seconded by I. Katzenstein, to adjourn the meeting at 12:30 p.m.

Adjournment

Ayes 7

Nays 0

Motion Carried

Respectfully submitted,

Dated: October 27, 2010

Victoria L. Zaleski-Irizarry
District Clerk