

**BOARD OF EDUCATION
TONAWANDA CITY SCHOOL DISTRICT
100 HINDS STREET, TONAWANDA, NY 14150**

**AGENDA ~ Minutes
June 2, 2022**

SPECIAL MEETING
*Tonawanda HS Library Media Center
600 Fletcher Street*

6:00 PM

Special Session of the Board of Education – Board Of Education Vacancy and TEA Contract Negotiations

1.0 CALL TO ORDER:

Calabrese, Koch, o'donnell, schmutzler, thorp, opalinski, sternin

President Heather Sternin called the meeting to order at 6:00 pm. The pledge was observed.
Roll call: President Heather Sternin, Vice President Danielle Opalinski, Trustee Daniel Calabrese, Trustee Elizabeth Koch, Trustee Alicia O'Donnell, Trustee Kristin Schmutzler, Trustee Jeff Thorp.

There were approximately 14 people in attendance

Administrators present: Dr. Timothy Oldenburg Superintendent of Schools

2.0 VERBAL COMMUNICATIONS ON AGENDA ITEMS/RESOLUTIONS

2.1 RESPONSE TO PREVIOUS QUESTIONS

2.2 PUBLIC COMMENT SESSION #1

The Tonawanda Board of Education, in an effort to conduct district business in a timely fashion, and as part of its long-standing goal to maintain an open line of communication with the public, welcomes comments on topics relevant to the meeting and public education.

- Persons wishing to speak and be recognized by the **Board President** are to be courteous, respectful, well-prepared, non-repetitive and brief.
- All questions or comments should be addressed only to the **Board President** or to the **Superintendent**. No discussion of individual personnel matters will be discussed by the Board.
- Please state your name and address clearly for inclusion in the meeting Minutes. In the event any person wishes a response outside of the confines of a regular Board meeting, please leave all necessary contact information with the Clerk at the end of the meeting.
- Persons may address the Board of Education during two (2) separate sessions of the meeting for a total of twenty (20) minutes per session.
- Individuals may speak a total of three (3) minutes per speaker per session. The Board will adhere to this three (3) minute guideline in an effort to allow everyone an opportunity to speak who wishes to do so.
- The Board reserves its right to limit or expand upon these time limits as the Board may deem necessary and prudent.

3.0 PRESENTATIONS

3.1 Board of Education Vacancy *Chris Trapp, Greco Trapp, PLLC*

Chris Trapp was there to discuss options regarding Alicia O'Donnell's resignation.

Chris Trapp went over the legal options for Small City School District which Tonawanda is considered, all seats run at large, highest vote getting is for the election, they get the position. In our case, we have a vacancy, three open seats, four people were running. Who receives the seats, top 3 seats, 4th is out. Announced resignation not in time to put it on the ballot, resignation in effect June 9th. Opportunity to select an individual. Normally, 4th person would take the spot, but that happens to be a current sitting board member, can't be in two seats at one time.

Several options

1. Do nothing, no requirement that the seat has to be filled. They MAY replace the position. Who do you select, entirely up to the board as long as meets the requirements.
2. Select someone
3. Wait until after July 1st, new board can select someone

Other variations regarding resignations.

If a board member who is current, if they were to resign, that member would be eligible to take the seat of the other member that resigned. Only until next May, then the run for the remaining unexpired term.

WHOEVER is picked, will be running in May anyways. If appointing someone now to fulfill Alicia's seat, then that person would run for the remainder of Alicia's seat.

If someone is appointed today or in July, next election looking at 3rd most votes, getting the remainder of Alicia's term.

Fulfill the unexpired term.

If Alicia resigned in March, plenty of time to get a petition out, then the person who got the 4th most votes, would fulfill that term.

What changed it this year, the person that came in 4th is a current board member.

If the board chooses to appoint someone now, will take seat immediately.

President Heather Sternin: if someone was to be appointed, they could resign then be appointed to Alicia's term.

Trustee Alicia O'Donnell: Not in favor of any option of leaving with an even number on the board, with being actively involved with contract negotiations, doesn't think it's the best service for the district

Vice President Danielle Opalinski: Agreed

President Heather Sternin: Are you saying that you are afraid that we are going to settle teacher contract before July 1st and there won't be enough people to approve the contract?

Trustee Alicia O'Donnell: I think it's important to have the odd number. In executive session, its difficult when its split down the middle, we do have discussions and don't always agree, could turn out where half thinks one thing and the other half thinks another, personally doesn't think it serves the district well. Even if it is in a short period time.

Vice President Danielle Opalinski: Oh, I misunderstood

Trustee Kristin Schmutzler: I would agree, we are hoping to have the contract settled as soon as possible, if it's possible. If we are leaving it at 6, an even number, isn't in the best interest of the district to have a full board?

Trustee Jeff Thorp: Its important, with Alicia leaving, what she wants takes some weight to it, you want to leave on your terms and make sure things are in place. What choices would we have? Nothing wouldn't be an option. Wanting to select someone, doesn't want to leave someone until re-org...

President Heather Sternin: It is my opinion with the 7 years I've been on the board, there's only been 3 votes that were 3-3, and only one 5-2 vote and every other vote has been 7-0. Obviously having discuss things in other situations, not concerned about a tie with the teacher contract. As a board we have been in 100% agreement the whole time. At the time of the election, 4 people chose to file petitions and get 100 signatures, that's a lot of work. This wouldn't have been an issue at all if one of the other 4 got 4th most votes. To honor the people that had the care to campaign the position I thought that should have been done before the election. Doesn't feel any differently now.

Vice President Danielle Opalinski: I think it needs to be filled, Mrs. Koch is the right person to fill it. Has the knowledge, ran, we need someone with three new board members, we need the knowledge, not all parents on the board, there needs to be a balance of the board. Mrs. Koch is the perfect fit. It would've been better if this wasn't an issue. But with the teachers contract we all have been in 100% agreement, there shouldn't be any problems with that. I think if Mrs. Koch is willing to do what needs to be done in order for us to appoint her, that's the best case scenario

Trustee Elizabeth Koch: I am. I am interested in the one year appointment.

Trustee Kristin Schmutzler: Renee sent us a letter of interest, she also spent time and money running in the past and she has previous knowledge and she's ready to serve immediately. Some of us helped get signatures for her, I think it's fair to recognize her interest as well.

Vice President Danielle Opalinski: I agree, she's an excellent candidate. But Mrs. Koch is up to date, she's been here. Renee would have to get up to date on the things that have been going on and are happening.

President Heather Sternin: She chose not to run this year, she chose to not go out and get signatures. I think that's what we should stick with.

Trustee Kristin Schmutzler: We didn't really talk about it, who made this decision?

President Heather Sternin: We got an email, and no one responded

Trustee Kristin Schmutzler: It should've been our choice

President Heather Sternin: We got an email stating what our options were, candidates got info stating it, it was on website.

Trustee Alicia O'Donnell: Who made that choice?

President Heather Sternin: Did anyone respond to the email? I read it that no one made any decisions

Trustee Alicia O'Donnell: I was told we couldn't have that discussion outside of a board meeting. We can't have that discussion through an email. I don't even know how we got here.

President Heather Sternin: We wouldn't be here if it ended up in a different order of the votes

Trustee Alicia O'Donnell: If the discussion was done beforehand we'd be better informed.

President Heather Sternin: I wish it was thought of before the election

Trustee Kristin Schmutzler: It was like a done deal

President Heather Sternin: I wish it happened differently, but here we are

Trustee Kristin Schmutzler: We weren't in agreement

President Heather Sternin: I think everyone understands that. We have choices. We can make a recommendation, we can have a vote.

Dr Timothy Oldenburg: There's talk about emails going on and how many days I don't have the emails in front of us but I want to be clear. When the resignation had come about there was plenty of time for notice, but not time for ballot change. I consulted with Chris Trapp, the district's legal counsel, on what the options were and what we must follow. Whether there was some misunderstanding, not the processing of what would happen with the board member possibly being in place, that eventuality not being explored. Chris has tried to atone for by answering questions and sharing options. I'm not an election expert so I consulted with our attorney, and had everyone attached to emails every step of the way. Clear transparency to help you, the decision makers, in the process.

Chris Trapp: Your options are basically the same as before, they changed a bit because of who was 1, 2, 3, 4 it altered the operation. To answer Vice President Opalinski's question, assuming you are choosing to appoint someone, that eliminates not appointing anyone and waiting until July meeting. That leaves you with two other options. 1. Select anyone eligible, not a current Board member. 2. Ms. Koch resigns, resignation is accepted, can consider her candidacy. It's clear that the only ones that vote on those issue, are active board members, which means that Ms. Koch and Ms. O'Donnell, do not vote.

President Heather Sternin: Obviously they don't vote to appoint themselves, but who votes in the choosing of the option?

Chris Trapp: IF the decision is not picking anyone, there's no motion you move on. Again the other part depends on which way you go, if you make a motion to appoint someone or if it's someone who isn't a current board member, they can vote. If the person's name was in the motion, they would not be voting in that.

President Heather Sternin: What if I made a resolution that I thought that we ask Mrs. Koch to resign effective June 9th and that as a board then appoint her to the one year seat, if I make that tonight?

Chris Trapp: You can do that, but the first thing that has to happen is Ms. Koch resigning, that's the first thing. The remaining 5 would then have to make a motion to vote on that.

President Heather Stenin: Can she resign as of June 9th, or as of today?

Chris Trapp: Can do it as of June 9th

Vice President Danielle Opalinski: Can we do nothing tonight because we have another meeting on June 7th?

Trustee Kristin Schmutzler: It's so complicated

Chris Trapp: Election law is complicated.

Trustee Alicia O'Donnell: I don't see the point in waiting

Chris Trapp: You are talking about who is being selected. If you have other business, everyone can participate in that. All 7 are voting tonight.

Trustee Kristin Schmutzler: What you're saying is there has to be two separate motions? Just a statement needs to be made. Then the resolution has to be followed?

Vice President Danielle Opalinski: So resignation and appointment would be the same date?

Trustee Jeff Thorp: In theory, Ms Koch could resign, but that looks like funny games and we don't want that, if that's the direction we choose to go.

Chris Trapp: As long as she resigns, yeah that's the risk you run for not getting appointed

Trustee Jeff Thorp: Just trying to think this through

Trustee Kristin Schmutzler: Can we make a motion at any time? If I feel that appointing someone now to have a board of 7 for executive sessions, I can do that?

Chris Trapp: That person wouldn't start until June 9th

Schmutz: I want to make a motion to appoint Renee Gilbert to Alicia's seat, which would begin June 9th

President Heather Sternin: Is there a second? No second.

Trustee Jeff Thorp: If we do vote, it's up for the 6 people to vote. I don't know.

President Heather Sternin: No second, motion does not carry. I would like to make a motion at this point that we wait until June 7th meeting to fill Mrs. O'Donnell position and at that point, if Mrs. Koch resigns her seat, that we appoint her to the rest of the year of Mrs. O'Donnell position.

Chris Trapp: The difficulty with that, you are trying to appoint someone who hasn't resigned. Make the motion, you don't have to do anything, you can just wait until June 7th.

President Heather Sternin: Ok, that's what we do

Trustee Jeff Thorp: I still want to think and digest, personally. It doesn't feel we can make a choice on the spot. I want voices and am ok with people who want to be here. Personally, I'm trying to wrap my head around the different things. I would like to think. I would like to digest now that I know more or less what people are thinking. I would like, if possible, more than one person who is willing, who has a better right to the seat, that's up to debate, a lot of good reasons for these people, at the same time, the preconceived notion on that 7th vote, would like to keep options open.

President Heather Sternin: What I'm hearing is we are at the do nothing stage. Not making a decision on this tonight. Will show up on agenda for June 7th.

Vice President Opalinski: So that the meeting, Ms. Koch could resign?

Chris Trapp: I recommend it in writing. That letter has to be delivered to the clerk, once delivered its considered accepted.

4.0 NEW/OLD BUSINESS

5.0 PUBLIC COMMENT SESSION #2 FOLLOWING BOARD RESOLUTIONS

(Same guidelines as those found in Item 5.1. Three (3) minutes per speaker for a 20 Minute Session.)

No one stood up

6.0 EXECUTIVE SESSION - (Proposed -TEA Negotiations)

Moved by Trustee Elizabeth Koch and seconded by Vice President Opalinski that, the Board of Education moves into Executive Session at 6:34 P.M. for the purpose of discussions regarding the TEA Negotiations. 7-0 Motion carried.

Moved by Trustee Alicia O'Donnell and seconded by Vice President Opalinski that, the Board of Education exits Executive Session at 6:57 P.M. 7-0 Motion Carried.

7.0 ADJOURNMENT

Moved by Trustee Alicia O'Donnell and seconded by Trustee Daniel Calabrese, that the Board of Education adjourns the special meeting at 6:59 PM. 7-0 Motion Carried.

NEXT REGULAR BOARD MEETING –June 7, 2022 at 6:00 PM