

ANNUAL SCHOOL DISTRICT VOTE

The Annual School District Vote of Cheektowaga-Maryvale Union Free School District (the "District") of the Town of Cheektowaga, Erie County, New York will be held Tuesday, May 16, 2023 from 12:00 Noon Eastern Daylight Saving Time to 9:00 P.M. Eastern Daylight Saving Time at the Gymnasium of the Cheektowaga-Maryvale High School (9-10) Building (Robert A. Binner Educational Center), 1050 Maryvale Drive, Cheektowaga, New York for the purpose of voting on a proposition concerning expenditures for the fiscal year 2023-24, and for the transaction of such other business as is authorized by law.

BOARD MEMBER POSITIONS

The election of one (1) members of the Board of Education also shall be held at the above time and place to fill one (1) position on the Board for a five-year term commencing on July 1, 2023 and terminating on June 30, 2028 to fill the vacancy created by the expiration on June 30, 2023 of the term of member Cindy Strong.

PETITIONS

All candidates for the office of a member of the Board of Education shall be nominated by petition which can be obtained from the District Clerk. Each petition shall be directed to the District Clerk, shall be signed by at least twenty-five (25) qualified voters of the District, shall state the residence of each signer, shall state the name and residence of the candidate, and shall describe the specific vacancy on the Board of Education for which the candidate is nominated, which description shall include at least the length of term of office, and the name of the last incumbent, if any. Each petition shall be filed in the office of the District Clerk between the hours of 9:00 A.M. and 5:00 P.M. Eastern Daylight Saving Time not later than April 17, 2023.

QUALIFICATIONS:

A Board of Education member of the Cheektowaga-Maryvale Union Free School District must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) Able to read and write;
- d) A legal resident one (1) year prior to the election;
- e) Cannot be an employee of the Cheektowaga-Maryvale Union Free School District;
- f) The only member of his/her family (that is, cannot be a member of the same household) on the Cheektowaga-Maryvale Union Free School District Board;
- g) May not simultaneously hold another, incompatible public office;
- h) Must not have been removed from a school district office within one year preceding the date of election to the Board.

ABSENTEE BALLOTS

Applications for absentee ballots for the Annual District Vote may be obtained after Tuesday, April 25 from the office of the District Clerk in the District Administrative Office, located in the Samuel R. Bennett Administration Building, 1050 Maryvale Drive, Cheektowaga, New York. Completed applications must be received by the District Clerk at least seven (7) days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter. Absentee ballots must be received by the District Clerk not later than 5:00 P.M. on May 16, 2023. A list of persons to whom absentee ballots have been issued will be available for inspection in the office of the District Clerk during regular office hours on each of the five business days before the election, and at the polling place on the day of the election. Any qualified voter present in the polling place may object to the voting of the ballot upon appropriate grounds for making his/her challenge and the reasons therefore known to the Inspector of Election before the close of the polls.

VOTE

Voting on the budget and all propositions shall consist of voting on the following proposition and any other propositions authorized to be voted upon by law.

CHEEKTOWAGA-MARYVALE UNION FREE SCHOOL DISTRICT

Notice of Annual School District Public Hearing, Budget/Propositions Vote and Election

NOTICE IS HEREBY GIVEN that a public hearing of the qualified voters of the Cheektowaga-Maryvale Union Free School District (the "District") will be held on Monday, May 8, 2023 at 6:00 p.m., prevailing time, in the Board Room of the District's Administrative Offices, 1050 Maryvale Drive, Cheektowaga New York, for the presentation of the District's proposed 2023-2024 budget.

TAKE FURTHER NOTICE, that the annual Budget/Propositions Vote and Election of the District (the "Annual Vote") will be held on Tuesday, May 16, 2023 from 12:00 Noon, prevailing time, to 9:00 P.M., prevailing time, at the Gymnasium of the Cheektowaga-Maryvale Robert A. Binner Educational Center (High School (9-10) building), 1050 Maryvale Drive, Cheektowaga, New York, for the purposes of (i) voting on the District's budget for the fiscal year 2023-24, (ii) voting on two additional propositions and (iii) electing one member of the District's Board of Education (the "Board"), and for the transaction of such other business as may be authorized by law.

TAKE FURTHER NOTICE, that the Board will have prepared and completed a detailed statement in writing of the amount of money that will be required for the 2023-2034 fiscal year for school purposes, specifying the several purposes and amount of each. The amount of each purpose estimated as being necessary for payments to Boards of Cooperative Educational Services shall be shown in full, with no deduction of estimated State Aid. The amount of State Aid provided, and its percentage relationship to the total expenditures, shall also be shown. Such statement will be available, upon request, to any resident of the District during the hours of 9:00 A.M. to 3:00 P.M., prevailing time, from May 1, 2023 to May 16, 2023 exclusive of Saturdays, Sundays and holidays, at each of the public school houses of the District.

TAKE FURTHER NOTICE, that an election shall be held at the Annual Vote to fill one (1) at-large position on the Board. The candidate receiving the highest number of votes will be assigned a five-year term commencing on July 1, 2023 and terminating on June 30, 2028, and will fill the vacancy created by the expiration of the term of Board member Cindy Strong.

TAKE FURTHER NOTICE, that all candidates for the office of a member of the Board shall be nominated by petition. Each petition shall be directed to the Clerk of the District (the "Clerk"), shall be signed by at least twenty-five (25) qualified voters of the District or two percent of the number of voters who voted in the previous annual election of members of the Board, whichever is greater, shall state the residence of each signer and shall state the name and residence of the candidate. Each petition shall be filed in the office of the Clerk between the hours of 9:00 A.M. and 5:00 P.M., prevailing time, not later than April 17, 2023.

TAKE FURTHER NOTICE, that voting machines will be used to record the vote on the budget and on the election of one (1) member of the Board.

TAKE FURTHER NOTICE, that applications for absentee ballots for the Annual Vote may be obtained at the office of the Clerk in the Samuel R. Bennett Administration Building, 1050 Maryvale Drive, Cheektowaga, New York, up to thirty (30) days prior to the Annual Vote, between the hours of 9:00 a.m. and 4:00 p.m., prevailing time, except Saturdays, Sundays, and holidays. Completed applications must be received by the Clerk at least seven (7) days before the election, if the ballot is to be mailed to the voter, or on the day before the election, if the ballot is to be delivered personally to the voter. Absentee ballots must be received by the Clerk by not later than 5:00 P.M. on May 16, 2023. A list of persons to whom absentee ballots have been issued will be available for inspection in the office of the Clerk during regular office hours on each of the five business days before the election, and at the polling place on the day of the election.

TAKE FURTHER NOTICE, that military voters who are qualified voters of the District may apply for a military ballot by requesting an application from the Clerk. For a military voter to be issued a military ballot, the Clerk must have received a valid ballot application by not later than 5:00 pm on April 21, 2023. In a request for a military ballot application or ballot, the military voter may indicate their preference for receiving the application or ballot by mail, facsimile transmission or electronic mail.



TAKE FURTHER NOTICE, that voting at the Annual Vote shall consist of voting on the following three propositions, and any other propositions that may be authorized to be voted upon by law.

PROPOSITION NO. 1 – 2023-24 BUDGET

Shall the following resolution be adopted, to-wit:

RESOLVED, that the budget for the Cheektowaga-Maryvale Union Free School District (the "District") for the fiscal year commencing July 1, 2023 and ending June 30, 2024, as presented by the Board of Education of the District, is hereby approved and adopted and the required funds therefor are hereby appropriated and the necessary real property taxes required shall be raised by a tax on the taxable property in the District to be levied and collected as required by law.

PROPOSITION NO. 2:

**MODIFICATION OF THE MAXIMUM ESTIMATED COST
(AND FINANCING ARRANGEMENTS) FOR THE
CAPITAL IMPROVEMENTS PROJECT, 2021**

Shall the following resolutions be adopted, to-wit:

RESOLVED, that the Board of Education (the "Board") of the Cheektowaga-Maryvale Union Free School District, Erie County, New York (the "District"), is hereby authorized to modify the District's previously-approved Capital Improvements Project, 2021 involving the reconstruction and renovation of, and the construction of improvements, upgrades and additions to various District buildings and facilities and the sites thereof (collectively, the "Project"); and be it further

RESOLVED, that such modification shall involve an increase in the authorized estimated maximum cost of the Project, from \$29,550,000 to \$36,250,000 (in order to allow for the Project to be completed as planned, in light of anticipated bids that are expected to exceed the original maximum cost figure for the Project that was approved by the District's voters in December of 2021); and be it further

RESOLVED, that such modification shall also involve the expenditure or application toward the Project, during the current fiscal year of the District, of an additional \$1,650,000 from the District's Capital Reserve Fund, 2017 (thereby increasing the amount of reserve fund monies to be utilized for the Project to a total of \$6,650,000, so that there will continue to be no anticipated increase in the District's local tax levy in order to accomplish the Project); and be it further

RESOLVED, that an additional tax is hereby voted in an amount not to exceed \$5,050,000, to finance the balance of the \$6,700,000 upward adjustment in the cost of the Project, with such tax to be levied and collected in installments in such years and in such amounts as shall be determined by the Board; and be it further

RESOLVED, that in anticipation of such tax, additional obligations of the District (including, without limitation, serial bonds, statutory installment bonds, bond anticipation notes and/or lease/purchase obligations) are hereby authorized to be issued in the aggregate principal amount of not to exceed \$5,050,000, and a tax is hereby voted to pay the interest on such additional obligations as the same shall become due and payable; and be it further

RESOLVED, that New York State Building Aid funds expected to be received by the District are anticipated to offset a substantial part of such cost, and such funds shall, to the extent received, be applied to offset and reduce the amount of taxes herein authorized to be levied.

PROPOSITION NO. 3

ESTABLISHMENT OF A CAPITAL IMPROVEMENTS RESERVE FUND

RESOLVED, that the Board of Education (the "Board") of the Cheektowaga-Maryvale Union Free School District, Erie County, New York (the "District") is hereby authorized to establish a capital improvements reserve fund pursuant to Section 3651 of the Education Law of the State of New York (the "Fund"); that the Fund shall be known as the "Capital Improvements Reserve Fund, 2023" of the District; that the Fund shall be established for the purpose of financing, in whole or in part, the acquisition, construction, reconstruction, expansion, renovation, alteration and improvement of buildings, facilities, sites and real property by the District, or the District's share of the cost of any capital improvements project undertaken by a Board of Cooperative Educational Services ("BOCES") of which the District is (or may become) a component district, including, in all cases, the acquisition of necessary furnishings, equipment, machinery and apparatus; that the ultimate amount of the Fund shall be not greater than \$5,000,000 (plus interest earned thereon); that the probable term of the Fund shall be not longer than ten (10) year years; and that the permissible sources from which the Board is authorized to appropriate monies to the Fund from time to time shall be (A) budgetary appropriations of the District; (B) unappropriated fund balance of the District as directed by the Board; (C) State aid received as reimbursement for expenditures by the District in connection with District capital improvements (whether or not such improvements were financed in whole or in part from the Fund); (D) the proceeds from the sale of unneeded real or personal property owned by the District, if permitted by law and if so directed by the Board; and/or (E) such other sources as the Board or the voters of the District may direct from time to time, all as may be permitted by law.

TAKE FURTHER NOTICE, that Proposition No. 2 (as set forth in full, above) shall appear on the ballot sheet to be used for voting on such Proposition No. 2 in substantially the following abbreviated form:

PROPOSITION NO. 2:

MODIFICATION OF THE MAXIMUM ESTIMATED COST (AND FINANCING ARRANGEMENTS) FOR THE CAPITAL IMPROVEMENTS PROJECT, 2021

Shall the following resolution be adopted, to-wit:

BE IT RESOLVED (a) that the Board of Education (the "Board") of the Cheektowaga-Maryvale Union Free School District, Erie County, New York (the "District") is hereby authorized to modify the "Capital Improvements Project, 2021" that was previously approved by the District's voters on December 7, 2021 (the "Project"), in order to allow for the Project to be completed as planned, in light of anticipated bids that are expected to exceed the original amount that was approved by the voters (with the estimated maximum cost of the Project to be increased from a previously-approved figure of \$29,550,00 to a new figure of \$36,250,000); (b) that the District is authorized to expend or apply toward the Project an additional \$1,650,000 from the District's Capital Reserve Fund, 2017 (thereby increasing the amount of reserve fund monies to be utilized for the Project to a total of \$6,650,000, in order to continue to avoid any increase in the District's local tax levy as a result of the

Project); (c) that an additional tax is hereby voted, in an amount not to exceed \$5,050,000, to finance the balance of the \$6,700,000 upward adjustment in the estimated maximum cost of the Project, with such tax to be levied and collected in installments in such years and in such amounts as shall be determined by the Board (d) that in anticipation of such tax, additional obligations of the District are hereby authorized to be issued in an aggregate principal amount of not to exceed \$5,050,000, and a tax is hereby voted to pay the interest on such additional obligations as the same shall become due and payable; and (e) that New York State Building Aid funds expected to be received by the District are anticipated to offset a substantial part of such additional costs, and such funds, to the extent received, shall be applied to offset and reduce the amount of additional taxes herein authorized to be levied.

TAKE FURTHER NOTICE, that an Environmental Assessment Form covering all of the work involved with the Capital Improvements Project, 2021 (the "Project") was completed in October of 2021, and the Project continues to constitute a Type I action under the State Environmental Quality Review Act ("SEQRA"). When a thorough review of the Project's potential environmental impacts was undertaken in 2021, it was found that the Project would not result in a significant adverse impact on the environment, and a reasoned elaboration of the SEQRA review and findings was provided in a Negative Declaration. Given that the work involved with the Project has already been the subject of a detailed review and evaluation under SEQRA, and given that the anticipated scope and nature of the work involved is not changing, no further action under SEQRA is necessary or has been taken at this time.

By Order of the Board of Education
Cindy Strong, President
James McDermott, Vice President
Ronald Morlock, Board Member
Jennifer Pilarski, Board Member
Christopher Pew, Board Member

Dated: March 13, 2023

Sheena Palmer, District Clerk

TAKE FURTHER NOTICE that a public hearing for the voters of the District on the 2023-24 budget and expenditure of funds will be held on Monday, May 8, 2023 commencing at 6:00 P.M. Eastern Daylight Saving Time in the Board Room of the Cheektowaga-Maryvale Administrative Offices, 1050 Maryvale Drive, Cheektowaga New York.

If you have any questions, please contact Sheena Palmer, District Clerk, Maryvale Administration Office, 1050 Maryvale Drive, Cheektowaga NY 14225, 631-7407.