

The **Special Meeting** of the Batavia City School District Board of Education was called to order on **Tuesday, March 24, 2020 at 6:30 PM** in the District Administration Conference Room, 260 State Street, Batavia, NY by Board President, Patrick Burk.

Members Present: Patrick Burk, Peter Cecere, Tanni Bromley (via Google Meeting), John Marucci, Barbara Bowman, Shawna Murphy

Excused: Aubrey Towner, Ex-Officio Student Representative

Others Present: Anibal Soler Jr., Superintendent, Brittany Witkop, Assistant Clerk to the Board; Dr. Molly Corey, Executive Director of Curriculum and Instruction (via Google Meeting); Scott C. Rozanski, Business Administrator/Clerk (via Google Meeting)

Mr. Burk welcomed those present to the meeting and led the pledge to the flag.

Meeting closed to the Public due to COVID-19 restrictions.

Motion made by Mrs. Bowman, seconded by Mrs. Bromley, to amend the agenda, as altered.

V. New Business

ADD:

- F. COVID-19 Resolution for closure of Batavia City School District effective March 16, 2020, due to State of Emergency
- G. Resolution to approve hourly pay for Batavia City School District employees from March 16, 2020 through April 1, 2020

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Motion made by Mr. Marucci, seconded by Mr. Cecere – Upon the recommendation of the Superintendent, BE IT RESOLVED to approve the following Consent Items, A-H, as altered.

- A. CSE Reports: 3/9/20 (1), 3/13/20 (1)
- B. CPSE Reports: Amendment without a meeting (1)
- C. Resignations
 - 1. Adam D. Richley, Building Maintenance Worker [BMS], effective April 30, 2020
- D. Leave of Absence
 - 2. RESCIND - Mark Marabella, Custodial Worker [JK], Family Medical Leave, effective March 16, 2020 through on or about April 30, 2020 (surgery has been postponed)
- E. Appointments
 - 1. Maureen Notaro, 4-year Probationary Principal [JA], effective March 24, 2020; salary according to the Batavia Administrators' Association Agreement - \$105,000.00 (4-year probationary period to be retroactive to July 31, 2019)
 - 2. REVISED - Kimberly M. Shea, Promotional Reclassification of Title from Clerk-Typist to Secretary [BHS, #1924], retroactive to February 25, 2020, Salary according to the Batavia Clerical Association Agreement, 3.5% increase or \$.72/hr.
 - 3. EXTEND – Otis L. Thomas III, Long-term 1:1 Teacher Aide [JA/#8840], through on or about June 25, 2020; Salary according to the Batavia Clerical Agreement; \$11.80/hr., 6.5 hrs. per day, 7:45 AM – 2:45 PM

Call to Order

Roll Call

Pledge to Flag

Agenda Alterations

Consent Items
CSE Reports
CPSE Reports
Resignations
A. Richley
Leave
RESCIND - M. Marabella
Appointments
M. Notaro

REVISED - K. Shea

EXTEND – O. Thomas

F. Financials

1. Warrants

- A-43: February 2020 Manual Checks for 2/1/20-2/29/20
- A-50: A 3/13/20 Warrant for 2/29/20-3/13/20
- TA-21: TA Processing 3/13/20 Payroll for 3/13/20-3/13/20

G. Contracts

1. Memorandum of Agreement, Batavia City School District and the Batavia Teachers' Association; 2020-21 School Year to commence with Superintendent's Conference Days on September 1-2, 2020
2. Memorandum of Agreement, Batavia City School District (host site) and Genesee Valley Educational Partnership, 2020 Regional Summer School, July 1, 2020 through August 31, 2020; \$15,000.00

H. 2020-21 Batavia High School Musical "Sister Act", November 13-15, 2020

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Motion made by Ms. Murphy, seconded by Mr. Marucci, to accept and approve the 2020-21 Genesee Valley Educational Partnership (GVEP) Annual Meeting Notice, Administrative Budget in the amount of \$2,867,051.00, and the election of the 2020-21 Genesee Valley Educational Partnership (GVEP) Board Members (non-District nominees). [The Annual Meeting will be held April 15, 2020 at the Administrative Offices, 80 Munson Street, LeRoy, NY.]

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Motion made by Mr. Cecere, seconded by Mrs. Bowman, to accept and approve the Resolution regarding State Environmental Quality Review for the proposed Jackson Primary Capital Project.

RESOLUTION REGARDING STATE ENVIRONMENTAL QUALITY REVIEW

WHEREAS, the Board of Education of the Batavia City School District (the "Board") has considered the effect upon the environment of proposed capital work, including but not limited to the following:

Replacement and construction of a new playground and upgrades to the restrooms at Jackson Primary School.

WHEREAS, the Board has reviewed the scope of the project and has further received and considered the advice of its architects with respect to the potential for environmental impacts resulting from the proposed action; and

WHEREAS, the Board has reviewed the Proposed Action with respect to the Type II criteria set forth in 6 NYCRR Part 617.5(c), now therefore;

BE IT RESOLVED, by the Board of Education as follows:

1. The Proposed Action does not exceed thresholds established under 6 NYCRR Part 617, State Environmental Quality Review Act, (SEQRA).
2. The Board hereby determines the Proposed Action as a Type II action in accordance

Warrants

Contracts
*MOA – BCSD
and BTA*

*MOA – BCSD
& GVEP*

BHS Musical

**GVEP
Administrative
Budget and
Election**

SEQRA Type II-
Proposed Jackson
Primary Capital
Project

- with the SEQRA regulations.
3. No further review of the Proposed Action is required under SEQRA.
 4. This resolution shall be effective immediately.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0
Motion carried. [6-0]

Motion made by Mr. Cecere, seconded by Mr. Marucci, to accept and approve the Resolution for the Jackson Primary Capital Project, proposition to use “Capital Improvements Reserve Fund, 2017”.

Resolution to use
Capital
Improvements
Reserve Fund,
2017

A RESOLUTION DATED MARCH 24, 2020 CALLING FOR THE SUBMISSION, TO THE VOTERS OF THE CITY SCHOOL DISTRICT OF THE CITY OF BATAVIA, GENESEE COUNTY, NEW YORK (THE “DISTRICT”), OF A PROPOSITION AUTHORIZING THE TRANSFER OF \$619,151 FROM THE DISTRICT’S CAPITAL IMPROVEMENTS RESERVE FUND, 2017 (TO FUND A CAPITAL IMPROVEMENTS PROJECT AT JACKSON PRIMARY SCHOOL), AND DIRECTING THAT SUCH PROPOSITION BE INCLUDED IN THE DISTRICT’S NOTICE OF ANNUAL MEETING AND VOTE.

BE IT RESOLVED BY THE BOARD OF EDUCATION AS FOLLOWS:

1. That provisions in substantially the following form (subject to final review and approval of the appropriate District officials and the District’s counsel) shall be added to the District’s notice of annual meeting and vote for 2020, to-wit:

AND FURTHER NOTICE IS HEREBY GIVEN that a proposition for the authorization of the transfer of monies from the District’s Capital Improvements Reserve Fund, 2017 (to fund a capital improvements project at Jackson Primary School) shall be presented for a public vote in substantially the following form :

PROPOSITION NO. 2:

USE OF CAPITAL RESERVE MONIES TO FUND A PLAYGROUND REPLACEMENT AND MODERNIZATION PROJECT AT THE JACKSON PRIMARY SCHOOL

Shall the following resolutions be adopted?

RESOLVED, that the Board of Education of the City School District of the City of Batavia, Genesee County, New York (the “District”) be authorized to appropriate, transfer and utilize \$619,151 from the District’s “Capital Improvements Reserve Fund, 2017” to fund a capital improvements project consisting primarily of the replacement and modernization of the playground facility at the District’s Jackson Primary School (the “Playground Project”), as generally described in (but not to be limited by) the written plan for the Playground Project that was prepared by the District with the assistance of Wendel and Campus Construction Management Group (the “Playground Project Plan”), which is available for public inspection in the offices of the District Clerk, such work being generally anticipated to include, without limitation and to the extent as and where required, the removal of the

existing playground and the design, construction and installation of a modernized playground consisting of new recreational and play equipment, along with the reconstruction of and construction of various improvements to the restroom facilities at the Jackson Primary School, as well as all ancillary or reasonably related work required in connection therewith; and be it further

RESOLVED, that the detailed costs of the components of the Playground Project (as generally described in the Playground Project Plan) may be reallocated among such components, or such components may be deleted, revised or supplemented if (1) the Board shall determine that such reallocation, deletion, revision or supplementation is in the best interests of the District and (2) the aggregate amount to be expended for the Playground Project shall not exceed \$619,151 and (3) no material change shall be made in the overall scope and nature of the Playground Project.

AND FURTHER NOTICE IS HEREBY GIVEN that the proposition relating to the Playground Project will appear on the paper ballots used for voting in substantially the following abbreviated form:

PROPOSITION NO. 2:

USE OF CAPITAL RESERVE MONIES TO FUND A PLAYGROUND REPLACEMENT AND MODERNIZATION PROJECT AT THE JACKSON PRIMARY SCHOOL

YES

NO

Shall the following resolution be adopted?

RESOLVED, that the Board of Education of the City School District of the City of Batavia, Genesee County, New York (the "District") be authorized to appropriate, transfer and utilize \$619,151 from the District's "Capital Improvements Reserve Fund, 2017" to fund a capital improvements project at Jackson Primary School consisting primarily of the replacement and modernization of the playground facility there, with such work (and some associated restroom reconstruction work) being generally described in (but not to be limited by) the Playground Project Plan that was referred to in the public notice of the vote on this Proposition No. 2.

2. The District Clerk (or the District Clerk's designee) is hereby directed to add the above-referenced Proposition No. 2 (in substantially the stated form) to the notice of the annual meeting and vote of the District for 2020, working in consultation with the appropriate District officials and the District's counsel.

3. This resolution shall take effect immediately.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Motion made by Mr. Marucci, seconded by Ms. Murphy, to approve the Notice of Public Hearing, Budget Vote and Election as presented.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Notice of Public
Hearing, Budget
Vote and Election

Motion made by Mr. Cecere, seconded by Mr. Marucci, to accept and approve the Resolution for Emergency Measures to Ensure Continuity of Operations.

**Resolution for
Emergency
Measures**

WHEREAS, On March 14, 2020, the Genesee County Department of Health recommended that school Districts in Genesee County close to students, effective as soon as practicable, and until further notice due to the COVID-19 virus;

WHEREAS, As of 12:00 AM on Sunday, March 15, 2020, the Genesee County Board of Supervisors in collaboration with the Genesee County Department of Health declared a state of emergency in response to the COVID-19 pandemic;

WHEREAS, On March 16, 2020, Andrew Cuomo, Governor of the state of New York, signed an executive order closing schools statewide for two (2) weeks beginning on March 18, 2020 and ending on April 1, 2020;

WHEREAS, the Batavia City School District complied with these orders and closed to students beginning March 16, 2020;

WHEREAS, the Board of Education recognizes the undue hardship this unprecedented event may have on its community;

WHEREAS, the Board of Education recognizes the undue hardship this situation may have to safely maintain and operate its facilities;

WHEREAS, the Board of Education recognizes the need to provide its vulnerable student populations with meals during the mandated closure;

WHEREAS, the Board of Education recognizes the need to continue the essential functions of the Business Office,

NOW, THEREFORE BE IT RESOLVED, the Board of Education authorizes Anibal Soler Jr., Superintendent of Schools to take necessary measures, including waiving current District policies, to ensure the continuity of Business Office functions including but not limited to purchasing, bill payment, banking, and payroll for all District employees and long-term substitutes;

BE IT FURTHER RESOLVED, the Board of Education authorizes Anibal Soler Jr., Superintendent of Schools to designate select staff, faculty and administration as essential to address the aforementioned concerns;

BE IT FURTHER RESOLVED, this resolution shall remain in effect until such time the as District is allowed to reopen to students and non-essential personnel and resume functions as prescribed by regulatory authorities.

**Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0
Motion carried. [6-0]**

Motion made by Mrs. Bowman, seconded by Mrs. Bromley, to accept and approve the COVID-19 Resolution for closure of the Batavia City School District, effective March 16, 2020, due to State of Emergency.

COVID-19
Resolution for
School Closure

RESOLUTION

WHEREAS, COVID-19 has resulted in the Federal, State and County governments declaring a state of emergency; and

WHEREAS the Governor has ordered, pursuant to Executive Order No. 202.4, the closure of schools statewide for a period of two weeks ending April 1, 2020; and

WHEREAS, the Genesee County Department of Health declared a State of Emergency beginning at 12:00 a.m. on March 15, 2020.

NOW, THEREFORE, the Board of Education resolves as follows:

1. The Board of Education hereby declares the COVID-19 virus is an emergency for the School District.
2. The school district is closed for students March 16, 2020 ending April 1, 2020 pursuant to the Governor's Order and the earlier County Executive Order.
3. During the period of school closure for students, all District stakeholders shall establish plans to ensure the continuity of learning to the extent feasible and appropriate in accordance with consultation with the State Education Department, Department of Health and the Office of Children and Family Services consistent with Executive Order 202.4.
4. The Board of Education may be required to amend the school calendar to address these extraordinary circumstances and make up instructional days.
5. The Board of Education meetings from March 16, 2020 forward until further notice shall be closed to the public under Governor Executive Order 202.1. The school district shall make the meeting accessible to public participation through video streaming or by conference call at the time of the meeting and the school district will record the Board of Education meeting and post the video, audio or transcript on the district website.
6. The Superintendent of Schools is authorized to follow the Federal, State and County orders and to take such action as necessary and proper to operate the school district during this time of emergency.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Motion made by Mrs. Bowman, seconded by Mrs. Bromley, to accept and approve the Resolution to approve hourly pay for Batavia City School District employees from March 16, 2020 through April 1, 2020.

Resolution for
hourly pay, BCSD
employees

BOARD RESOLUTION APPROVING HOURLY PAY

WHEREAS, the novel coronavirus (COVID-19) pandemic has resulted in the Federal, State and County governments declaring a state of emergency; and

WHEREAS, the Genesee County Health Department has ordered a State of Emergency beginning March 15, 2020 due to the threat from the COVID-19 pandemic; and

WHEREAS, the Governor, pursuant to Executive Order No. 202.4, has closed schools statewide for a period of two weeks ending on April 1, 2020; and

WHEREAS, the Batavia City School District (“School District”) intends to provide alternate instruction and continue the operation of educational and related programs provided by the School District to the extent reasonable and consistent with direction from the State Education Department, Department of Health, Office of Children and Family Services, and Federal, State and Local officials; and

WHEREAS, the School District desires to pay hourly School District employees during the closure of the traditional School District operations due to the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Education hereby declares the COVID-19 pandemic is an emergency for the School District.
2. To the extent not already provided for in a collective bargaining agreement, hourly employees shall continue to be paid for the period of March 16, 2020 to April 1, 2020 during the School District closure for students, provided such employees are available for work and report to work when directed to do so. This is meant to make such employees whole for missed work due to the school closure and shall be consistent with such employees’ regular compensation during normal school district operations.
3. Depending on the length of School District closure, the Superintendent of Schools may extend the length of payment to reflect an extended School District closure.
4. This resolution shall apply only for the specific and limited purpose of addressing the unique challenges presented by the outbreak of COVID-19. It shall not set any precedent or practice regarding any aspect of the Resolution.
5. This Resolution shall take effect immediately.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Reports

Superintendent Report – Mr. Soler

Mr. Soler said he is proud of all staff for stepping up to help out during these uncertain times. Faculty and staff have been working on providing continuity of learning, access to materials, and meals for our families. So far we have provided ten thousand meals in six days. Our Nutritional Services staff has been amazing! We have seen tremendous efforts and offers to volunteer to help by teachers and other staff. He mentioned that several community members have thanked Batavia City School District for all of our support. We will continue to provide meals on Monday, Wednesday and Friday at Jackson Primary and John Kennedy. Monday and Wednesday, enough food for two days will be given out.

On a brighter note, thank you to our Board of Education for approving the appointment of Mrs. Maureen Notaro as Jackson Primary Principal. Mr. Soler said she has done a great job and is the leader the school needs going forward. Mrs. Notaro stood out during the interview process and will continue to invigorate faculty and staff at her building.

Financially, we need to be aware that COVID-19 will have impacts on school districts. The Federal Government’s plan did not address helping schools. New York State could see a possible \$10-15 billion impact from this pandemic.

Other Reports – Mr. Burk will be involved in a teleconference on Friday at 3PM with other school leaders and he will report back with any new information. We will surely see more changes evolve each day. As he receives updates he will keep us informed.

Mr. Burk noted the wonderful job by our staff for teaching support of our students and preparation and distribution of meals to our families.

Motion made by Mr. Cecere, seconded by Mr. Marucci to enter into Executive Session at **6:45 PM** to discuss the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Motion made by Mr. Cecere, seconded by Ms. Murphy to return to public session at **6:52 PM**.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

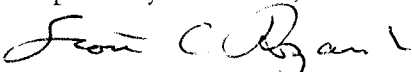
Motion carried. [6-0]

Motion made by Mr. Cecere, seconded by Mr. Marucci to adjourn the meeting at **6:53 PM**.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Respectfully submitted,



Scott C. Rozanski, Clerk

baw

Reports

Superintendent

Other Reports

Executive Session

Return to Public Session

Adjournment