



**Tuesday, February 15, 2022
Virtual Business Board Meeting
7:00 PM**

1. Call to Order

2. Opening of the Meeting – 7:06 PM

2.01 Pledge of Allegiance

2.02 Roll Call

Ms. Tracy Baron, President; Ms. Shannon Stringer; Vice President; Ms. Rita Kennedy; Ms. Jean Lucasey; Mr. Massimo Bufalini; Ms. Penny Sullivan-Nunes; Ms. Brooke Bass; Dr. Lisa Brady, Superintendent; Mr. Ron Clamser, Jr., Assistant Superintendent of Finance, Facilities and Operations; Dr. Darrell Stinchcomb, Assistant Superintendent of Curriculum, Instruction and Equity and Ms. Loretta Tularzko, District Clerk.

2.03 Acceptance of the Agenda

Ms. Lucasey moved, and Ms. Kennedy seconded, that the Board accept the February 15th Agenda.

Vote: 7 - ayes - 0 nays

3. Citizens Comments

3.01 Notice

Anyone wishing to make comments during the two Citizen's Comment portions of the meeting can do so by emailing boemeetingcomment@DFSD.org and you will be sent a link with additional details for joining the Google Meet for the Citizen's Comments portion of the meeting.

The Board of Education values input from the entire Dobbs Ferry School District community. Although we do not engage in dialogue with the public at our Board of Ed business meetings, we are listening. Members of our school district community may comment on any matter related to the meeting's approved agenda. If you wish to address the board, please sign in with the District Clerk. Any group or organization wishing to address the Board must identify a single spokesperson. Please state your name for the record and keep your remarks to 3 minutes or less. Speakers will conduct themselves in a civil manner and will be ruled out of order for any statement that constitutes a direct threat against officers, employees or students of the school district, or that is obscene. Questions or comments concerning matters that are not on the agenda will be taken under consideration and referred to the Superintendent for appropriate action.

One community member voiced his opinion and reasons for asking the Board not to approve the Landing settlement.

Please see below.

4. Announcements

None.

MINUTES

4.01 Private School Transportation Requests

Parents who are considering sending a child to a private school* next year are advised that transportation requests must be submitted by **Friday, April 1, 2022**, in order to be included in the district's request for transportation next year. Requests for forms should be made to the Transportation Director at 914-295-5544. A written request must be submitted for each child and for each school being considered. The School Board has established a firm policy of not considering requests submitted after the deadline.

*(Parents should note that a separate request must be submitted for each school being considered. Requests may be withdrawn if a school is not selected, but **may not** be considered if submitted after the deadline).

4.02 Board Member Terms of Office

Three terms of office of the Dobbs Ferry Board of Education will be expiring on June 30, 2022:

Three seats for three (3) year terms, July 1, 2022-June 30, 2025
Ms. Rita Kennedy, Ms. Jean Lucasey, and Ms. Shannon Stringer

Forms for petitions to run for a seat on the Board of Education will be available in the District Office starting February 14. Petitions to run as a candidate for the School Board next year must be submitted by the close of business on Monday, April 18, 2022. Twenty-five signatures of qualified voters in the district are required.

4.03 Personal Voter Registration

Any community resident not registered with the Westchester County Board of Elections may do so during Personal Registration which will take place on **Monday, May 9, 2022**, between **3:30 PM and 7:30 PM** in the HS Gymnasium Foyer. Voter Qualifications: (1) Must be a citizen of the United States; (2) Must be 18 years of age or older; (3) Must have been a resident of the school district for a period of 30 days or more prior to May 17, 2022.

The meeting was halted due to Live Stream difficulties.

It began again approximately 7:30 PM.

As the technical difficulty interfered with Citizen's Comments, the Board invited the first community member to state his comments again.

A second community member voiced his opinion and reasons for asking the Board not to approve the Landing settlement.

5. Correspondence

5.01 BOE Correspondence

The Board acknowledged the following:

- Thirty-four emails regarding the Landing Litigation and proposed settlement.

6. Board Action

6.01 Dobbs Ferry Schools Foundation Grants

Ms. Kennedy moved, and Ms. Lucasey seconded, that the Board to accept the following grant from the Dobbs Ferry Schools Foundation:

MINUTES

| | | | |
|------------------------|--------------------------------|-----------------|---------|
| Goat Yoga - Grades 6-8 | Professional Development Grant | Julissa Marcano | \$1,150 |
|------------------------|--------------------------------|-----------------|---------|

Vote: 7 - ayes - 0 nays

The Board thanked the Foundation for the grant.

6.02 Consent Judgment - Tax Certiorari

Ms. Bass moved, and Ms. Stringer seconded, that the Board authorizes its attorneys, Shaw, Perelson, May & Lambert, LLP to execute a Consent Judgment in a tax certiorari proceeding captioned *The Landing Homeowners Association Inc. v. Town of Greenburgh and Dobbs Ferry Union Free School District*.

AND IT IS FURTHER RESOLVED, that the Board authorizes the refund of taxes as required by the terms of the Consent Judgment.

Vote: 7 - ayes - 0 nays

Ms. Baron read the following statement from the Board of Education:

As many of you are aware, since 2018 there has been an ongoing litigation and tax certiorari proceeding between The Landing on the Water at Dobbs Ferry and the Town of Greenburgh, the Dobbs Ferry School District and the Village of Dobbs Ferry. The dispute centered around the Landing's attempt to convert to condominium status in April 2018, whether and when that conversion met all of the legal requirements, whether the Landing was owed refunds on property taxes already paid for each year dating back to 2018, and how the Landing would be taxed going forward.

We, the members of the Board of Education, have a fiduciary duty to analyze carefully every decision we are called upon to make, consult with the experts and advisers available to us, and take the course of action that we believe is in the best interests of the district, its students and our taxpayers. We treat all these decisions with the utmost seriousness.

Please understand that the legal situation with the Landing is much more complicated than what you may have heard. While many say there were verbal assurances from the developers that they would never seek to change the Landing's tax status, that was not codified in writing and is not legally binding in a court of law. We may not like it, but as of April 2018, the law allowed developments such as this to convert to condo status.

Is it morally wrong for one set of taxpayers to take advantage of a law that enables them to lower their tax burden, thereby raising the tax burden on everyone else? Perhaps. But a court of law does not make decisions based on the morals of a situation. The court's role is to apply the facts and the law as it was written.

We have been fighting this and litigating it for nearly four years. We and our attorneys have looked at it from every angle. We argued that the Landing's attempt to convert to condo status – while theoretically allowed by New York State and local law at the time – was technically deficient because of errors they made when they filed their papers. These deficiencies were not related to requirements that were codified in the law and no court in New York State has ever denied a condo conversion based on these types of deficiencies.

Is there a chance we might have won on these arguments? Sure. Does anyone know what our odds of winning would have been? Absolutely not.

All three entities – the Town, the Village and the Board of Education – rejected previous settlement offers that were not as advantageous as this one. When the latest, very different offer came to the table – and after many hours of debate, analysis, and questioning – all three entities were ultimately advised by their separate legal counsel that this settlement was in their best interest over continuing to litigate this case and risk losing outright.

MINUTES

As a school district and as a Board, it is our obligation to plan and be prepared for any outcome. In this instance, if we kept fighting this case and it dragged on for another 3 years, which is what the likely timeline would have been, and then we lost – the results for our District's financial position and our taxpayers would have been disastrous. We would suddenly be obligated to pay about 7 years of refunds, amounting to more than \$6 million in School District funds alone being owed to the Landing. And we would not have reserves at our disposal to soften the blow of a sudden tax increase to our other taxpayers.

After carefully considering all of this information, the advice of our counsel, and the risk to our taxpayers if we ultimately lost, tonight we are announcing that the school district, along with the Village and the Town, have reached a settlement agreement with The Landing. The approval of that settlement is on our agenda today. The settlement will result in the following:

No refund will be paid to the Landing for 2018.

No refund will be paid to the Landing for 2019.

Those 2 years of waived refunds represent a combined savings of \$2.6 million for the District, the Village and the Town.

There will be a refund for only 2020 amounting to \$1.3 million, of which \$877,339.90 is the School District's portion, but interest payments that normally accrue for a refund are waived.

Because the School District has set aside funds in reserve to cover this potential tax certiorari, this 2020 refund payment will not negatively impact the District's operations or budget in any way.

Because the School District had also set aside funds in reserve to cover the potential tax refunds for 2018 and 2019, those funds can help us reduce the impact on taxpayers in the years to come.

The settlement acknowledges the Landing's condominium status as of 2018.

We want you to know that we hear and understand your anger and frustration. We are angry and frustrated too. But as school board members, our job is to set aside our emotions and make the decision that – after hours and hours of careful analysis and debate – we believe to be in the overall best interest of the school district.

Finally, if you feel that the law that allows condominiums to be taxed at roughly 40% less than other homes is morally wrong, I suggest you contact your legislative representatives in Albany. Although in October 2018 the School District removed the ability of homeowners in Dobbs Ferry to convert to condominium status in this way, existing condominiums or newly built condominiums are still assessed in a way that reduces their property taxes by about 40%. The New York State School Boards Association has been advocating for a change to this law for years. Albany is where real change for this situation can and must take place.

6.03 Personnel

Ms. Lucasey moved, and Ms. Sullivan-Nunes seconded, that the Board approve the civil service and staff personnel recommendations.

Vote: 7 - ayes - 0 nays

Dr. Brady explained the resolutions and thanked Ms. Flanagan for her 12 years of service and welcomed Ms. Grabelsky as the new Springhurst Assistant Principal.

7. Acknowledgements

7.01 Warrant

The Board acknowledged the following warrant:
Warrant No. 42 Multi.

MINUTES

8. Citizens Comments

8.01 Anyone wishing to make comments during the two Citizen's Comment portions of the meeting can do so by emailing boemeetingcomment@DFSD.org and you will be sent a link with additional details for joining the Google Meet for the Citizen's Comments portion of the meeting.

8.02 Notice

The Board of Education values input from the entire Dobbs Ferry School District community. Although we do not engage in dialogue with the public at our Board of Ed business meetings, we are listening. Members of our school district community may comment on any matter related to district business. If you wish to address the board, please sign in with the District Clerk. Any group or organization wishing to address the Board must identify a single spokesperson. Please state your name for the record and keep your remarks to 3 minutes or less. Speakers will conduct themselves in a civil manner and will be ruled out of order for any statement that constitutes a direct threat against officers, employees or students of the school district, or that is obscene. Questions or comments concerning matters that are not on the agenda will be taken under consideration and referred to the Superintendent for appropriate action.

Two additional community members voiced their opinion and reasons for asking the Board not to approve the Landing settlement.

Please go to the website under the News & View tab for the video of the complete meeting.

9. Executive Session

9.01 Executive Session

At 8:05 PM, Ms. Bass moved, and Ms. Sullivan-Nunes seconded, that the Board recesses into Executive Session for the following purposes: *to discuss the employment history of particular pedagogical employees - Tenure Candidates & Probationary Teachers and matters leading to the appointment of a district administrator.*

The Board would not be returning to public session to take any action(s).

Vote: 7 - ayes - 0 nays

At 8:06 PM, Ms. Lucasey moved, and Ms. Bass seconded, to appoint Ms. Stringer as Clerk Pro Tem.

Vote: 7 ayes - 0 nays

At 10:46 PM, Ms. Sullivan-Nunes moved, and Mr. Bufalini seconded, to move back to the Public Meeting.

Vote: 7 ayes - 0 nays

10. Calendar

Tuesday, March 8, 2022 - 7:00 PM - MS/HS Library

- Budget Presentations

Tuesday, March 22, 2022 – 7:00 PM – MS/HS Library

- Work Session

11. Adjournment

At 10:50 PM, Ms. Lucasey moved, and Ms. Bass seconded, that the Board adjourn the meeting.

Vote: 7 - ayes - 0 nays

MINUTES



Loretta Tularzko
District Clerk