

Special Meeting of the Board of Education (Monday, November 7, 2022)
Delaware Academy Central School District at Delhi
High School Library Media Center
2 Sheldon Drive, Delhi, NY 13753
5:00 p.m.

MINUTES

Members Present: Tammy Neumann, Lucy Kelly, Seth Haight, Sean Leddy, Kimberly Shephard, James Tucker, Jr. and Lauren Raba

Others Present: Kelly M. Zimmerman, Superintendent, Carey Shultz, Assistant Superintendent for Business and Personnel, Lisa A. Kulaski, District Clerk,

Opening of Meeting

Call to Order

President, Tammy Neumann called the Special Meeting of the Board of Education to order at 5:03 p.m.

Enter an Executive Session

On a motion made by Seth Haight, seconded by Sean Leddy, the Board of Education entered Executive Session to discuss the terms of a contract with the district with no action to be taken, at 5:04 p.m.

Leave Executive Session:

On a motion made by Sean Leddy, seconded by Lucy Kelly, the Board of Education left Executive Session at 5:24 p.m.

Opening of Meeting

Call to Order

President, Tammy Neumann called the Open Session of the Board of Education to order with the Pledge of Allegiance at 5:27 p.m.

New Business

A. Resolution Updating Counsel

On a motion made by Kimberly Shephard, seconded by Sean Leddy, the Board of Education approved the following resolution: WHEREAS, the Board of Education previously appointed the firm of Hogan, Saryznski, Lynch, DeWind and Gregory, LLP as Special Counsel for the 2022-2023 fiscal year through the annual organization meeting of the Board in July, 2023 by resolution dated July 13, 2022; and WHEREAS, upon the recommendation of the Superintendent, and having had an opportunity to discuss the matter, NOW, THEREFORE, BE IT RESOLVED, that the Board of Education appointed the Ferrara Fiorenza PC law firm, effective retroactive to October 1, 2022, as its attorneys on the same terms and conditions as it had with its former counsel, Hogan, Sarzynski, Lynch, DeWind & Gregory, LLP.

There were no questions, comments or discussion, and the motion carried with a vote of 7-0.

B. Resolution Authorizing Commencement of E-Cigarettes and Vaping Litigation

On a motion made by Kimberly Shephard, seconded by James Tucker, Jr., the Board of Education approved the following resolution: WHEREAS, the use and abuse of e-cigarettes and vaping devices has increased dramatically among high school and middle school students in recent years, leading to significant risks of addiction, potentially life threatening respiratory ailments, and other health consequences; and WHEREAS, the use of e-cigarettes and vaping devices by students has caused the Delaware Academy at Delhi Central School District (the "School District") to incur costs in the form of staff time, disciplinary proceedings, and other costs, with the expectation that these costs will only increase unless and until student use of these devices decreases; and WHEREAS, the Delaware Academy Central School District at Delhi's Board of Education (the "Board") has been invited to join a nation-wide lawsuit by school districts against Juul Labs, Inc. the largest seller of e-cigarettes in the United States and other parties responsible for the production, marketing, sale and distribution of e-cigarettes and vaping devices; and WHEREAS, the Board wishes to join this lawsuit to discourage the proliferation of e-cigarettes, end the marketing of e-cigarettes to children, and seek compensation for harm caused to the District due to e-cigarette use. NOW, THEREFORE, BE IT RESOLVED, the

Board of Education hereby resolves: 1. To appoint the law firms of Ferrara Fiorenza PC, and the Frantz Law Group, APLC and approve the agreement to provide legal services in connection with pursuing claims for damages against Juul Labs, Inc. and others consistent with the recitals above; 2. To authorize the Superintendent to take all steps necessary for the District to become an active co-plaintiff to pending litigation filed on behalf of school districts Nationwide by the Frantz Law Group against Juul Labs, Inc. and others.

There were no questions, comments or discussion, and the motion carried with a vote of 7-0.

Public Comments

President, Tammy Neumann opened the floor to public comments.

There were no public comments.

Close Meeting

The next Regular Meeting of the Board of Education will be held on Monday, November 14, 2022 at 5:00 p.m. in the High School Library Media Center.

Adjourn Meeting

On a motion made by Lucy Kelly, seconded by Lauren Raba, the Board of Education adjourned the Special Meeting at 5:35 p.m.

Respectfully submitted,

Lisa A. Kulaski
District Clerk

BOE Approved: 12/12/2022