

**CANON-McMILLAN SCHOOL DISTRICT
MINUTES OF THE SPECIAL SCHOOL BOARD MEETING
MAY 23, 2005**

The Canon-McMillan Special School Board Meeting was called to order at 7:04 P.M. by the President, Mr. Affinito, in the administration building, located at One North Jefferson Avenue, Canonsburg, PA.

The meeting opened with the Pledge of Allegiance to the Flag.

Roll Call

Roll call was taken.

Mr. Arista	P	Mr. Affinito	P	Mr. Pintar	P
Mr. Pihakis	P	Mr. Yorke	P	Mr. Bowman	P
Ms. Link	P	Mr. Mastrangelo	P	Mr. Romano	P

In addition to Board Members, the following non-members were present:

- Mr. Eugene Buchleitner, Superintendent
- Dr. Helen McCracken, Assistant to the Superintendent
- Mr. Glenn Mamula, Business Manager
- Mr. Lee Schafer, Director of Support Services
- Ms. Linda Kappel, Federal Coordinator
- Mr. Francis DiSalle, Solicitor
- Ms. Sharon Avbel, Board Secretary

Mr. Affinito announced that an executive session had been held prior to the meeting and that another one would be held following the meeting. He also stated that the Superintendent hiring would be tabled until an undetermined date.

Citizens Speak

The following citizens addressed the Board:

Kathy Smith	240 W. Pike Street, Canonsburg	Act 72
Nick Cianelli	301 Spruce Street, Canonsburg	Health Care & Act 72

Act 72

Mr. Pintar made a motion, seconded by Mr. Mastrangelo that the Board approve the following resolution:

**CONDITIONAL RESOLUTION OF THE BOARD OF SCHOOL DIRECTORS
IMPOSING ADDITIONAL EARNED INCOME TAX PURSUANT TO ACT
72 OF 2004**

Purpose This resolution of the board of school directors of Canon-McMillan School District conditionally imposes an additional earned income tax upon residents of the school district pursuant to Act 72 of 2004, and is adopted solely for the purpose of qualifying the school district to receive property tax relief

allocations provided for under Act 72, allocations that can occur only by means of revenues derived from taxes or assessments by the Commonwealth of Pennsylvania upon gambling activity as provided for in Act 71 of 2004.

This resolution is adopted with the understanding and intent that the earned income tax hereby imposed will not take effect or be collected unless and until a fiscal year in which the Commonwealth certifies that a distribution of property tax relief allocations will in fact be received by the school district.

Pursuant to Act 72, the adoption of this resolution, if effective and valid, also has the effect of subjecting the school district to various other tax-related restrictions and requirements set forth in Act 72.

Limitation of Effectiveness and Validity The board of school directors declares that it has been induced to adopt this resolution solely on the basis of representations by the Governor and General Assembly of the Commonwealth that Act 71 gambling tax or assessment revenues will produce an aggregate of one billion dollars to be available for allocation to Pennsylvania school districts for purposes of property tax relief beginning in the 2007-2008 school year.

The board of school directors further declares that if not for the early deadlines established in Act 72 for AAdopting in@@ to be eligible for property tax relief allocations, the board of school directors would decline to adopt this resolution at this time due to at least two sources of substantial and persistent uncertainty, including but not limited to:

(1) pending court challenge(s) seeking to declare Act 71 unconstitutional and thereby invalidate the only established revenue source for property tax relief allocations; and

(2) genuine disputes regarding the amount of funds likely to be available for property tax relief allocation and when such funds may become available for allocation, based on grossly conflicting estimates about the amount of potential state revenues that gambling activity in Pennsylvania could possibly generate and the timetable for when such revenues might realistically materialize.

Therefore, in addition to any other terms and limitations stated elsewhere in this resolution, the effectiveness and validity of this resolution is limited and qualified as follows:

(1) If Act 71 of 2004 is declared by a court to be unconstitutional or invalid in whole or part, notwithstanding the pendency of an appeal from such ruling; or

(2) If no property tax relief allocations have been distributed to the school district prior to the end of the 2007-2008 school year; or

(3) If the total property tax relief allocations certified to be distributed to the school district during the 2007-2008 school year should be less than 75% of the amount currently represented by the Governor or General Assembly as likely to be distributed to the school district based on the availability of one billion dollars in aggregate property tax relief allocations for Pennsylvania school districts;

Then in such event(s) this resolution shall be null, void, ineffective and invalid *ab initio* (as though never adopted), such that the school district shall be deemed not to have imposed any additional earned income tax nor to have taken action to qualify for property tax relief allocations, nor to have otherwise submitted to any other provisions of Act 72.

Conditional Imposition of Tax Pursuant to Section 321 of Act 72 of 2004, 53 P.S. ' ' 6925.101 et seq., the Canon-McMillan School District hereby levies a tax of one tenth of one percent (0.1%) upon earned income and net profits of resident individuals, effective as of July 1 of the first fiscal year for which the school district has been certified to receive a property tax relief allocation under Section 505(b) of Act 72.

The tax imposed hereby is in addition to any earned income and net profits tax imposed by the school district now or in the future pursuant to the Local Tax Enabling Act, 53 P.S. ' ' 6901 et seq.

This tax shall continue in effect, or prospective conditional effect, from year to year without annual reenactment until further resolution repealing the tax, changing the rate of tax or otherwise expressly amending this resolution.

All provisions of school district tax resolutions and collection agreements under the Local Tax Enabling Act and currently in effect pertaining to definitions, collections, credits for taxes paid to other jurisdictions and similar matters are hereby made applicable to the tax imposed by this resolution, to the extent not inconsistent with other provisions of this resolution.

On a roll call vote the motion failed with Mr. Pintar, Mr. Romano, Mr. Arista, and Mr. Affinito voting aye, and Mr. Bowman, Ms. Link, Mr. Yorke, and Mr. Mastrangelo voting nay. Mr. Pihakis abstained.

After further discussion another roll call vote was taken. The motion carried with Mr. Pintar, Mr. Romano, Ms. Link, Mr. Arista, and Mr. Affinito voting aye, and Mr. Bowman, Mr. Yorke, and Mr. Mastrangelo voting nay. Mr. Pihakis abstained.

Principals

Mr. Pihakis made a motion, seconded by Ms. Link that the Board name Linda Nichols principal of Canon-McMillan High School, effective May 24, 2005, and appoint Gregory Taranto to the position of principal of Canonsburg Middle School, effective July 1, 2005.

The motion carried unanimously.

10-Month Secretary

Ms. Link made a motion, seconded by Mr. Bowman that the Board hire Stephanie Bajack as a 10-month secretary at South Central Elementary School at the contracted rate, effective at the start of the 2005-06 school year.

The motion carried unanimously.

Adjournment

Mr. Affinito adjourned the meeting at 7:26 P.M.

Sharon L. Avbel

Secretary