

May 24, 2023

DUNKIRK CITY SCHOOL DISTRICT

Date: Wednesday, May 24, 2023

Place: VIA LIVE VIDEO STREAM – <https://www.dunkirkcsd.org/Page/4894>

Time: 7:30 am

- AGENDA -

PLEDGE OF ALLEGIANCE

1.0 Roll Call:

Members Present:

Members Absent:

Members Excused:

Also Present:

2.0 Written Communication:

3.0 Questions & Oral Communication of the Public Pertaining to This Evening's Agenda Items:

4.0 Report of Superintendent of Schools:

5.0 Presentation of Items for Board Action (Resolutions):

A. Request to Add

6.0 Adjournment:

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5.1 Resolution Issuing Negative Declaration for and Approving the Sale and Pre-Closing Possession of the Property Located at 88-92 Fourth Street, City of Dunkirk, County of Chautauqua, and State of New York 14048 (SBL No. 79.57-2-35), and commonly known as the Boorady Building:

Whereas, the District City School District (the “District”) Board of Education (the “Board”), wishes to sell that certain parcel of real property with improvements thereon situated in the City of Dunkirk, County of Chautauqua and State of New York located at 88-92 Fourth Street (SBL No. 79.57-2-35) and commonly known as the Boorady Building (the “Property”) to Bestself Properties, Inc. (the “Purchaser”), for a negotiated sales price of One Hundred Sixty Thousand and 00/100 Dollars (\$160,000.00) (subject to such adjustments as may be approved by District officials prior to closing), subject to certain terms and conditions set forth in the sales contract between the parties (the “Contract”), including approval by the voters of the District; and

Whereas, in connection with the sale of the Property to the Purchaser, the District proposes to permit the Purchaser to use and occupy the Property prior to the closing of the sale, pursuant to the terms and conditions as set forth in the pre-closing possession agreement between the parties (the “Possession Agreement”); and

Whereas, the Board has determined that the Property is no longer needed for school district purposes, and permitting the Purchaser to occupy the Property prior to the closing of the sale pursuant to the Possession Agreement and selling the Property pursuant to the terms of the Contract is in the best interest of the District; and

Whereas, the Board has reviewed the Proposition (attached hereto as Exhibit A) to be presented to the qualified voters of the District; and

Whereas, the District and the Board are the “Lead Agency” and an environmental review of this Unlisted Action has been conducted pursuant to the State Environmental Quality Review Act (“SEQRA”); and

Whereas, the District and Board have duly considered the action, the Environmental Assessment Form, the criteria for determining whether the action will have a significant adverse impact on the environment as set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, and such other information deemed appropriate; and

Whereas, the District and Board have identified the relevant areas of environmental concern, have taken a hard look at these areas, and have made a reasoned elaboration of the basis for the SEQRA determination;

Now, therefore, be it

Resolved, by the Board that:

1. The Board finds that the Property is no longer needed for school district purposes, and permitting the Purchaser to occupy the Property prior to the closing of the sale pursuant to the Possession Agreement and selling the Property pursuant to the terms of the Contract is in the best interest of the District.

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2. The SEQRA Unlisted Action of approving the Possession Agreement and the Contract with Purchaser regarding the Property will not have a significant adverse impact on the environment.
3. The attached SEQRA Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached Negative Declaration, and the Environmental Assessment Form is also incorporated by reference.
4. The Superintendent is hereby authorized to sign and file all documents necessary to comply with SEQRA.
5. The Possession Agreement and Contract is approved in the form presented to the Board, with such non-material amendments, additions or alterations as may be determined appropriate by the District's legal counsel.
6. The Superintendent's execution and delivery of the Possession Agreement and Contract is hereby approved and ratified, and the Superintendent is further authorized and directed to execute and deliver all other documents necessary to sell the Property, and is further authorized to do all things necessary to effectuate the intent and operation of the Possession Agreement and Contract and this resolution.
7. The Proposition (in substantially the form attached hereto as Exhibit A subject to the final review and approval of the appropriate District officials and the District's legal counsel) is hereby approved and the District is authorized and directed to add such Proposition to the District's notice of special meeting and vote to be held in December 2023.
8. That the provisions of this resolution shall be effective regardless of anything to the contrary in the policies of this Board, or the previous minutes of this Board, or otherwise.
9. This resolution is effective immediately.

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EXHIBIT A

PROPOSITION NO. [1] (SALE OF BOORADY BUILDING)

Shall the following resolution be adopted, to wit:

Resolved, that the Board of Education (the “Board”) of The Dunkirk City School District, Chautauqua County, New York (the “District”), is hereby authorized to sell that certain parcel of real property with improvements thereon situated in the City of Dunkirk, County of Chautauqua and State of New York located at 88-92 Fourth Street (SBL No. 79.57-2-35) and commonly known as the Boorady Building (the “Property”) to Bestself Properties, Inc. (the “Purchaser”) substantially as described in the proposed purchase and sale agreement between the District and Purchaser that has been approved by the Board and which is available for public inspection in the offices of the District Clerk, all at a negotiated sales price of One Hundred Sixty Thousand and 00/100 Dollars (\$160,000.00) (subject to such adjustments as may be approved by District officials prior to closing).

****Notice is hereby further given**, that an Environmental Assessment Form has been completed for the property sale that is the subject of Proposition No.[1] above, which is an Unlisted action under the State Environmental Quality Review Act (“SEQRA”), a thorough review of such property sale’s potential environmental impacts has been undertaken, it has been found that such property sale will not result in a significant adverse impact on the environment, and a reasoned elaboration of the SEQRA review and findings has been provided in a Negative Declaration.