

ORDER OF BUSINESS

1. Call to Order; Pledge of Allegiance

President Charles H. Ballard called the regular meeting of the East Penn Board of School Directors to order at 7:30 p.m. in the Board Room located at 800 Pine Street, Emmaus, PA, followed by the Pledge of Allegiance.

Board Members Present: C. Ballard, A. Earnshaw, E. Gannon, R. Heid, M. Policano, T. Richwine, J. Stolz  
Board Members Absent: F. Fuller, S. Rhodes  
Solicitor: Marc S. Fisher, Esq., Worth, Magee, & Fisher  
Board Secretary: Cecilia R. Birdsell  
Superintendent of Schools: Dr. Thomas L. Seidenberger

Press Present: Loretta Fenstermacher, East Penn Press Reporter  
Robert Wallace, Emmaus. Patch.com Reporter  
Kelly Martin, Morning Call Reporter

Mr. Ballard announced that the LMMS School Improvement Plan was being removed from the agenda.

2. Requests to Address the Board

Fawn Strunk, 1885 Grenshire Drive, Macungie thanked Ms. Gannon, Ms. Heid, Mr. Policano, and Mr. Stolz for their efforts in trying to keep the tax increase down. She said that this is the second year that the district exceeded its Act 1 limit.

Otto Slozer, 121 E. Elm Street, Emmaus thanked the Board minority for their efforts at the last meeting to lower the tax burden. He talked about the May 9 Board Meeting and accused Dr. Seidenberger of attacking campaign literature. He also talked about the Debt Service being \$15,616,506 which is higher than the 14.8 million dollars listed previously. He acknowledged that the district received "free money" from the state in the amount of 1.6 million dollars which is also tax money. He claimed this conflicted with other information and questioned "what is the truth?"

3. Approval of Minutes

Motion by Policano, Seconded by Stolz  
RESOLVED, That the East Penn Board of School Directors approve the minutes of the June 27, 2011 meeting.

This resolution was unanimously adopted by voice vote.

4. Report of the Superintendent of Schools

1. District Update

Dr. Seidenberger announced that the conference for the National Staff Development Council was being withdrawn for more information. He said the positions being replaced are necessary, specifically the Instructional Assistants who are working with special education students with major needs. The teacher leaving will need to be replaced at Macungie School

He explained the Exchange Program that is being recommended for Principal Tony Moyer. Dr. Seidenberger indicated that East Penn will have a visit from a Chinese administrator in October and, in turn, Mr. Moyer will be going to China in April. The funds for the registration will be coming from Title II funds and Mr. Moyer will be absorbing the additional costs. Dr. Seidenberger said this will give the district an opportunity to interact with the Chinese educational system.

The HVAC contract being awarded this evening is the low bid meeting specifications. The bid was \$45,000 less than the second lowest responsible bidder.

The district has received the subsidy funds that were promised by Representative Reichley and Senator Browne. A part of those funds will be for the ABG grant which was used to pay for instructional coaching, staff development, and for all-day kindergarten services. At this time, the district does not know what the parameters will be for these funds.

Referring to enrollment, Dr. Seidenberger reported the following figures:

Grades	2009-10	2010-11
K-5	3565	3413
6-8	1861	1892
9-12	2593	2523

He talked about the central registration process and announced that there will be evening hours in August. The information will be advertised on the district's web site.

2. Personnel

Motion by Policano, Seconded by Richwine  
RESOLVED, That the East Penn Board of School Directors approve the following personnel items:

Resignations

-Diana Vasilik, Administrative Assistant at Eyer MS, effective August 2, 2011  
(Exhibit 1)

-Lorianne Reiss, Staff Assistant at Emmaus HS, effective June 29, 2011  
(Exhibit 2)

-Angela Fields, Instructional Assistant at Emmaus HS, effective June 27, 2011  
(Exhibit 3)

-Elizabeth Van Allen, Instructional Assistant at Wescosville School, effective June 20, 2011 (Exhibit 4)

-Lora Holland, Instructional Assistant at Alburty School, effective May 27, 2011  
(Exhibit 5)

-Shannon Wernersbach, Elementary Teacher at Macungie School, effective August 30, 2011  
(Exhibit 6)

Educational Conferences

That the East Penn Board of School Directors approved the estimated expenses for the individuals attending the following educational conferences:

Educational Conference:	PA Institute for Instructional Coaching, Penn State University
Date(s):	July 25-27, 2011
Attending:	Dennine Leschinsky, Literacy Coach, Eyer MS Vicky Romagnoli, K-8 Technology Integration They are presenters for this conference.
Estimated Cost:	\$365.29

Educational Conference:	PA Institute for Instructional Coaching, Penn State University
Date(s):	July 25-27, 2011
Attending:	Michele James, Coach/IST, Macungie School
Estimated Cost:	\$272.28

Educational Conference:	US-China Administrator Shadowing Exchange Initiative, Beijing, China
Date(s):	April 8-22, 2012
Attending:	Anthony Moyer, Principal, Willow Lane School
Estimated Cost:	\$1600.00

Professional Employee Appointment

Name/Address:	Nicole Wack 407 Cherrywood Court, Perkasie 18944
Education Level:	B. A. Degree (1999) M. Ed. Degree (2005)
Undergraduate School:	La Salle University
Graduate School:	Cabrini College
Certification:	Instructional II, Chemistry
Effective:	August 30, 2011
Assignment:	Chemistry Teacher, Emmaus HS (Vacancy created by M. Case retirement)
Experience:	8/2005-Present: East Stroudsburg SD 8/2004-6/2005: William Penn SD 12/2000-6/2004: Archdiocese of Philadelphia
Salary:	\$62,898 (Year 10, Col. M)

Temporary Professional Appointments

Name/Address: Laura Soha  
 598 S. Fourth Street, Chambersburg 17201  
 Education Level: B. S. Degree (2008)  
 Undergraduate School: Indiana University of PA  
 Certification: Instructional I, Safety Education/Driver Education; Health and Phys. Ed.  
 Effective: August 30, 3011  
 Assignment: Driver Education Teacher, Emmaus HS  
 (Vacancy created by B. O'Connell retirement)  
 Experience: 8/2010-Present: Waynesboro Area SD  
 10/2009-6/2010: Milton Hershey HS  
 Salary: \$45,185 (Year 1, Col. B)

Name/Address: Kristen Opfer-Grim  
 1811 Siegfriedale Road, Breinigsville 18031  
 Education Level: B. S. Degree (2001)  
 M. E. Degree (2009)  
 Undergraduate School: Kutztown University  
 Graduate School: Lehigh University  
 Certification: Instructional I, Secondary School Counselor  
 Effective: August 30, 2011  
 Assignment: Guidance Counselor, Emmaus HS  
 (Vacancy created by R. Weidner-Smith resignation)  
 Experience: 1/2010-Present: Bethlehem Area SD  
 Salary: \$53,898 (Year 2, Col. M)

Name/Address: Marlo Smurda  
 1112 North 23rd Street, Allentown 18104  
 Education Level: B. S. Degree (2006)  
 B. A. Degree (2006)  
 Undergraduate School: East Stroudsburg University  
 Certification: Instructional I, Social Studies  
 Effective: August 30, 2011  
 Assignment: Social Studies Teacher, Emmaus HS  
 (Vacancy created by E. Carr retirement)  
 Experience: 10/2007-Present: Allentown SD  
 Salary: \$45,185 (Year 1, Col. B)

These resolutions were duly adopted by the following roll call votes:  
 Aye: Ballard, Earnshaw, Gannon, Heid, Policano, Richwine, Stolz-----7  
 Absent: Fuller, Rhodes-----2

3. Tuition Contract Agreement

Motion by Gannon, Seconded by Earnshaw  
 RESOLVED, That the East Penn Board of School Directors approve the contract with The Development Center for Children & Families, Morris County, NJ to provide the summer program services and tuition for a student effective July 7, 2011 and terminating on August 10, 2011 at a total cost of \$6625.00.

This resolution was duly adopted by the following roll call votes:  
 Aye: Ballard, Earnshaw, Gannon, Heid, Policano, Richwine, Stolz-----7  
 Absent: Fuller, Rhodes-----2

5. Other Educational Entities

-Carbon Lehigh Intermediate Unit T. Richwine

Mr. Richwine reported that the IU is conducting a search for a new Business Manager and an Assistant Executive Director, a position that has been vacant for over a year. He reported that last year the IU served 325 East Penn students and this year it served 360 East Penn students. For more intensive services, the IU served 12 more students going from 96 students to 108 students. He pointed out when there are that many more students served by the IU the special education costs will increase substantially. The state's percentage of support continues to shrink.

6. Legislative C. Ballard

Mr. Ballard reported on the following legislative items:

Omnibus School Code Amendments (excerpt from the July 7, 2011 PSBA Legislative Report) --- [HB 1352](#), now Act 24 of 2011, provides for distribution of subsidies and other funds to schools.

Budget re-opening – School boards are permitted to re-open their 2011-12 budgets to reflect final state appropriations.

Repeal of costing-out study reference – The act deletes the reference to the state’s goal to meet certain state funding targets by 2013-14.

Repeal of required use of funds -- The act repeals the requirement that limits a school district’s use of funds when the school districts receive increases in their basic education funding above the index when compared to the prior fiscal year.

Moratorium on data collection -- The act provides a moratorium in the Departments of Education and Public Welfare on the collection of data during the 2011-12 and 2012-13 school years.

No PLANCON for districts not seeking state reimbursement -- The bill removes the requirement for the Pennsylvania Department of Education to approve school construction projects that do not use state funds. PDE approval also is not required for those school construction projects for which reimbursement is not requested.

Superintendent eligibility – Act 24 removes the teaching experience requirement for a superintendent candidate and permits districts to hire non-educator candidates who have a graduate degree in business or finance. The non-educator candidate must have four years of relevant experience in business, finance or management. Superintendents who do not have teaching experience would be required to complete a leadership development program that meets Pennsylvania school leadership standards.

Act 45/48 moratorium – Requirements under Act 45 and 48 that mandate professional development for teachers and administrators are suspended until June 30, 2013.

School safety reports -- Language clarifies that school safety reports must be filed with PDE on an annual basis.

Admission of beginners – The act clarifies that school districts must admit first graders during at least the first two weeks of each school year

Dual enrollment -- The act repeals current provisions requiring a school entity that participates in a concurrent (dual) enrollment program to establish a committee that is responsible to develop an agreement between the entity and postsecondary institutions.

Act 1 Restrictions -- [SB 330](#), now Act 25 of 2011, removes a majority of the backend referendum exceptions under Act 1 of Special Session 2006. The new law retains the following exceptions, with some modifications:

Special Education: The exception adds language that requires costs incurred to be netted against state special education payments. That means that districts may only seek a tax hike to cover the portion of a special education cost increase that exceeds the district’s special education state funding. Dr. Seidenberger indicated that the district had received over \$100,000 when the bills were actually over \$800,000.

Pension: The pension exception freezes the wage base at 2011-12 levels, such that the exception cannot be used to cover any increases in these costs above the base, even if a school district hires new employees and the total salary costs exceed the 2011-12 levels. Under the language, the exception applies to a school district’s share of payments to the PSERS’ system if the increase in the amount of the estimated payments between the current year and the upcoming year, as determined by the department, is greater than the index. The district’s share of payments of PSERS for the current year is determined by the department using the lesser of the school district’s total compensation for the current year or the school district’s total compensation for the 2011-12 school year. It also freezes the district’s share of payments for the upcoming year as determined by the department to the lesser of the school district’s estimated total compensation for the upcoming year OR total compensation for the 2011-12 school year.

Sunshine Law Penalties -- [SB 101](#), act number not yet assigned, amends the Sunshine Act to increase the maximum penalty that may be imposed on a public official who participates in a meeting with the intent and purpose of violating the open meeting requirements and other provisions of the law.

Moratorium of Court-Ordered Assessments -- [HB 1696](#), still in the hands of the governor, creates a temporary moratorium of court-ordered countywide reassessments. This does not affect Lehigh County.

Mr. Ballard indicated that Lehigh County is in the process of conducting a tax reassessment process that will culminate next year. The reassessment does not allow a government entity to collect more than 2% more revenue than they had in the previous assessment year. If a house has not been re-assessed in twenty years then there could be a significant change in the real estate tax bill. He cautioned that people should start to prepare for the reassessment now.

Mr. Earnshaw noted that the process will be taking place in 2012 and will take effect in 2013. The last re-assessment was done in 1991. In answer to a question raised by Mr. Earnshaw, Dr. Seidenberger responded that the moratorium on professional development also includes the PA Inspired Leadership Program (PILS). He said the district is waiting for more information from PDE, adding that new superintendents and assistant superintendents still have to meet the requirements. This is an example of another unfunded mandate.

7. Business Operations

1. Approval of Bill List

Motion by Earnshaw, Seconded by Policano

RESOLVED, That the East Penn Board of School Directors approve the bill list, including the addenda, and that the Treasurer be authorized to issue checks and vouchers in the amounts indicated.

Rejection of Bids -Fuel Oil & Diesel Fuel; System Integration of the Facilities Management and Control Systems

RESOLVED, That the East Penn Board of School Directors reject the Fuel Oil and Diesel Fuel bids that were opened on June 6, 2011 and authorize the re-bidding of these items; and,

Be it further

RESOLVED, That the East Penn Board of School Directors reject all the System Integration of the Facilities Management and Control System bids and authorize the re-bidding of this item.

Contract Award - HVAC Systems Professional Maintenance Service Contract

RESOLVED, That the East Penn Board of School Directors award the contract for HVAC Systems Professional Maintenance Service Contract to H. T. Lyons, Allentown, PA with a base bid of \$190,704.00.

These resolutions were duly adopted by the following roll call votes:

Aye: Ballard, Earnshaw, Gannon, Heid, Policano, Richwine, Stolz-----7

Absent: Fuller, Rhodes-----2

4. Tax Collection Committee Resolution

Motion by Earnshaw, Seconded by Stolz

A resolution by the East Penn Board of School Directors, Lehigh County, Pennsylvania, authorizing, empowering and directing the proper officers of the East Penn School District to appoint a liaison Board Secretary, Business Manager, and Treasurer between and among East Penn School District, the Lehigh Tax Collection Committee and Berkheimer, the duly appointed tax officer for the collection of earned income tax, for the express purpose of sharing confidential tax information for official purposes or as provided by law:

**WHEREAS**, Act 32 enacted by the General Assembly of the Commonwealth of Pennsylvania on July 2, 2008 (53 P.S. §6924.101 et seq) amends the Local Tax Enabling Act to require countywide consolidated collection of earned income tax by 2012; and

**WHEREAS**, Section 504 of Act 32 (53 P.S. §6924.504) established a tax collection district (TCD) having a geographical boundary that is coterminous with the county in which the TCD is created, except for certain exceptions as set forth in the Act; and

**WHEREAS**, Section 505 of Act 32 (53 P.S. §6924.505) provided for the establishment of a tax collection committee (TCC) to oversee and administer the collection of earned income tax within the TCD; and

**WHEREAS**, Section 507 (a) of Act 32 (53 P.S. §6924.507 (a)) requires each TCC to appoint and oversee a tax officer whose function is to collect and administer income taxes within the TCD pursuant to Section 506 of Act 32 (53 P.S. §6924.506); and

**WHEREAS**, the Lehigh TCC, has entered into a Contract with H. A. Berkheimer, Inc. trading as Berkheimer Tax Administrator, (Berkheimer) of Bangor, Pennsylvania appointing Berkheimer to collect earned income tax for all political subdivisions within the Lehigh TCD; and

**WHEREAS**, Section 514 of Act 32 (53 P.S. §6924.514) specifically mandates that any information gained by a tax officer, or any employee or agent of a tax officer or of the tax collection committee as a result of any declarations, returns, investigations, hearings or verifications shall be confidential tax information; and

**WHEREAS**, Section 514 of Act 32 (53 P.S. §6924.514) makes it unlawful, except for official purposes or as provided by law, for the Commonwealth, any political subdivision, tax collection committee

member, tax officer or employee or agent of a tax officer or tax collection committee to (1) divulge or make known confidential tax information, (2) permit confidential tax information or a book containing an abstract or particulars of the abstract to be seen or examined by any person, and (3) print, publish or otherwise make known any confidential tax information; and

**WHEREAS**, any person who engages in the prohibited conduct as set forth in Section 514 (b) of Act 32 (53 P.S. §6924.514) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$2,500 or be sentenced to imprisonment for not more than one year, or both. If the offender is a member of the tax collection committee, the member shall be removed from the tax collection committee. If the offender is an employee of a tax collection committee or a political subdivision, the employee shall be discharged from employment. The offender shall pay the costs of prosecution; and

**WHEREAS**, Section 515 (b) (3) of Act 32 (53 P.S. §6924.515 (b) (3)) requires the tax officer authorized by the political subdivision to collect income taxes levied prior to January 1, 2012 (Article XIII tax officer) to deliver all tax records to the political subdivision and the newly appointed tax officer by June 30, 2012, unless pursuant to Section 515 (b) (4) of Act 32 (53 P.S. §6924.515 (b) (4)) it is otherwise agreed to by the political subdivision and the newly appointed tax officer for the collection of delinquent taxes or reports from 2011, or previous years; and

**WHEREAS**, the Lehigh TCC and Berkheimer request the passage of a resolution by the **East Penn Board of School Directors** specifying the Secretary of the **East Penn School District, the Business Manager, and the Treasurer** as the authorized representative(s) for the purpose of delivering to and receiving from Berkheimer confidential tax information pursuant to the provisions of Act 32 as hereinabove recited.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. **East Penn School District** hereby appoints the **Board Secretary of East Penn School District, the Business Manager and the Treasurer** as its authorized representative to deliver or facilitate the delivery of confidential tax information to Berkheimer and to request and receive confidential tax information from Berkheimer, relative to the collection of taxes for **East Penn School District** to be used for official purposes or as provided by law; and

2. Berkheimer is hereby directed to provide and/or transmit any and all confidential tax information relating to the collection of taxes for the **East Penn School District** upon written request, to **the Board Secretary of East Penn School District, the Business Manager, and the Treasurer**. Requests by the authorized representative shall be considered requests for official purposes or as provided by law.

3. **East Penn School District** hereby agrees to save harmless, indemnify and/or absolve the Lehigh TCC and Berkheimer from and against any and all liability in connection with the unlawful release of confidential tax information by the **East Penn School District**.

This resolution was duly adopted by the following roll call votes:

Aye: Ballard, Earnshaw, Gannon, Heid, Policano, Richwine, Stolz-----7  
Absent: Fuller, Rhodes-----2

8. Announcements

Monday, July 11 7:30 p.m.-Board Meeting, Board Room

Monday, August 8 7:30 p.m.-Board Meeting

Monday, August 22 7:30 p.m.-Board Meeting

9. Adjourn

There being no further business to come before the Board, the meeting was adjourned, upon motion, at 8:00 p.m.

Cecilia R. Birdsell, Board Secretary