

Memorandum of Understanding (Involuntary Transfers)

The parties to this Agreement, the East Stroudsburg Board of Education and the East Stroudsburg Education Association, agree to amend the section labeled Article XIII Transfers and Leaves of Absence, Section 3 Involuntary Transfers to read as follows:

- e. In the event a bargaining unit member is involuntarily transferred for reasons other than disciplinary reasons from one building to another, said bargaining unit member will have the right to transfer back to their former building if and when a position becomes available in his/her area of certification. Such right to return is rendered void once bargaining unit members exerts that right and is returned to their former building from which they were transferred. In the event that two (2) or more Bargaining Unit Members have been involuntarily transferred as listed above and only one (1) vacancy occurs, the Bargaining Unit Member with the greatest seniority in that area of certification will be awarded the position. The remaining such Bargaining Unit Members will retain their right to transfer as positions become available.

“Elementary School Professional staff (Employee A) who have been involuntary transferred due to necessary staff restructuring will be offered the first available position in their previous building up to and including the first teacher day of the new school year. Should a position become available after the first teacher day, the District will hire a new employee (Employee B) to fill that vacancy with the understanding that Employee A will be allowed the right to transfer to that position for the next school year. The District shall notify all professional staff (Employee A’s) of any such available positions and the date of their availability (upcoming school year or next school year) as soon as possible.

Should Employee B successfully complete the school year and be invited to return he/she will be reassigned based on the anticipated need of the district. Employee A will be allowed to return to his/her previous school should a vacancy arise, however, the District does not guarantee that a desired grade level will be offered.

East Stroudsburg Board of Education

East Stroudsburg Education Association

Horace Cole, President

Heather Gress, President

Date: October _____, 2008

Date: October _____, 2008

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**MONROE COUNTY BOARD OF ASSESSMENT APPEALS
ADMINISTRATION CENTER
ONE QUAKER PLAZA, ROOM 102
STROUDSBURG, PA 18360**

PHONE: (570) 517-3133

FAX: (570) 517-3854

October 16, 2008

TO: East Stroudsburg Borough
East Stroudsburg School District

FROM: Thomas Hill, Chief Assessor

RE: Out of Court Settlement PNC Bank
Parcels 05-3/1/4/25 and 05-3/1/4/17

PNC Bank filed an assessment appeal in 2006 on the two parcels listed above to reduce the market value of \$1,152,020 (assessed value 288,000) to \$880,000. They also asked for the common level ratio to be applied as well to that value which would reduce the assessed value to 124,080.

In reviewing the appraisal I found that many of the comparables used in the appraisal were out of the area and at least 2 to 7 years old. Using more recent bank and office sales the county proposed to settle the appeal for a combined market value at \$1,550,000 or assessed value of 218,550 and PNC accepted the offer. The Stipulation agreed to an assessment of \$218,550 for 2007, 2008 and 2009.

Please notify me at the Assessment Office no later than November 7, 2008 if you do not approve this settlement.

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EAST STROUDSBURG AREA SCHOOL DISTRICT,
Monroe and Pike Counties, Pennsylvania

RESOLUTION

OF THE BOARD OF SCHOOL DIRECTORS OF THIS SCHOOL DISTRICT AMENDING A RESOLUTION OF THE BOARD OF SCHOOL DIRECTORS PREVIOUSLY ADOPTED ON MARCH 17, 2008, THAT PROVIDED FUNDS FOR AND TOWARD VARIOUS CAPITAL PROJECTS OF THIS SCHOOL DISTRICT, IN THE AGGREGATE PRINCIPAL AMOUNT OF THIRTY TWO MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$32,320,000), IN ACCORDANCE WITH PROVISIONS OF THE LOCAL GOVERNMENT UNIT DEBT ACT, 53 PA.C.S. CHS. 80-82 OF THE COMMONWEALTH OF PENNSYLVANIA, PROVIDING THAT THE CAPTION AND THE SECOND PREAMBLE DESCRIBING THE PROJECT OF SAID RESOLUTION BE AMENDED AND RESTATED IN ITS ENTIRETY TO AMEND AND EXPAND THE PURPOSE OF THE PROJECT TO PROVIDE FOR ADDITIONS AND RENOVATIONS TO THE STADIUM FACILITIES OF THE SCHOOL DISTRICT; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THIS SCHOOL DISTRICT TO DO, TAKE AND PERFORM CERTAIN NECESSARY AND/OR APPROPRIATE ACTS AND THINGS RELATING TO SUCH AMENDED RESOLUTION; PROVIDING THAT THE REMAINDER OF SAID RESOLUTION SHALL REMAIN IN FULL FORCE AND EFFECT; AND PROVIDING WHEN THIS RESOLUTION SHALL BE IN EFFECT.

WHEREAS, The Board of School Directors (the "Board") of this School District (the "School District"), adopted a resolution on March 17, 2008 in accordance with law (the "Bonds Enabling Resolution"), authorizing and securing the issuance of General Obligation Bonds, Series of 2008 of this School District, in the aggregate principal amount of \$32,320,000 (the "Bonds"), in accordance with provisions of the Local Government Unit Debt Act, 53 Pa.C.S.

Chs. 80-82 (the "Act"), of the Commonwealth of Pennsylvania (the "Commonwealth"), to provide funds for various capital projects that were set forth, in detail, in the Bonds Enabling Resolution; and

WHEREAS, The Department of Community and Economic Development of the Commonwealth approved the proceedings of this School District relating to the increase of indebtedness by issuance of the Bonds; and

WHEREAS, The Board of this School District amended the Bonds Enabling Resolution by a resolution adopted on October 28, 2008, to include additions and renovations to the stadium facilities of the School District; and

WHEREAS, The Board desires to further expand the capital projects to be financed under the Bonds Enabling Resolution by amending and expanding the purposes therein to include additions and renovations to the stadium facilities of the School District; and

WHEREAS, Such amendment, in part, of the purpose of the Bonds Enabling Resolution is permitted under Section 8103(c) of the Act.

NOW, THEREFORE, BE IT RESOLVED, by the Board of this School District, as follows:

1. The Board of this School District does amend the caption of the Bonds Enabling Resolution to read in its entirety as follows:

"A RESOLUTION

INCURRING NONELECTORAL DEBT TO BE EVIDENCED BY A SERIES OF GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF THIRTY-TWO MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$32,320,000), FOR AND TOWARD CAPITAL PROJECTS THAT CONSIST OF: (A) PROVIDING ADDITIONAL FUNDS FOR DESIGNING, ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING ADDITIONS, ALTERATIONS AND RENOVATIONS TO THE HIGH SCHOOL SOUTH; (B) TO PROVIDE ADDITIONAL FUNDS FOR DESIGNING, ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING ADDITIONS, ALTERATIONS AND RENOVATIONS TO THE MIDDLE SMITHFIELD ELEMENTARY SCHOOL; (C) ACQUISITION OF PROPERTY; (D) ADDITIONS AND RENOVATIONS TO THE STADIUM FACILITIES OF THE SCHOOL DISTRICT; (E) OTHER CAPITAL IMPROVEMENTS TO FACILITIES OWNED AND OPERATED BY THE SCHOOL DISTRICT; (F) TO CAPITALIZE A PORTION OF THE INTEREST ON THE BONDS; AND (G) TO PAY THE COSTS OF ISSUANCE OF SUCH BONDS; COMBINING SUCH CAPITAL PROJECTS AS A SINGLE PROJECT FOR FINANCING; ACCEPTING A PROPOSAL FOR PURCHASE OF SUCH BONDS, AT PRIVATE SALE UPON INVITED BIDDING; SETTING FORTH THE TERMS AND SUBSTANTIAL FORM OF SUCH BONDS AND AUTHORIZING EXECUTION AND AUTHENTICATION THEREOF; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER; APPOINTING A PAYING AGENT AND A SINKING FUND DEPOSITARY; SETTING FORTH CERTAIN COVENANTS AND REPRESENTATIONS RELATING TO THE FEDERAL INCOME TAX STATUS OF THE INTEREST TO BE PAID ON SUCH BONDS; AUTHORIZING APPROPRIATE OFFICERS TO TAKE CERTAIN ACTIONS AND TO EXECUTE DOCUMENTS; AND REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS INSOFAR AS THE SAME SHALL BE INCONSISTENT HEREWITH."

2. The Board does amend the Second Preamble of the Bonds Enabling Resolution to read in its entirety as follows:

“WHEREAS, The Governing Body of this School District has determined to: (a) provide additional funds for designing, acquiring, constructing, equipping and furnishing additions, alterations and renovations to the High School South; (b) to provide additional funds for designing, acquiring, constructing, equipping and furnishing additions, alterations and renovations to the Middle Smithfield Elementary School; (c) acquisition of property; (d) additions and renovations to the stadium facilities of the School District; and (e) other capital improvements to facilities owned and operated by the School District (collectively, the “Capital Project”); and”

3. The President or Vice President and the Secretary or Assistant Secretary, respectively, of the Board, which shall include their duly qualified successors in office, if applicable, are authorized and directed, as required, necessary and/or appropriate, to do, take and perform such acts and things in connection with passage of this Resolution to amend the Bonds Enabling Resolution, including the filing of a certified copy of this Resolution and appropriate proofs of publication with the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

4. The remainder of the Bonds Enabling Resolution authorizing the Bonds shall be and shall remain in full force and effect.

5. This Resolution shall be effective in accordance with Section 8003 of the Act.

DULY ADOPTED, by the Board of School Directors of East Stroudsburg Area School District, Monroe and Pike Counties, Pennsylvania, in lawful session duly assembled, this 28th day of October, 2008.

EAST STROUDSBURG AREA SCHOOL DISTRICT, Monroe and Pike Counties, Pennsylvania

By: _____
(Vice) President of the Board of School Directors

ATTEST:

(Assistant) Secretary of the Board of School Directors

(SEAL)

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Board of School Directors of East Stroudsburg Area School District, Monroe and Pike Counties, Pennsylvania (the "School District"), certify that: the foregoing is a true and correct copy of a Resolution which duly was adopted by affirmative vote of a majority of all members of the Board of School Directors of the School District at a meeting duly held on the 28th day of October, 2008; said Resolution duly has been recorded in the minute book of the Board of School Directors of the School District; a notice with respect to the intent to adopt said Resolution has been published as required by law; said Resolution was available for inspection by any interested citizen requesting the same in accordance with the requirements of the Local Government Unit Debt Act of the Commonwealth of Pennsylvania and such notice; and said Resolution has not been amended, altered, modified or repealed as of the date of this Certificate.

I further certify that the Board of School Directors of the School District met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, as amended, by advertising the time and place of said meeting, and by providing a reasonable opportunity for public comment at such meeting, by posting prominently a notice of said meeting at the principal office of the School District or at the public building in which said meeting was held.

I further certify that: the total number of members of the Board of School Directors of the School District is nine (9); the vote of members of the Board of School Directors of the School District upon said Resolution was called and duly was recorded upon the minutes of said meeting; and members of the Board of School Directors of the School District voted upon said Resolution in the following manner:

| | |
|----------------------|-----|
| Horace S. Cole | - |
| Donald Motts | - |
| James Brunkard | - |
| Robert Gress | - |
| Bet Hays | - |
| Audrey Hocker | - |
| Keith Karkut | - |
| William Searfoss | - |
| William C. Zacharias | - ; |

IN WITNESS WHEREOF, I set my hand and affix the official seal of the School District, this 28th day of October, 2008.

(Assistant) Secretary of the Board
of School Directors

(SEAL)