

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK

COUNTY OF NASSAU ss.:

William Freda, being duly sworn, deposes and says that he is over the age of eighteen yrs. and is not a party in this proceeding; that on the _____ day of _____ 2022, at _____, at 585 N. Corona Ave., Valley Stream, County of Nassau, state of NY 11580, he served the annexed petition on the Valley Stream Union Free School District 13, by delivering to and leaving with said MaryAnn Rosamilia, the District Clerk, at said time and place a true copy thereof.

Deponent further says he/she knew the person so served to be the said MaryAnn Rosamilia who is District Clerk in said district and who is duly authorized to accept service.

signature

Subscribed and sworn to before me this

_____ day of _____, 2022

signature of notary public

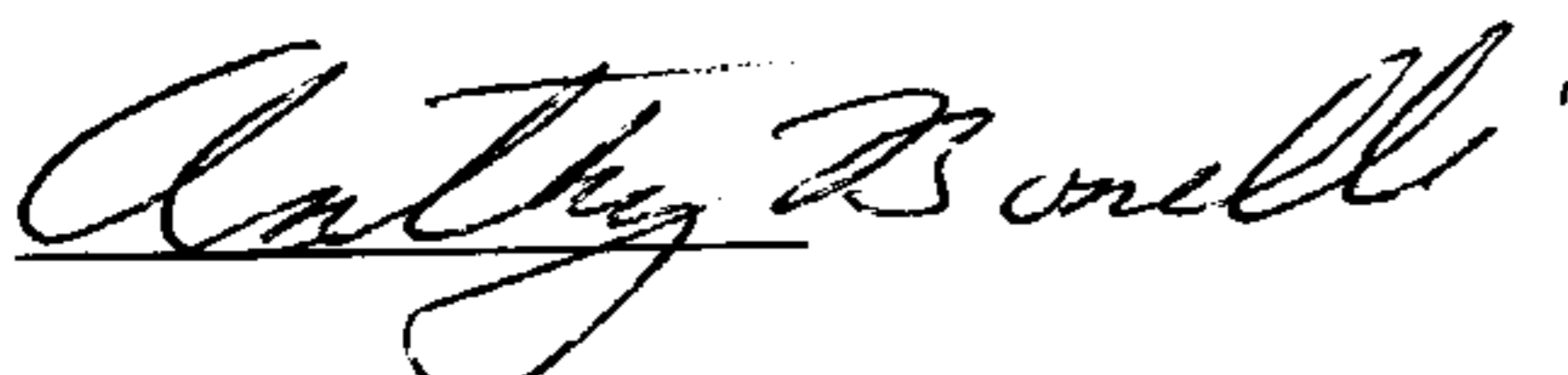
Affidavit of Verification

STATE OF NEW YORK

:ss.

COUNTY OF NASSAU

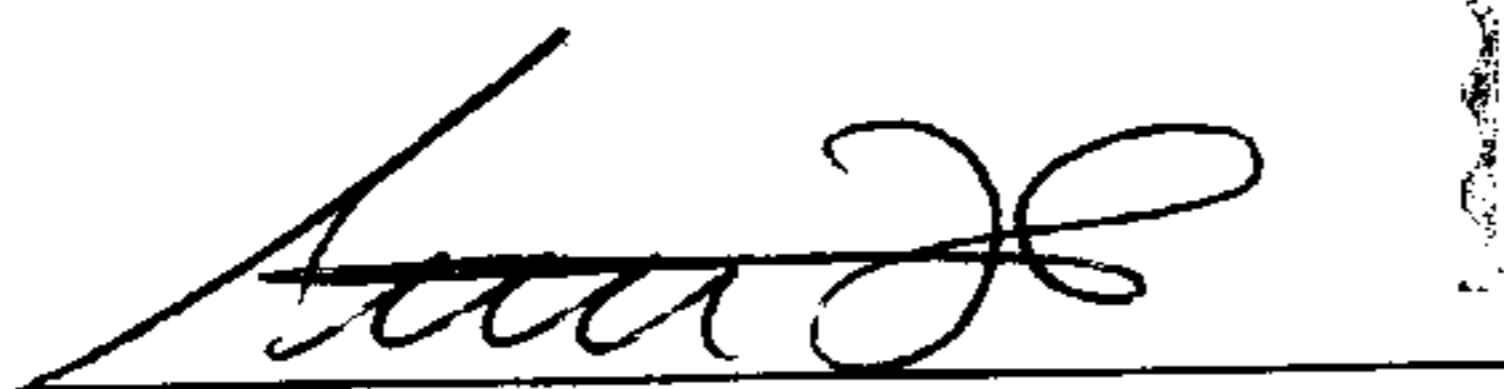
Anthony Bonelli being duly sworn, deposes and says that he is the Petitioner in this proceeding; that he has read the annexed Petition and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.



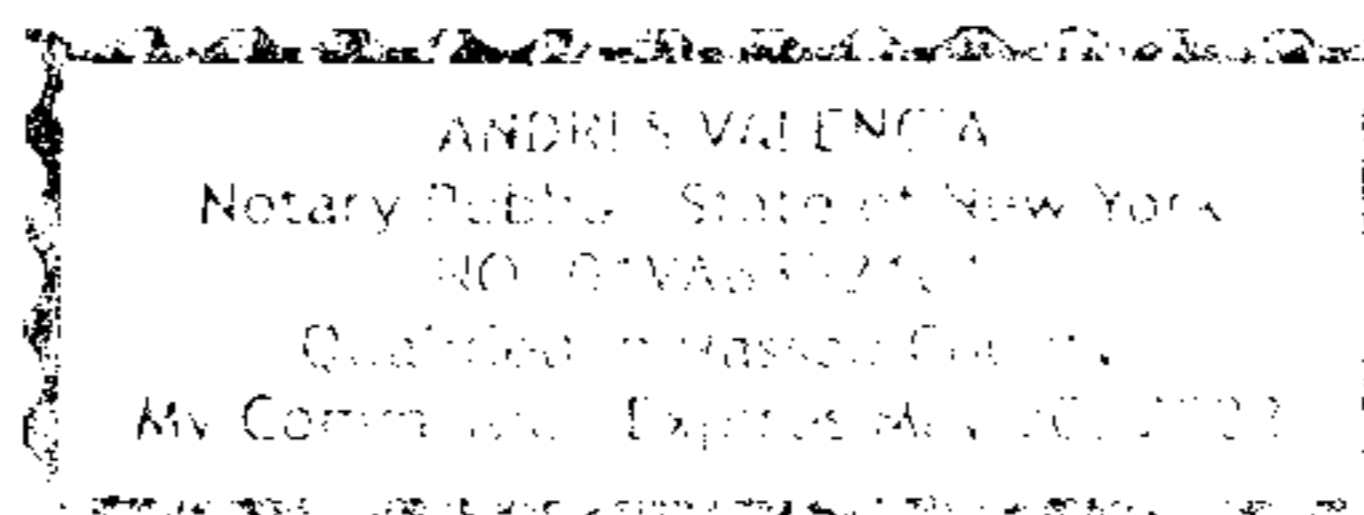
(Signature)

Subscribed and sworn to before me this

14th day of February 2022



Signature of notary public



Notice of Petition

State of New York

Department of Education

In the matter of Anthony Bonelli, from action of Valley Stream Union Free School District Thirteen, Respondent, regarding ongoing attempts to spend Capital Reserve Fund monies on projects not authorized by Voters.

You are hereby required to appear in this appeal and to answer the allegations contained in the petition. Your answer must conform with the provisions of the regulations of the Commissioner of Education relating to appeals before the Commissioner of Education, copies of which are available at www.counsel.nysed.gov or from the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234.

If an answer is not served and filed in accordance with the provisions of such rules, the statements contained in the petition will be deemed to be true statements, and a decision will be rendered thereon by the commissioner.

Please take notice that such rules require that an answer to the petition must be served upon the petitioner, or if the petitioner be represented by counsel, upon the counsel, within 20 days after the service of the appeal, and that a copy of such answer must, within five days after such service, be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234.

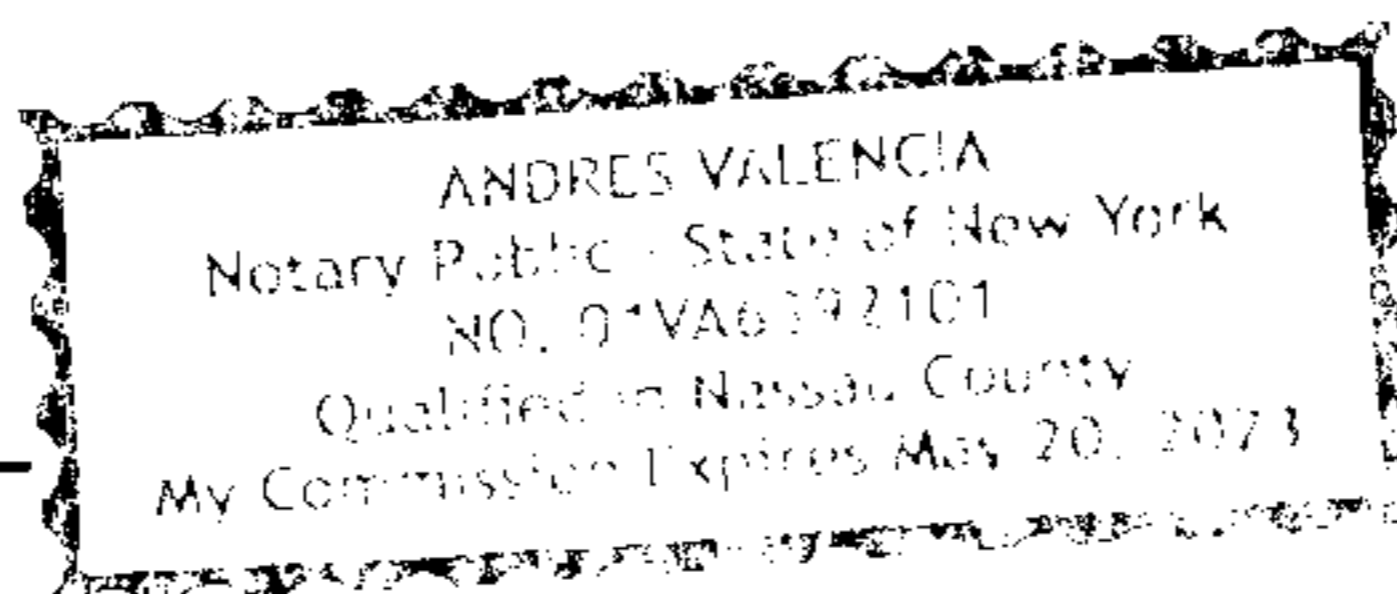
Please take further notice that the within petition contains an application for a stay order. Affidavits in opposition to the application for a stay must be served on all other parties and filed with the Office of Counsel within three business days after service of the petition.



(Signature)

Subscribed and sworn to before me this

14th day of February 2022



Signature of notary public

Anthony Bonelli
160 Albermarle Ave
Valley Stream NY 11580

NYS Commissioner of Education
c/o Office of the Counsel, NYS Education Department
NYS Education Building, Room 148 EB
Albany NY 12234

To the Commissioner:

Attached please find my Section 310 Appeal. Included is:

Notification of Petition (containing a notification of STAY)

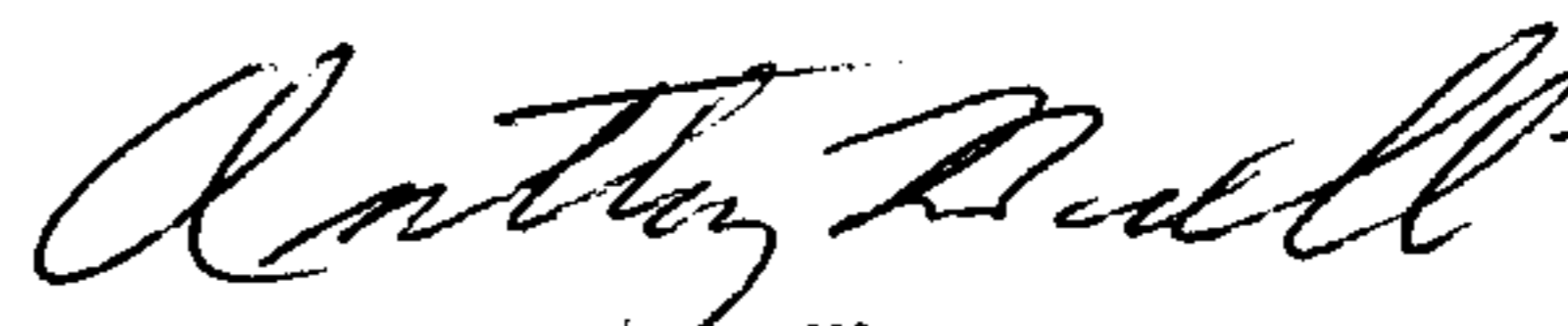
Affidavit of Verification

Verified Petition & Exhibits

Affidavit of Service

Check for \$20.

Sincerely,



Anthony Bonelli
718-440-2978

State of New York

Department of Education

VERIFIED PETITION

In the matter of Anthony Bonelli, from action of Valley Stream Union Free School District#13, Respondent, regarding ongoing attempts to spend Capital Reserve Fund monies on projects not authorized by Voters.

To the N.Y.S. Commissioner of Education:

1) My name is Anthony Bonelli. I live within the Valley Stream Union Free School District Thirteen (UFSD#13), residing at 160 Albermarle Ave., Valley Stream NY 11580. My phone number is 718-440-2978. On July 1, 2021, I began a 3-year term as a Board Member of said District, whose Office is at 585 N Corona Ave., Valley Stream NY 11580. However, this appeal is being filed in my capacity as a resident.

2) The Administration of District#13 is attempting to spend money from our Capital Reserve Fund on projects that the voters never approved, and the Board never approved. The Administration has concealed its actions from the public, hence discovering what it has done, and what it plans to do, is difficult and time-consuming. A chronology follows.

3) The Valley Stream UFSD#13 Board passed a resolution at its monthly March 23, 2021 meeting, scheduling a Voter Proposition on expenditure of monies from its Capital Reserve Fund. It read:

PROPOSITION #3

That upon the recommendation of the Superintendent of Schools, the Board of Education hereby authorizes the placement of the following propositions to allocate monies from the District's Capital Reserve Fund, established on May 15, 2018, on the Ballot for the Annual Budget Vote and Election on May 18, 2021, and directs the District Clerk to place said propositions in the Annual Notice of said Vote and Election:

PROPOSITION: Expenditure of no more than \$2,300,000 from the Capital Reserve Fund established on May 15, 2018, to finance capital improvement projects including extension and renovation of classroom space at the James A. Dever Elementary School and Board Room and Business Office renovation and redesign.

Shall the Board of Education of the Valley Stream Union Free School District Thirteen be authorized to expend from the Capital Reserve Fund which was established on May 15, 2018 ("Reserve Fund") pursuant to Section 3651 of the Education Law, for the following capital improvement projects: extension and renovation of classroom space at the James A. Dever Elementary School and Board Room and Business Office renovation and redesign in the approximate amount of \$2,300,000 and other work required in connection therewith; and to expend from the Reserve Fund therefore, including preliminary costs and costs incidental thereto an amount not to exceed the estimated total cost of Two Million Three Hundred Thousand Dollars (\$2,300,000).

4) A legal notice (Exhibit A) appeared in the Valley Stream Herald, (official district

newspaper) on May 6, 2021, announcing Proposition 3, in identical language to the Board's resolution. The May 18, 2021 Ballot language matched the legal notice.

5) NYS Education Law, Sec 3651-3 states:

"An expenditure shall be made from a reserve fund only by authorization of the voters and for the specific purpose specified in the proposition."

6) Law 3651 uses the words "specific" and "specified". Proposition#3 was clear, asking the voters to fund "renovations and redesign".

7) On May 18, 2021, Proposition #3 narrowly passed, 596-559, garnering 51.6%.

8) The three components of Proposition 3 were:

- * Extension and renovation of classroom space at Dever School
- * Renovation and redesign of the Board Room
- * Renovation and redesign of the Business Office

9) Absent from Proposition 3 was an allocation of the \$2,300,000 among the three projects. The Board has never voted on such an allocation, thus indicating no desire to proceed with Proposition 3.

10) Also absent from Proposition 3 was a diagram or plan. The Ballot did not state which classrooms were going to be "extended". The Ballot did not define what

renovations were to be made to the Board Room. The Ballot did not define what renovations were to be made to the Business Office. In fact, the Board never voted on a specific "plan", and the Ballot never referenced a "plan".

11) Subsequent to the public vote on Proposition 3, no Board Resolutions were passed to address these flaws. Again, the Board showed no desire to proceed. Since NYS Education Law 3651-3 gives the VOTERS the power to authorize dispersals from a reserve fund, the proper course of action would be to resubmit Proposition 3 to the VOTERS, but with the specificity that 3651-3 demands.

12) Unbeknownst to the public, the superintendent of District 13, submitted an application to Ms. Sigrid Coons, Facilities & Planning, School Business Management, NYS Dept. of Education, Albany NY, requesting a building permit. This application has PROJECT# 28-02-13-02-0-001-040. (Exhibit. C) but has not yet been reviewed.

13) Inasmuch as the School Board did NOT vote to authorize superintendent Dr. Evelyn to make a submission, this amounts to an unauthorized application, and should NOT be entertained. I advised Ms. Coons, both by phone and email, of these issues contained in this petition.

14) Additionally, the paperwork submitted by superintendent Dr. Evelyn includes an architectural Plan (Exhibit. D) entitled "Board Room Renovation and Administrative Addition at James Dever School". The Ballot did not reference such a plan, nor any

“addition”, hence the voters COULD NOT have authorized that. The superintendent has no authority to arbitrarily submit a private plan to Facilities & Planning. The Board did NOT vote on such a plan. So, not only did the superintendent circumvent the voters, but the superintendent also bypassed the Board.

15) The architectural plan that the superintendent improperly submitted contains items NOT on the Ballot that appeared before the voters. This unauthorized plan shows a New Wing being proposed for James Dever School [at far right (East end) of diagram]. No such request appeared on the Ballot. Specifically, the superintendent's unauthorized "plan" shows:

A NEW Business Office within this new Wing

A NEW Office for herself, with private bathroom, in new wing

A NEW Office for the Assistant Superintendent for Curriculum & Instruction in new wing

A NEW ladies room & a new men's room

A NEW lunchroom for employees

A NEW conference room

It also asks to spend money for renovations to the Band room, and Orchestra room.

It asks to spend money to demolish two classrooms.

It asks to spend money to demolish the computer lab.

It asks to spend money to demolish a playground.

16) This unauthorized plan bears no resemblance to "Business Office renovation and redesign" which is what voters believed they were approving on the Ballot.

17) District 13 has an "L-shaped" Business Office, housing the Assistant Superintendent for Business and his accountants and staffers. If District 13 wishes to "renovate and redesign" this office, it would be permissible, since the voters approved that specific request.

18) District 13 also has a separate rectangular Superintendent's office, at the Western end (left) of the building. Inasmuch as the Ballot did NOT request funding for a new Superintendent's office with private bathroom, it would be fraudulent to attempt to use Reserve Funds for this purpose.

19) District 13 also has a separate square Curriculum Office, opposite the auditorium, occupied by the Assistant Superintendent for Curriculum and Instruction. No mention is made of the Assistant Superintendent's office on the Ballot. It would be fraudulent to attempt to use Reserve Funds for such a new office.

20) A remedy for the above would be a resubmission to the voters this coming May, with specific projects listed, pursuant to NYS Educ. Law 3651-3.

21) It should be noted that in 2015, when District 13 sought voter approval via BALLOT for a \$32,000,000 construction program (Exhibit B), all items were described in the Legal Notice in detail, an architectural plan was referenced by its formal Title, and that plan was available in the Office of the District Clerk for inspection. This demonstrates

that the District is aware how to properly compose a specific Legal Notice.

22) On Feb 11, 2022, District#13's Assistant Superintendent for Business sent a letter to staffers, saying he was moving the District Office from Dever School to Howell Road School. (Exhibit E). He gave as his reason "approval" in Proposition 3 of a "new music wing" and "relocation of the central offices". But in fact, Proposition 3 made NO mention of spending monies on a music wing, nor did it reference relocating "central offices". It merely asked voters to approve the renovation of the Business Office (the "L-shaped office" mentioned above).

23) NYS Education Law 1709-13 states that a power of School Boards is "To have in all respects the superintendence, management and control of said union free schools." The relocation of a District Office from one school to another is at the discretion of the School Board, which did NOT vote on any such matter. Also, the Proposition the Business Superintendent references did NOT authorize a New Wing, so there is no justification for such a move, which would spend Reserve Funds on an unauthorized project, and will result in damages to the existing business office.

24) Actions requested: Since the voters did not authorize building a New Wing, I hereby respectfully request the Commissioner of Education to issue a STAY, prohibiting District#13 from spending any Reserve Fund monies on a "new wing" at Dever School, and on any item NOT SPECIFIED in Proposition 3 (such as a new music wing). As mentioned before, the Board has never approved a "plan" for a new wing, and the May

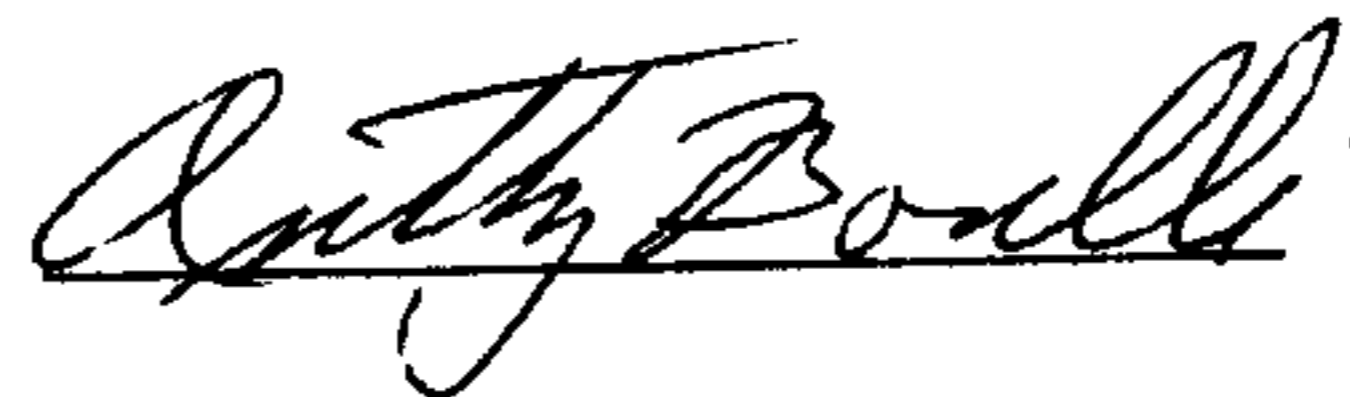
2021 Ballot did not ask for monies for a new wing.

25) I request a STAY of Assistant Superintendent Gerard Antoine's improper order that the District Office move to Howell Rd school. NYS Education Law 1709-13 states that a power of School Boards is "To have in all respects the superintendence, management and control of said union free schools." No Board vote took place and damages to the Business Office is imminent

26) I request a STAY of further consideration by NYS Facilities and Planning Department of PROJECT# 28-02-13-02-0-001-040, since our superintendent sent an unauthorized "plan" with this application. Neither the voters, nor the School Board, ever voted for this unauthorized "plan".

27) I request that the Commissioner order the Administration to produce an accounting of monies thus far spent on unauthorized "plan" projects that were NOT approved by the voters, and to require any employee responsible for such spending to reimburse the District for same.

Anthony Bonelli
160 Albermarle Ave.
Valley Stream NY 11580
718-440-2978



signature

**LEGAL NOTICE
NOTICE OF BUDGET
HEARING, ANNUAL
DISTRICT ELECTION, AND
BUDGET VOTE OF
VALLEY STREAM UNION
FREE SCHOOL DISTRICT
THIRTEEN,
TOWN OF HEMPSTEAD,
COUNTY OF NASSAU,
STATE OF NEW YORK
TO BE HELD ON MAY 18,
2021**

PLEASE TAKE NOTICE that the Board of Education of Valley Stream Union Free School District Thirteen shall hold a public hearing for the purpose of discussion of the proposed budget of expenditure of funds for the school year 2021-2022; that such public hearing will be held on Wednesday, May 5, 2021 at 7:30 p.m. via zoom. A link to the meeting will be provided on our website at www.valleystream13.com

NOTICE IS FURTHER GIVEN that the vote by the qualified voters of Valley Stream Union Free School District Thirteen upon the following propositions and elections will be held on Tuesday, May 18, 2021 at the polling places set forth herein, between the hours of 6:00 a.m. to 9:00 p.m. Daylight Savings Time on said day.

PROPOSITION NO. 1
DISTRICT THIRTEEN
BUDGET
The vote upon the appropriation of the necessary funds to meet the estimated expenditures of Valley Stream Union Free School District Thirteen for the school year 2021-2022 and authorizing the levy of taxes to meet the estimated expenditures of money during said school year will be held on May 18, 2021 as set forth herein. Copies of the proposed budget, together with the text of any resolution which will be submitted to the voters as well as copies of the estimated expenditures of Valley Stream Central High School District for the school year 2021-2022 may be obtained by any taxpayer of the School District at the Principal's Office of each school building on each school

during each of the 14 days preceding the voting day, except on Saturday, Sunday or holidays, and at such annual election. Notice is further given that pursuant to Section 495 of the Real Property Tax Law, the District is required to attach to its proposed budget an exemption report. Said exemption report, which will also become part of the final budget, will show how the total assessed value on the final assessment roll used in the budgetary process is exempt from taxation, list every type of exemption granted by the statutory authority, and show the cumulative impact of each type of exemption, the cumulative amount expected to be received as payments in lieu of taxes and the cumulative impact of all exemptions granted.

PROPOSITION NO. 2
DISTRICT THIRTEEN
EXPENDITURE FROM
CAPITAL RESERVE
PROPOSITION
PROPOSITION:
Expenditure of no more than \$140,000 from the Capital Reserve Fund established on May 15, 2018, to finance projects for the acquisition and installation of smartboards and classroom redesign at the District's facilities and sites. Shall the Board of Education of the Valley Stream Union Free School District Thirteen be authorized to expend from the Capital Reserve Fund which was established on May 15, 2018 ("Reserve Fund") pursuant to Section 3651 of the Education Law, for the following capital improvement project of acquisition and installation of smartboards and classroom redesign at the District's facilities and sites in the approximate amount of \$140,000, and other work required in connection therewith; and to expend from the Reserve Fund therefor, including preliminary costs and costs incidental thereto an amount not to exceed the estimated total cost of One Hundred Forty Thousand Dollars (\$140,000).

PROPOSITION NO. 3
DISTRICT THIRTEEN
EXPENDITURE FROM
CAPITAL RESERVE
PROPOSITION
PROPOSITION:
Expenditure of no more than \$2,300,000 from the Capital Reserve Fund established on May 15, 2018, to finance capital improvement projects including extension and renovation of classroom space at the James A. Dever Elementary School and board room and business office renovation and redesign. Shall the Board of Education of the Valley Stream Union Free School District Thirteen be

authorized to expend from the Capital Reserve Fund which was established on May 15, 2018 ("Reserve Fund") pursuant to Section 3651 of the Education Law, for the following capital improvement projects: extension and renovation of classroom space at the James A. Dever Elementary School and board room and business office renovation and redesign in the approximate amount of \$2,300,000 and other work required in connection therewith; and to expend from the Reserve Fund therefor, including preliminary costs and costs incidental thereto an amount not to exceed the estimated total cost of Two Million Three Hundred Thousand Dollars (\$2,300,000).

V.S.
HERALD

MAY 6,
2021

EXHIBIT "A"

LEGAL NOTICE
NOTICE OF SPECIAL DISTRICT MEETING
VALLEY STREAM UNION
FREE SCHOOL DISTRICT
THIRTEEN,

IN THE COUNTY OF NASSAU,
NEW YORK

NOTICE IS HEREBY GIVEN that the Board of Education of the Valley Stream Union Free School District Thirteen, in the County of Nassau, New York, has adopted a resolution on September 30, 2015, authorizing a Special District Meeting of the qualified voters of said School District to be held on Tuesday, December 8, 2015 from 6:00 o'clock A.M. to 9:00 o'clock P.M. (Prevailing Time), for the purpose of voting upon the following Bond Proposition:

**BOND PROPOSITION
RESOLVED:**

(a) That the Board of Education of the Valley Stream Union Free School District Thirteen, in the County of Nassau, New York (the "District"), is hereby authorized to construct additions, alterations and improvements to District school buildings and the sites thereof (the "Project"), substantially as described in a report prepared for the District by Burton, Behrendt & Smith, Architects & Engineers, P.C., Patchogue, New York, entitled "Proposed Bond Scope Accepted as of September 13, 2015" (the "Report"), which is on file and available for public inspection at the office of the District Clerk; such Project to include the construction of new cafeteria and kitchen space, and an elevator; interior reconfiguration and partial reconstruction of existing space; installation of new cabinet and sink casework for classrooms; lavatory, auditorium and gymnasium renovations; replacement of unit ventilators and roofs; upgrades to heating, ventilation, air-conditioning, electrical, plumbing, security, fire alarm, and public address systems; and improvements to doors, windows, walls, lighting, masonry and building envelope; and also including ADA, sidewalk, asphalt, building entrance, playground, and drainage improvements; all of the foregoing to include the original furnishings, equipment, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith; and to expend therefor, including preliminary costs and costs incidental thereto and to the financing thereof, an amount not to exceed the estimated total cost of \$32,000,000, provided that the detailed costs of the components of the Project as set in detail in the Report may be reallocated among such components if the Board of Education shall

(b) that a tax is hereby voted in the aggregate amount of not to exceed \$32,000,000 to finance such costs, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by said Board of Education; and (c) that in anticipation of such tax, bonds of the District are authorized to be issued in the principal amount of not to exceed \$32,000,000 and a tax is hereby voted to pay the interest on said bonds as the same shall become due

and payable.

Such Bond Proposition shall appear on ballot labels to be inserted in the voting machines used for voting at said Special District Meeting in substantially the following condensed form:

**BOND PROPOSITION
YES NO RESOLVED:**

(a) That the Board of Education of the Valley Stream Union Free School District Thirteen, in the County of Nassau, New York (the "District"), is hereby authorized to construct additions, alterations and improvements to District school buildings and the sites thereof, and to expend therefor not to exceed \$32,000,000; (b) that a tax is hereby voted in the amount of not to exceed \$32,000,000 to finance such cost, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by said Board of Education; and (c) that in anticipation of such tax, bonds of the District are authorized to be issued in the principal amount of not to exceed \$32,000,000 and a tax is hereby voted to pay the interest on said bonds as the same shall become due and payable.

V.S. HERALD

NOV. 19, 2015

EXHIBIT B

VALLEY STREAM 13 UFSD STATUS REPORT ON CAPITAL PROJECTS
 District No.: 28-02-13-02
 last updated on 02/11/22

REVIEW No.	BUILDING NAME/ PROJECT SCOPE	BLDG./ PROJ. NO.	SED APPROVAL	FINAL PROJECT REVIEW		
				Prj. Mgr.	Const.	Mech.
James A. Dever School:						
16-0737	Reconstruction	0-001-033	07/10/17	DONE	DONE	DONE
16-1660	Reconstruction	0-001-034	06/13/18	DONE	DONE	DONE
17-0723	Additions and Alterations	0-001-035	06/07/18	DONE	DONE	DONE
17-1011	Reconstruction	0-001-036	11/02/18	DONE	DONE	DONE
17-1800	Reconstruction	0-001-037	07/18/18	DONE	DONE	DONE
18-0420	Reconstruction	0-001-038	03/21/19	DONE	DONE	DONE
20-1919	Reconstruction	0-001-039	07/29/21	DONE	DONE	DONE
➔ 21-0808	Additions and Alterations	0-001-040		UNREVIEWED		

NYS Dept. of Educ, Facilities & Planning Dept.

EXHIBIT "C"



Valley Stream UFSD Thirteen

585 North Corona Avenue • Valley Stream, New York 11580 • (516) 568-6110
www.valleystream13.com

Judith LaRocca, Ed.D.
Superintendent of Schools

Gerard Antoine
Assistant Superintendent
for Business and Human Resources

Date: February 11, 2022
To: All Staff
From: Gerard Antoine *GA*
Re: Business Office - We Are Moving

The District offices (Business, Curriculum, and Superintendent) will be relocating to the Howell Road School over the February Winter Recess. This move is a result of last year's budget proposition that was approved to construct a new music wing at the James A. Dever School and relocate the central offices near the main office at the James A. Dever School.

Construction is anticipated to begin as soon as our project is approved by the Office of Facilities Planning in the next few weeks.

Please continue to forward all mail to the Business Office as usual. All phone numbers as well as the fax number will remain the same.

If you have any questions, please feel free to contact the Business Office at (516) 568-6110.

GA:kt



EXHIBIT "E"