

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of (Jane Donahue and Holly Sims),
on behalf of (residents of the Beekmantown
Central School District) from action of the Board of Education
of the Beekmantown Central School District regarding
the results of the May 17, 2011 Proposition I and
Proposition II vote.

TO THE COMMISSIONER OF EDUCATION:

1. Our names are Jane Donahue and Holly Sims and we reside at 760 Cumberland Head Rd
Plattsburgh, NY 12901 and 1334 Cumberland Head Road Plattsburgh, NY 12901 respectively
within the School District.
2. We appeal to the Commissioner of the New York State Education Department to nullify the results of
Proposition I and Proposition II of the Beekmantown Central School District budget vote of May 17,
2011.
3. Whereas, **Proposition I** states, "To approve the 2011-2012 Budget in the amount of *\$38,721,107* and
to authorize the requisite portion therefore to be raised by taxation on the taxable property of the District."

We appeal to the Commissioner of the New York State Education Department to nullify the results due to
irregularities in the budget amount represented on at least one voting machine. Whereas, at least one
voting machine incorrectly identified the budget amount as *\$37,458,259*. See exhibits A,B,C,D.
4. Whereas, **Proposition II** states," To purchase (4) 65-passenger school buses to replace existing ten-
year-old buses. The total cost not to exceed **\$424,811.66**, including trading in 4 buses, shall be raised by

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a tax on the taxable property of the School District to be collected in annual installments and to issue obligations in accordance with the Education Law and Local Finance Law. *As part of the district's ongoing replacement plan, this purchase enables the district to obtain a potential State reimbursement rate of approximately 87.3%."*

We appeal to the Commissioner of the New York State Education Department to nullify the results of **Proposition II** Whereas, at least one voting machine incorrectly stated **Proposition II** as "To purchase (3) 65-passenger school buses and (1) 48-passenger school bus with wheelchair station to replace existing ten-year-old buses. The total cost not to exceed **\$406,153**, including trading in 4 buses, shall be raised by a tax on the taxable property of the School District to be collected in annual installments and to issue obligations in accordance with the Education Law and Local Finance Law. *As part of the district's ongoing replacement plan, this purchase enables the district to obtain a potential State reimbursement rate of approximately 80.3%."* See exhibits A, B, C, D.

5. **Proposition I and II** were incorrectly displayed on at least one voting machine. The dollar values of **Proposition I and II** were understated and mislead the voters. The dollar value of **Proposition I**

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represents no change from the previous year's budget, thus greatly misleading the voters. We respectfully
request that the vote be nullified.

Date

Jane Donahue 760 Cumberland Head Road Plattsburgh, NY 12901 (518) 562-0942

Holly Sims 1334 Cumberland Head Road Plattsburgh, NY 12901 (518) 563-5908

FORM 1
NOTICE OF PETITION

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of (Jane Donahue and Holly Sims),
on behalf of (residents of the Beekmantown
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the results of the May 17, 2011 Proposition I and
Proposition II vote.

NOTICE:

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, New York 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 he be represented by counsel, upon his 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, New York 12234.

FORM 2
AFFIDAVIT OF VERIFICATION

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

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Proposition II vote.

STATE OF NEW YORK:

:ss.

COUNTY OF Clinton:

Jane Donahue being duly sworn deposes and says that he/she is petitioner in this proceeding; that he/she 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/she believes it to be true.

(Signature)

Subscribed and sworn to

before me this ____ day of

_____ 20 _____

(Signature of notary public)

FORM 2
AFFIDAVIT OF VERIFICATION

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of (Jane Donahue and Holly Sims),
on behalf of (residents of the Beekmantown
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the results of the May 17, 2011 Proposition I and
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STATE OF NEW YORK:

:ss.

COUNTY OF Clinton:

Holly Sims being duly sworn deposes and says that he/she is petitioner in this proceeding; that he/she 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/she believes it to be true.

(Signature)

Subscribed and sworn to

before me this ____ day of

_____ 20 ____

(Signature of notary public)

Affidavit

Exhibit B

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of (Jane Donahue and Holly Sims),
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STATE OF NEW YORK:

:ss.

COUNTY OF Clinton:

Wayne Dumont being duly sworn deposes and says that he/she is a witness in this proceeding; that he/she 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/she believes it to be true.

(Signature)

Subscribed and sworn to

before me this ____ day of

_____ 20 _____

(Signature of notary public)

FORM 3
AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK:

:ss.

COUNTY OF Clinton:

John Sims being duly sworn, deposes and says that he/she is over the age of eighteen years and is not a party in this proceeding; that on the _____ day of June, 2011, at No. 197 Haines Road, in the town of Beekmantown, county of Clinton, State of New York, he/she served the annexed petition on The Beekmantown Central Board of Education by delivering to and leaving with said 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 Joanne Menard who is the District Clerk in said district and who is duly authorized to accept service.

Signature

Subscribed and sworn to

before me this ____ day of

_____ 20 _____

(Signature of notary public)

NOTE: Where appropriate, include the following above the signature line:

Unsuccessful Attempts to Serve Respondent

Date

Time

Place

Exhibit A

Budget Propositions

Proposition I
Approval of the 2011-2012 Budget

To approve the proposed 2011-2012 school budget in the amount of **\$38,721,107** and to authorize the requisite portion therefore to be raised by taxation on the taxable property of the District.

Proposition II
Bus Purchases

To purchase (4) 65-passenger school buses to replace existing ten-year-old buses. The total cost not to exceed **\$424,811.66**, including trading in 4 buses, shall be raised by a tax on the taxable property of the School District to be collected in annual installments and to issue obligations in accordance with the Education Law and Local Finance Law.

As part of the district's ongoing replacement plan, this purchase enables the district to obtain a potential State reimbursement rate of approximately 87.3%.

Proposition III
Board of Education Elections

To elect one (1) member to the Board of Education for 5-year terms (7/1/11 to 6/30/16) to fill the expired term of Leonard King.

Leonard King

To vote for a person whose name is not printed on this ballot write his/her name on the blank line.
