

3.3.10 School Services and Facilities Comments and Responses

Comment 3.3.10-1: (Letter 1, John Furst, June 10, 2015): The potential loss of somewhere between 71 tax parcels (under the 164 acre petition) to 177 tax parcels (under the 507 acre petition) from the Town of Monroe's tax rolls, will significantly reduce the tax base for the Monroe-Woodbury School District because the Village of Kiryas Joel School District has already stated it would extend its boundaries to be co-terminus with the new Village boundaries. The Monroe-Woodbury School District serves residences of both the Town of Monroe (excluding the Village of Kiryas Joel) and the Town of Woodbury.

Response 3.3.10-1: *As noted in the DGEIS on page 3.2-29, if annexation takes place and if the School District Boundary is revised, the annexation area would no longer be in the Monroe Woodbury School District. Under these circumstances the Monroe Woodbury School District would also no longer be responsible for the payment of services to support the students in the annexation area.*

As also noted in the DGEIS, the costs for providing these services are projected to be \$1,640,000. Tax revenues from the 177 parcels in the annexation area currently generate \$1,289,757, thus the impact to the School District's budget would actually be net positive as a result of Annexation based on the elimination of costs to provide special education services and support services for the non-public school students who no longer reside in the MWCS D. Additional discussion of this topic is provided on page 3.2-28 of the DGEIS.

Comment 3.3.10-2: (Letter 2, Steven Neuhaus, Orange County Executive, June 10, 2015): Monroe- Woodbury Central School District (MWCS D): Special education services, including: If the annexed lands are not moved from the MWCS D to Kiryas Joel School District (KJSD), MWCS D will likely experience an increase in out-of-district placements by the Committee on Special Education for students with disabilities sent to KJSD.

If the annexed lands are not moved from the MWCS D to Kiryas Joel School District (KJSD), MWCS D will incur the cost of transportation, transition, support, and academic and health screening services for school age children whose families live in the annexed lands and attend a private school in Kiryas Joel.

Response 3.3.10-2: *These statements are accurate, and would result in additional expenses to the MWCS D. As described in the DGEIS on pages 3.2-22 to 3.2-25, The current cost of Special Educations services is approximately \$79,000 per student and the current cost of support services for non-public school students is conseratively estimated at \$1,100 to \$1,700 per student.*

Comment 3.3.10-3: (Letter 2, Steven Neuhaus, Orange County Executive, June 10, 2015): Administrative costs of increased Title I and Title III federal funding to support academic intervention services for economically disadvantaged children, and English language learner services, respectively. The programs are administered by the district in which the child resides, and the funds are transferred to the non-public school which the child attends. Specific estimates of these cost increases will be provided by June 22.

Response 3.3.10-3: *Comment noted. Title I and Title III funding is provided to school districts through a formula grant which permits administrative and indirect costs to be*

allocated in the grants. These are additional Federal funds given to the school district and have no impact on local property taxes.

Comment 3.3.10-4: (Letter 3, James C Purcell, Village of Monroe Mayor, June 10, 2015):

The DGEIS conclusion that there will be little impact on the Monroe Woodbury schools is based upon the assumption that that the "overwhelming majority of the new students" in the annexed area will attend private religious schools. This assumption again assumes away the issue, and is not legally enforceable. Similarly, the demographics concerning school district boundaries rest upon the assumption "that the annexation properties will continue to be occupied by Hasidic families." Again, this assumption is not legally enforceable and avoids various significant environment impacts. Additional studies must be performed in a SGEIS or the FGEIS to address the potential that the annexation properties will not be occupied solely by Hasidic families with the same cultural norms, and that a majority of the new students in this area may be attending Monroe-Woodbury schools.

Response 3.3.10-4: *The DGEIS already includes an analysis of the impacts to the MWCS D if the projected student population were public school students. The DGEIS, projects a population of approximately 8,160 students and estimates the cost, to be raised by the tax levy, of education for a MWCS D student, to be \$15,005 per student,(page 3.2-23).*

Without Annexation, tax revenues to the MWCS D are projected to be \$9,228,992. With Annexation tax revenues to the MWCS D are projected to be \$30,441,769.

Page 3.2-21 of the DGEIS describes that if the 8,160 student growth were to be MWCS D students at a cost of \$15,005 per student, costs of more than \$122 million would need to be paid compared to tax revenue of \$30 million. In this regard, annexation including alteration of the school district boundaries would result in a net benefit

Comment 3.3.10-5: (Letter 8, Laura Rainoff, March 6, 2015): I address specifically the incompleteness of the DGEIS with respect to the impacts that either the 507 or the 164 acre illegal annexation petitions will have on the Monroe Woodbury Central School District. We do not have to speculate as to what impact the annexation(s) would have on the school district. The East Ramapo School District in Rockland County, New York, shows exactly what is in store.

Response 3.3.10-5: *The DGEIS makes the following statements on Page 3.2-33:*

"With Annexation, and with a coterminous school district boundary, as shown in Table 3.2-15, revenues to the KJSD are projected to be \$17,084,582, compared to projected costs of \$15,208,000, indicating a net benefit of \$1,876,582. Table 3.2-15 also shows the fiscal impact of removing the annexation parcels from the MWSD and shows the current costs for special education services which would no longer need to be paid if these properties are removed from the tax rolls. The cost savings are more than the loss in tax revenue which will result in net benefit to the MWSD of about \$350,000 annually.

With Annexation, but with no change to the school district boundary, the MWSD will see considerable growth of the Hasidic population on the annexation land of approximately 3,825 families. As shown in Table 3.2-16, revenues to the MWSD are projected to be \$30,441,769, compared to projected costs of \$20,056,000, indicating a net benefit of

\$10,385,769, based primarily on the fact that the growing student population would not be attending the MWSD schools.

Under this circumstance a portion of the MWSD would include lands within the new Village boundaries, and as previously discussed, the annexation properties would be occupied by Hasidic families whose children would primarily attend private schools. The population growth would result in 3,825 families in the annexation lands who would have voting rights on school district matters. The Monroe-Woodbury School Board will have to carefully consider the relative merits of having a large portion of the District residents whose children do not attend the public schools, compared to the potential for additional revenue.”

There are certain similarities shared by the East Ramapo School District and the Monroe Woodbury School District (MWSD). However, the notable difference is that an adjustment to the location of the school district boundary line is feasible for the MWSD. Relocation of the boundary line which delineates the MWSD would alleviate the potential imbalance caused when a large percentage of the taxpayers do not utilize the public school. This adjustment would be made possible by virtue of the annexation and a joint decision by the two school boards to keep the boundary of the Kiryas Joel School District coterminous with the new Village boundary line.

Comment 3.3.10-6: (Letter 8, Laura Rainoff, March 6, 2015): Where in the DGEIS is any analysis of the devastating impacts of high-density housing development of the proposed annexed areas? i.e. harm to the non-Hasidic members of the Monroe Woodbury Central School District. Instead, the KJ leadership claims that the KJ and Monroe Woodbury school districts have the ability between them to rectify this situation by separating the school districts. This is not true. That action would require New York state involvement. If the KJ leadership really wants to resolve this issue fairly, where in the DGEIS or either of the annexation petitions is the legally binding obligation from the petitioners that will guarantee the protection of the excellent Monroe Woodbury School District? The public school students of the school district desperately need and deserve that protection.

Response 3.3.10-6: *The Kiryas Joel School District passed a resolution in support of altering the school district boundary on May 13, 2014. This resolution is included in DGEIS Appendix I for reference.*

As noted in the resolution, The Boards of Education of Monroe-Woodbury and Kiryas Joel are permitted under New York State Education Law, Section 1507, within certain limitations to alter their school district boundaries, through resolutions of consent, when they determine that such alteration will be in the best interest of children and community relationships.

Comment 3.3.10-7: (Letter 8, Laura Rainoff, March 6, 2015): My husband and I own a 5-bedroom home in the town of Tuxedo, within the Monroe Woodbury School District, but outside the Town of Monroe. First, the only potential buyers of our home will be families with children in the school district. The devastating impacts of the proposed annexations on the school district will harm the students in the district and will render my residence deeply devalued and unsaleable.

Response 3.3.10-7: *Refer to Response 3.3.10-6. If the annexation is approved and the school district boundaries adjusted, there will be minimal effects on the MWCS D.*

Comment 3.3.10-8: (Letter 9, Cathy Herbert, Tuxedo, June 14, 2015): As a resident of the Monroe-Woodbury School District, I am in complete opposition to the annexation, which will place properties within Kiryas Joel in terms of zoning and development. It will, however, leave many properties within the Monroe-Woodbury School District. This is unacceptable: Monroe-Woodbury School District should not include residents of Kiryas Joel, who have demonstrated no affiliation to or interest in, the public schools of the district. It is unacceptable that these individuals will be able to vote in school board elections and play any role in the decision-making process of the Monroe-Woodbury School District. Kiryas Joel has its own school district; any annexation should, by virtue of common sense and fairness, include annexation to the Kiryas Joel school district.

***Response 3.3.10-8:** The Board of Education of the Kiryas Joel School district have already passed a resolution to support a realignment of the School District boundary to remain coterminous with the revised Village boundary should the Annexation petition be passed. This Resolution is included in DGEIS Appendix I for reference.*

Comment 3.3.10-9: (Letter 9, Cathy Herbert, Tuxedo, June 14, 2015): The current proposed arrangement poses significant threats to the Monroe-Woodbury School District and the taxpaying residents, who are not part of Kiryas Joel. It raises the threat of a takeover and dismantlement of the school system, similar to what has happened in East Ramapo, with deleterious effects on quality of life, taxes, and most of all, resulting in substandard education for children in public schools

***Response 3.3.10-9:** Refer to Responses 3.3.10-5 and 3.3.10-8.*

Comment 3.3.10-10: (Letter 16, Joel Petlin, Superintendent, Kiryas Joel Union Free School District, June 17, 2015): As the representative of an interested agency, I carefully reviewed the DGEIS and I wholeheartedly agree with your analysis and conclusions relating to the educational impacts to the Kiryas Joel and Monroe Woodbury School Districts.

It has been clearly documented that the proposed annexation will have no impact on either School District, if the Monroe-Woodbury School District Board of Education will agree to an alteration of their school district boundaries, consistent with NYS Education Law Section 1507. For the sake of peace and harmony, on May 13, 2014 the Kiryas Joel School Board has already passed a resolution in support of the border alteration.

***Response 3.3.10-10:** Comment noted.*

Comment 3.3.10-11: (Letter 55, Sheila Conroy, June 22, 2015): Since the Kiryas Joel Schools are religious schools, with the exception of the special needs school, it should be possible to enter into discussions with the Monroe Woodbury District so as to work out an agreement for children outside the district to attend Kiryas Joel schools without the need to annex lands into the Village. They are already attending the religious schools. Other private schools in the County, such as John Burke High School in Goshen, bring in students from other districts whose parents wish for them to have a Catholic education. Have any discussions been proposed to discuss this issue before or while annexation was proposed?

***Response 3.3.10-11:** The suggestion by this comment is beyond the scope of the present annexation action and the DGEIS. The annexation petition was filed by a group*

of private property owners in the Town of Monroe and is based on the desire for a broader scope of public and community services than just religious education.

The growth in the community, whether annexation occurs or not, requires the construction of additional classroom space in order to accommodate more students. The DGEIS points out that additional buildings and classrooms are being constructed in the community for the non-public (religious) schools. Similar plans are being finalized to construct an addition to the Kiryas Joel Public School to accommodate the growth of students with disabilities.

Comment 3.3.10-12: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): While the children of Kiryas Joel families attend private school, the District is obligated to provide support services such as transportation, and books. In the DGEIS, the source of the data for the analysis of the purported cost to provide services to Kiryas Joel students of \$1,700 is neither specific to a particular time period nor verified. [See, 3.2.6 DGEIS]. In fact, the figure of \$1,700 was provided by MWCS D as an estimate during a casual conversation initiated by the KJUFSD business official. During that conversation it was never represented that this information would be used as the accurate foundation analysis of fiscal impacts for the DGEIS, nor was there a follow-up contact to the MWCS D to confirm the accuracy of these numbers. Had anyone bothered to contact MWCS D, they would have learned that the actual number for the cost of services to general education students during the 2014-2105 school year is \$2,986. If in 2014-2015, the District was to provide these services to the projected 8,160 students, the cost of services is actually \$24,365,760 which clearly does not account for increases in the cost of services during this period.

Response 3.3.10-12: *As discussed in the DGEIS, Section 3.2, “Private school students, are entitled to transportation, remedial services, books and other services which are provided by their public school district. In the MWSD, these costs are estimated to be approximately \$1,700 per student.¹ An increased private school population of 8,160 students would increase costs to the district by an estimated \$13,872,000. A substantial portion of these funds are ultimately reimbursed by New York State and federal sources. Approximately 60 percent of transportation costs, 25 percent of special educational costs and 100 percent of the cost of remedial services and instructional materials are paid for through state and federal reimbursements.”*

The figures used in the DGEIS were in fact provided by the MWCS D Business Office (not through “casual conversation”) and the Treasurer for the KJ School District. Documentation is provided in Appendix H of the DGEIS. This was the best information as provided by the MWCS D during the course of the SEQRA review. The comment provides no supporting information to corroborate the figure of \$2,986 per non-public school student (nearly double the estimate). The figure identified in the comment does not appear to exclude any offsets of State Aid or reimbursements. For example, MWCS D is reimbursed approximately 60 percent of their eligible transportation expenses and they are fully reimbursed for all of their textbooks, library and software expenditures made for students in the non-public school. When such aid is factored in, the numbers appear to be consistent with those previously provided by the District and included in the DGEIS.

¹Information from the Monroe-Woodbury Assistant Superintendent of Business, Gregory Sullivan; January 11, 2015.

Nevertheless, higher costs for the provision of services would serve to confirm the conclusions in the DGEIS. Accordingly, the more conservative figures in the DGEIS provide a generally accurate analysis of the implications of annexation.

Comment 3.3.10-13: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): In addition, the District provides education services for special needs students. The DGEIS analysis of financial impacts to provide special education services relies on the information provided by the Superintendent of KJUFSD that the tuition is approximately \$79,000. However, again, the time frame of this purported tuition was not provided nor was the number confirmed with MWCSO. Further, the tuition cost does not include the cost of related services. In actuality, the 2014-2015 cost of tuition is \$86,000 and the cost of related services for 7 of the 11 special education students is \$17,320. Therefore, the average cost per student for tuition and services is \$89,000 this year, which does not account for the part-time students. Moreover, their costs will not remain stagnant over the next 10 years as suggested by the DGEIS.

Response 3.3.10-13: *Without seeing the basis for these figures it is impossible to confirm their accuracy.*

The \$79,000 tuition figure is the base amount that is charged to MWCSO from the KJSD. An additional nurse is billed at \$3,164 per month. Related services charges for part time students are also billed separately. Even combined, this does not reach \$89,000 per student.

Since higher costs for the provision of services would simply serve to confirm the conclusions in the DGEIS, the more conservative figures in the DGEIS provide a generally accurate analysis of the implications of annexation.

Comment 3.3.10-14: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): Notwithstanding the questionable accuracy of the DGEIS figures, the costs will continue to rise dramatically as the cost of providing transportation, books, salary, tuition and other associated costs increase on an annual basis. Based on these accurate numbers, the financial impacts must be adjusted to reflect the actual numbers and adjusted for inflation over the course of the growth projection.

Response 3.3.10-14: *No substantiation for the use of the term “rise dramatically” in the referenced analysis of cost increases is provided. Transportation and other costs rise in proportion to increases in property tax revenue from newly constructed homes. As noted above, textbooks are fully reimbursed by NY State and school districts are under no obligation to exceed the amount of State reimbursement for the purchase of instructional materials to non- public school students. It should also be noted that tuition (for special needs students) has remained fixed for several years.*

Comment 3.3.10-15: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): MWCSO notes that 10 years is an artificial time frame on which to base the analysis of the impacts. Furthermore, the projected population growth is predicated on stale outdated information, including the U.S. Census and a 2009 growth study for the Village of Kiryas Joel. We submit that a more accurate projection of potential growth is not only the expected 6 children per family, but the capacity of water supply to the Village which above

all else will drive the potential for growth. Proceeding on that premise coupled with the unlimited density controls of the Village zoning, we submit that the current growth projection is grossly underestimated. A simple calculation of the individual water usage per day based on the availability of water projects a staggering potential for growth.

While it is asserted that the revenue from the taxes the additional housing may generate will more than compensate for these expenses, that position is not accurate. Significantly, there is no factual information or even a historical foundation submitted to substantiate these purported forecasts of revenue enhancement. Specifically, the data provided in Tables 3.2-8 and 3.2-9 as the foundation for determining the assessed value of the new construction is unreliable. This crucial information is unsubstantiated and merely based on Appendix E which is nothing more than a projection of housing construction and a vague reference to property assessments in Orange County as well as unexplained values derived from proposed future housing. Moreover, the analysis noted in the DGEIS failed to account for increasing costs to the District to provide these services.

Response 3.3.10-15: *This comment is based upon the erroneous assumption that family planning is directly connected to water availability. While infrastructure is indeed important to support development and growth, it is hardly the foundation for how many children are delivered in any community in any given year.*

While assessment and taxing differs in various areas of the MWCS D, the DGEIS calculates assessment and taxing utilizing the existing "housing stock" of Kiryas Joel as a basis. It is reasonable to assume that the housing type and assessed valuation methodology would be consistent in the annexation area, if developed under the Kiryas Joel zoning and planning scheme. And historic trends bear this out.

Since the tax levy of MWCS D is spread out equally across all Town of Monroe taxpayers at a set rate per thousand of assessed value, it is reasonable to draw the tax revenue conclusions reached in the DGEIS.

Comment 3.3.10-16: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): Real property valuation is a complex process and is impacted by the type of housing - single family versus multi-family versus condominiums versus low income housing. Further, the valuation of assessment and taxing formula is different for each. The mere fact that housing stocks will increase is not a reliable predictor of tax revenue. Given the potential for low income housing, the DGEIS must be adjusted to reflect the different type of real property tax scenarios. It is especially notable that the analysis applied to determine future public school taxes, Tables 3.2-14 and 3.2-15, are misleading. This analysis does not accurately reflect the calculation of taxes and as illustrated, depicts an artificial windfall to MWCS D. The analysis should be based on a trajectory of increasing expenditures and corresponding tax levy, tax levy distribution among the municipalities affected, and the impact of the tax cap over the course of the 10 years.

Response 3.3.10-16: *The projections of future assessed values was conducted after analyzing the comparable housing stock in the Town of Monroe and after reviewing the assessments of comparable condominiums in the Village of Kiryas Joel and included substantial input from the Town of Monroe Tax Assessor, who is responsible for real property valuation in both the Town and the Village. The Town of Monroe is an involved agency in this proceeding and no comments have been received by the assessor's office suggesting in any way that the methodology used was flawed.*

While the NY State Tax Cap Law does impact many school districts in presenting their budgets for voter approval, the Tax Cap law specifically excludes the construction of new housing units (growth) in the calculations for staying within or piercing the Tax Cap.

Comment 3.3.10-17: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): The assertion of alleged tax revenue as a windfall to the District is a misnomer. The increased costs for such services are factored into the budget and are spread out over the entire district population, but the tax levy is based on the relative assessment of each community. Accordingly, while the tax levy for MWCS D impacted by the annexed area may decrease, the levy in other areas could increase.

***Response 3.3.10-17:** While the tax levy may be different for different communities due to rates of equalization, the levy will be constant within a community, where the assessments for similar housing stock (e.g. condominiums) are assessed equally (based upon square footage). Both costs and revenue are components of the tax levy budget and they are shared equally district-wide among the tax payers. A windfall in one area, due to new construction, would then benefit the entire district.*

Comment 3.3.10-18: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): Of significant concern is that the District may experience a decrease in state aid due to the increased housing. The calculation of state aid is also a complicated formula. However, with a greater aggregate assessed valuation from more housing without a corresponding increase in student population attending the MWCS D, the District might appear wealthier than it actually is which could result in a diminution of state aid. Therefore, also there must be an analysis of the potential impact on state aid.

***Response 3.3.10-18:** We agree that MWCS D will experience an increase in housing and no corresponding increase in the public school population. This will create a situation where the district will appear to be wealthier than they really are due to the unfairness of the State Aid formula, known as the "Combined Wealth Ratio".*

There are two notable points worthy of consideration. First, this situation currently exists in both the Kiryas Joel School District and the East Ramapo School District, where the nonpublic school population greatly exceeds the public school population. This gives the appearance that both districts are very wealthy, when in fact they are among the poorest in the State. This is further support for adjusting the school district boundaries to be coterminous with the annexation lands, should the petitions be approved, consistent with Education Law Section 1507. (This remedy is not available in East Ramapo but is available here.)

Second, the circumstances where more housing is being constructed and there are no new students being added to the public schools, are currently happening.

As the DGEIS correctly points out, over 1400 households will be established (under current Town zoning) in the MW District over the next decade without annexation. This demographic change will have an impact on not only State Aid revenues, but also could have a potential impact on their Board make-up and budget passage rate.

Comment 3.3.10-19: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): The DGEIS does acknowledge that the growth will require a

significant expansion to the private religious schools and to a lesser extent KJUFSD. Yet, there is only one stray comment from the KJUFSD Superintendent representing that the private schools are building infrastructure. Notably absent is any documentation on the amount of private or public school classroom space needed to accommodate the growth, timelines for proposed construction, recitation of what is currently being constructed, the cost of such construction, the impact to the tax base of the construction or any other of the myriad impacts that result from such and should be included in Tables 3.2-14, 3.2-15 and 3.2-17.

Response 3.3.10-19: *Annexation is not the cause of population growth and added demands on public and private schools. Therefore documenting school construction in an EIS on annexation is not relevant.*

Comment 3.3.10-20: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): While, it is argued that the MWCSO could easily deflect these impacts by engaging in a boundary change process, the impact of this project on the MWCSO must be analyzed without the specter of such. The factors to be considered in determining whether to alter school district boundaries are the educational interests of the students involved, the effect of the transfer on the tax revenues of the districts involved and the effect of the transfer on the educational programs of the school from which the property is transferred.

Response 3.3.10-20: *The factors to determine whether to alter school district boundaries were specifically considered by the Kiryas Joel School Board prior to passing their resolution:*

- a) *The educational interest of the nonpublic school students either living in the annexation area or presumed to be living there in the future are best served in the nonpublic religious schools attended by their families. Special needs students in this area are best served in the bilingual Kiryas Joel Public School, as evidenced by the fact that all such children are currently sent to the KJSD by the MW Committee on Special Education and approved by their Board of Education.*
- b) *The tax effect on the Kiryas Joel School District was reviewed by the Kiryas Joel School Board. In the short run, the loss of tuition revenue and increased transportation costs would be greater than the tax revenue, due to the lower rate per thousand of assessed value charged by the KJ District. Over time, as more housing units are constructed, the increase in tax revenue would balance the expenses. For the sake of peace between communities, the Kiryas Joel School Board agreed to the boundary alteration if the annexation is approved.*
- c) *It should also be noted that the boundary change would have an immediate positive impact on the MWCSO school district by removing a residential area that doesn't send students to public schools, creating additional State Aid by improving their Combined Wealth Ratio (referenced above).*
- d) *There is no effect on the educational programs of either district because no students living in this area are currently attending the MWCSO public schools, nor are they presumed to in the future. All students attend or will attend private religious schools or in the case of special needs pupils, they attend or will attend the Kiryas Joel Public School.*

While the writer alleges that this analysis was not done by either School Board, it is clear from the resolution that it was analyzed by the Kiryas Joel Board of Education. Counsel also suggests that boundary changes are “limited by law” and the “unpredictable decisions of government officials”. However, it can be argued that boundary changes are expressly “authorized” by law and the decision by the Kiryas Joel School Board is far from “unpredictable” in that it has already been made.

It is completely up to the MWCSO School Board if they wish to rely on the law to address the impacts of annexation. Far from a “panacea”, the boundary change process could present a real solution, but only if the MWCSO Board is ready, willing and able to accept it.

Comment 3.3.10-21: (Letter 62, Judith Cerlin Mayle, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, June 22, 2015): Of significance and not addressed in the DGEIS is the potential impact such expansion may have on the very existence of the KJUFSD. Education Law Section 1504 provided the authority to the Village of Kiryas Joel to create the KJUFSD, which boundaries were coterminous with that of the Village. Clearly the legislation in authorizing the creation of this type of school district set forth the fundamental precedent that the boundary lines of the municipality and the district must be coterminous.

Response 3.3.10-21: *The issue of whether the annexation of land into the Village will create a negative impact on the KJ School District (which was created coterminous to the Village boundary under Ed Law Section 1504) has been reviewed and rejected by Counsel for the KJUFSD. In a letter from Julia Cohen, dated April 23, 2015, as posted on the SEQRA website and included in the correspondence Appendix, she asserts that the opposite is true and nothing in the plain language of the statute or legislative intent or history suggests otherwise.*