



**December 14, 2021**

Meeting Type: Regular Meeting

Date: Tuesday, December 14, 2021

Start Time: 6:00 p.m. Eastern Standard Time

Location: Central Administrative Office

**Roll Call – (Attendees Noted by District Clerk)**

Present were:

**Board Members**

- Jeannette Santos (President)
- Ilene Herz, Esq. (Vice President)
- Mary Ellen Cunningham
- James Kaden (via videoconference)
- Brian J. Sales
- Peter Wunsch
- Maryann Zumpano

**BOCES Staff**

- Michael Flynn (Chief Operating Officer)
- Angelique Johnson-Dingle (District Superintendent)
- Dr. Hugh Gigante (Exec. Dir. – Personnel)
- Warren Taylor (Chief Financial Officer)
- Nancy Fischetti (Public Relations Director)
- Joanne Klein (District Clerk)
- Nancy Kelsey (Exec. Dir. Career and Tech. Education)

- Nancy Wilson (Exec. Dir. - Special Education)
- Lorraine Hein (Director of Business)
- Staff Members

### **Call to Order (Board President)**

The Regular Meeting was called to order at 6:00 p.m. by Board President, Mrs. Santos.

### **EXECUTIVE SESSION**

At this time a motion to move into Executive Session to discuss an ongoing litigation was made by Mr. Sales, seconded by Mrs. Zumpano. At 6:55 p.m. the Board unanimously agreed to adjourn Executive Session and move into the Regular Meeting on motion made by Mr. Sales, seconded by Mrs. Zumpano.

### **REGULAR MEETING/Pledge of Allegiance**

The Regular meeting of the Board resumed at 7:00 p.m. Mrs. Santos led the audience in the Pledge of Allegiance.

### **Visitors: ACKNOWLEDGMENT OF VISITORS BY PRESIDING OFFICER**

Mrs. Santos invited anyone present in the audience who wished to address the Board to please step forward and state their name and address. No one present wished to address the Board.

### **Approval of Minutes Regular Meeting – November 9, 2021**

The minutes of the Regular Meeting of November 9, 2021 were approved unanimously on motion of Mr. Wunsch and seconded by Mrs. Herz.

### **Program Presentation**

#### Independent Auditors' Report and Financial Statement to the Board

Mr. Taylor, Chief Financial Officer, communicated to the Board Ms. Briggs of Bonadio & Co., LLP, Independent Auditor will be attending the meeting via videoconference. Mr. Taylor introduced Ms. Briggs and mentioned she has been working with WS BOCES for several years and will speak regarding the financial statements.

Heather Briggs of Bonadio & Co., LLP, Independent Auditor for Western Suffolk BOCES presented to the Board the draft report "Financial Statements and Required Reports as of June 30, 2021".

Ms. Briggs discussed with the Board the responsibilities the Board has in reviewing policy and procedures and making sure policies and procedures stay up to date.

### **Treasurer's Report**

The Board acknowledged receipt of the Treasurer's Report indicating balances in the various financial accounts as of October 31, 2021. (Copies incorporated with the official minutes of this meeting.)

### **Claims Auditor's Report**

The Board acknowledged receipt of the Report of the Claims Auditor from November 2, 2021 to December 3, 2021 for expenditures totaling \$25,599,838.36. (Copies incorporated with the official minutes of this meeting.)

## **EXECUTIVE OFFICER'S REPORTS**

### District Superintendent – Comments/Events

Mrs. Johnson-Dingle discussed the following topics:

- Certification Changes
- Board of Regents (BOR) State Aid Proposals
- Social Emotional Learning (SEL) in our Schools.

The Board discussed the social emotional learning in schools and the responsibility to keep children safe in schools.

### Chief Operating Officer Report – Comments/Events

Award of Grants – Mr. Flynn noted the Award of Grants related to the Smart Start grant.

Mr. Flynn discussed with the Board the following topics:

- Annual Western Suffolk BOCES Legislative Program – Virtually on February 18, 2022
- COVID-19 Staff Testing
- Draft School Calendar 2022/23
- Changes to Open Meetings Law
- New State Law – Displaying Symbols of Hate
- Recovery High School

### Chief Financial Officer – Update of Capital Projects

Mr. Taylor updated the Board concerning the Capital Projects report. The report includes the status of all the projects. Currently there are 52 projects in total, 14 projects in design stage and eight projects are in SED for

approval.

## **ITEMS FOR BOARD ACTION**

### **Business Administration Matters**

#### **Approval of Budget Adjustments December 2021-22**

On motion by Mrs. Herz, seconded by Mrs. Zumpano, the Board voted unanimously for approval of the 2021-22 budget adjustments/transfers for December 2021 in the following programs:

Special Ed District Class Option 3 Planning Smart Start Grant	Center for Learning Technology Services Other BOCES
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(Listing referred to is designated as Encl. 9.1.1 and is incorporated with the official minutes of this meeting.)

#### **Approval of Bid Awards**

The members of the Board reviewed the bid analysis presented by the Chief Operating Officer. Mrs. Herz moved, Mrs. Zumpano seconded, and the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated December 14, 2021.

(Listing referred to is designated as Encl. 9.1.2 and is incorporated with the official minutes of this meeting.)

#### **Acceptance of the 2020-21 Independent Auditors' Report [R]**

On motion by Mrs. Herz, seconded by Mrs. Zumpano, the Board voted unanimously for Acceptance of the 2020-21 Independent Auditors' Report as follows:

RESOLVED, that the independent audit report prepared by Bonadio and Co. LLP, covering the school year 2020-2021 has been reviewed by the Board of Western Suffolk BOCES and is hereby accepted, as required by Commissioner's Regulations.

Mr. Wunsch noted for the record, "The BOCES Board of Trustees is aware of the fact there is a reserve for Workers' Compensation."

(Listing referred to is designated as Encl. 9.1.3 and is incorporated with the official minutes of this meeting.)

### **Approval of Equipment Lease Purchase Financing Agreement [R]**

On motion by Mrs. Herz, seconded by Mrs. Zumpano, the Board voted unanimously to Approval of Equipment Lease Purchase Financing Agreement as follows:

WHEREAS, the Board of Cooperative Educational Services Second Supervisory District of Suffolk County (the "BOCES") desires to undertake project (the "Project") consisting of the acquisition of certain computer equipment, and

WHEREAS, the cost of the Harborfields Technology Project is \$183,688 with \$183,700 to be financed through TD Bank, the interest rate of the financing will be 1.23% for fifty-five (55) months, and

WHEREAS, the cost of the Northport-E Northport Technology Project is \$1,496,007 with \$1,496,100 to be financed through TD Bank, the interest rate of the financing will be 1.23% for fifty-five (55) months, and

WHEREAS, the cost of the South Huntington Technology Project is \$323,367 with \$323,400 to be financed through TD Bank, the interest rate of the financing will be 1.23% for fifty-five (55) months, and

WHEREAS the BOCES further desires to take certain preliminary actions to provide such financing, including, but not limited to, the making of certain findings and evaluations of financing alternatives required pursuant to 2 NYCRR Section 39.2, and to execute the Lease Purchase Agreements, subject to the prior review and approval of the BOCES' counsel, Van Nostrand & Martin.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the BOCES as follows:

Section 1. The BOCES has evaluated the financing alternatives available to it and hereby determined that it is in the best interest of the BOCES to finance the project pursuant to the Lease Purchase Agreement for the following reasons:

a) As provided by law and regulation, in accordance with 8 NYCRR 170.3, the project may not be financed by the BOCES under the New York Local Finance Law, but may be financed through an equipment lease purchase agreement. The use of an equipment lease purchase agreement pursuant to 109-b of the General Municipal Law provides the BOCES with a means to directly finance the Project.

b) The only other financing alternative available to the BOCES involves the financing of the Project through certain joint action of the component school districts of the BOCES. This alternative would be costly and not meet the time schedule of the BOCES.

c) The use of an equipment lease purchase agreement provides the BOCES with greater flexibility of structuring the financing, including, but not limited to, the timing of the closing of the financing and the establishment of principal repayment schedules.

Section 2. The President of the Board of Education is hereby authorized, on behalf of the BOCES, to execute and deliver the Lease Purchase Agreement, the Escrow Agreement and related documents, the Chief Financial Officer is authorized to execute payment request notices and, where appropriate, the District Clerk is hereby authorized to affix the seal of the BOCES, thereto and to attest the same, with such changes, variations, omissions and insertions as the President of the Board of Education shall approve, the execution thereof by the President of the Board of Education to constitute conclusive evidence of such approval. The President shall not execute the aforesaid documents nor shall the District Clerk affix the seal of the BOCES to said documents as aforesaid until the review and approval of the documents by counsel to the BOCES, Van Nostrand & Martin.

Section 3. The officers, employees and agents of the BOCES are hereby authorized and directed for and in the name and on behalf of the BOCES to do all acts and things required or provided for by the provisions of the Lease Purchase Agreement, including all acts and things necessary to ensure the interest component of the rental payments due under the Equipment Lease Purchase Agreement is excludable from gross income tax pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), and to designate the Equipment Lease Purchase Agreement as a "qualified tax-exempt obligation" under Section 265 of the Code, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officers, employee or agent acting, desirable and proper to effect the purpose of the foregoing resolution and to cause compliance by the BOCES with all of the terms, covenants and provisions of the Lease Purchase Agreement, binding upon the BOCES.

Section 4. The execution of the aforesaid documents, and the subsequent delivery of the same to TD Bank is herewith made subject to the prior approval of the Commissioner of Education as required by 8 NYCRR 170.3 (f)(6).

Section 5. Subject to the review and approval of the counsel to the BOCES, it is hereby found and determined that the terms of the subject Lease Purchase Agreement is in the best interests of the BOCES for the acquisition of the equipment.

Section 6. This resolution shall take effect immediately.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the within Equipment Lease/Purchase agreement is the same as presented at said meeting of the governing body of Lessee.

(Listing referred to is designated as Encl. 9.1.4 and is incorporated with the official minutes of this meeting.)

## **Personnel**

### **Instructional Personnel**

Mr. Wunsch moved and Mr. Sales seconded, and the Board voted unanimously to approve Instructional Personnel matters, agenda items 9.2.1 as follows:

All Instructional personnel matters listed on the 2-page Instructional Report dated December 14, 2021 (Encl. 9.2.1) is incorporated with the official minutes of this meeting.

### **Supplementary Services**

Mr. Wunsch moved and Mr. Sales seconded, and the Board voted unanimously to approve Supplementary Services, agenda items 9.2.2 as follows:

All items listed on the 8-page Supplementary Services Report dated December 14, 2021 (Encl. 9.2.2) is incorporated with the official minutes of this meeting.

### **Non-Instructional Personnel**

Mr. Wunsch moved and Mr. Sales seconded, and the Board voted unanimously to approve Non-Instructional Personnel matters, agenda items 9.2.3 as follows:

All Non-Instructional Personnel matters listed on the 3-page Non-Instructional Report dated December 14, 2021 (Encl. 9.2.3) is incorporated with the official minutes of this meeting.

**Authorization for Agreement Between Western Suffolk BOCES and Western Suffolk BOCES Faculty Association [R]**

On motion by Mr. Wunsch, seconded by Mr. Sales, the Board voted unanimously for Authorization for Agreement Between Western Suffolk BOCES and Western Suffolk BOCES Faculty Association as follows:

RESOLUTION authorizing the Chief Operating Officer to execute an agreement between the Unit 9 (Western Suffolk BOCES Faculty Association representing the Adult Instructors and the Alternative High School Staff), Unit 9 Instructor #02659, and the Board of Cooperative Educational Services, Second Supervisory District, Suffolk County;

WHEREAS, the parties have discussed and agreed to a revision to the permanence date that Instructor #02659 is currently established at; and

THEREFORE, BE IT RESOLVED that the Chief Operating Officer be authorized to execute the agreement between the Board of Cooperative Education Services, Unit 9 (Western Suffolk BOCES Faculty Association) and Instructor #02659 with regard to this matter as set forth on the Memorandum of Agreement.

(Listing referred to is designated as Encl. 9.2.4 and is incorporated with the official minutes of this meeting.)

**Other Action Items**

**Approval of Disposition of Surplus Property [R]**

The Board voted unanimously to approve the Disposition of Surplus Property on motion of Mrs. Herz, seconded by Mr. Kaden as follows:

WHEREAS, Western Suffolk BOCES has certain equipment and materials which have been deemed surplus or obsolete and are of no use to Western Suffolk BOCES; and

WHEREAS, these items have also been deemed to have no resale value and have been declared valueless; and

WHEREAS, according to Policy #4420, no surplus property may be disposed of without the recommendation and authorization of the District Superintendent, or his designee, and the approval of the Board;

THEREFORE, BE IT RESOLVED, that the Board hereby approves the disposition of this surplus property as listed

on the attached.

(Listing referred to is designated as Encl. 9.3.1 and is incorporated with the official minutes of this meeting.)

**Resolution for Authorization of Affiliation Agreement with Brookhaven Heart PLLC [R]**

On motion of Mrs. Herz, seconded by Mr. Kaden, the Board voted unanimously for Resolution for Authorization of Affiliation Agreement with Brookhaven Heart PLLC as follows:

WHEREAS, an agreement between Western Suffolk BOCES and Brookhaven Heart PLLC has been developed for the purpose of providing a clinical experience for Western Suffolk BOCES students participating in Brookhaven Heart PLLC Diagnostic Medical Sonography educational program; and

WHEREAS, said agreement would be beneficial to the students participating;

THEREFORE, BE IT RESOLVED that the Chief Operating Officer be authorized to execute said agreement with Brookhaven Heart PLLC. This agreement shall be effective from August 1, 2021 and shall remain in force unless terminated by either party. Either party may terminate this agreement by providing notice of such intention to the other party at least six months in advance. This agreement may be modified at any time by written agreement consented by both parties. This agreement will be subject to review annually.

(Listing referred to is designated as Encl. 9.3.2 and is incorporated with the official minutes of this meeting.)

**Acceptance of Donated Equipment and Supplies [R]**

On motion of Mrs. Herz, seconded by Mr. Kaden, the Board voted unanimously for Acceptance of Donated Equipment and Supplies as follows:

WHEREAS, Western Suffolk BOCES has received an offer from Margaret Hartmann, 15 Sycamore Place, East Northport, NY 11731 to donate one (1) 2000 Mercury Grand Marquis, Vin Number 2MEFM74WXYX686288 to be used by the students attending the Automotive Technology Program at Wilson Tech, Northport Campus, and

WHEREAS, Western Suffolk BOCES students would benefit from this donations, and

WHEREAS, according to Policy #4420, all donations of equipment, materials and property shall be presented to

the Board for acceptance, and

THEREFORE, BE IT RESOLVED, that the Board hereby approves the acceptance of the donated supplies and equipment as listed above.

(Listing referred to is designated as Encl. 9.3.3 and is incorporated with the official minutes of this meeting.)

**Resolution for Authorization for Partnership Agreement with South Huntington School District [R]**

On motion of Mrs. Herz, seconded by Mr. Kaden, the Board voted unanimously for Resolution for Authorization for Partnership Agreement with South Huntington School District as follows:

WHEREAS, an agreement between Western Suffolk BOCES and the South Huntington School District has been developed for the purpose of providing a 21st Century Community Learning Grant related to the provision of Outdoor Education / Science Enrichment programs of the highest quality for participating students;

WHEREAS, said agreement would be beneficial to the students participating;

THEREFORE, BE IT RESOLVED that the Chief Operating Officer be authorized to execute said agreement with the South Huntington School District.

(Listing referred to is designated as Encl. 9.3.4 and is incorporated with the official minutes of this meeting.)

**OLD BUSINESS**

**NEW BUSINESS**

**ADJOURNMENT**

At 7:37 p.m. there being no further business items for discussion, the meeting was adjourned on motion by Mr. Wunsch and seconded by Mrs. Zumpano.

**UPCOMING EVENTS**

DATE	EVENT	ATTENDEES
3/21/22	SCOPE’s Annual School District Awards Dinner, Monday – Villa Lombardi’s, Holbrook – <b><i>More Details Coming Soon</i></b>	
4/2/22 - 4/4/22	National School Boards Association Convention, Sat. –Mon., San Diego	

**Enclosures:**

- Notification Sent to Staff, *November 12, 2021*
- Notification Sent to Staff, *November 19, 2021*
- Notification Sent to Staff, *November 25, 2021*
- Notification Sent to Staff, *December 3, 2021*
- Notification Sent to Staff, *December 3, 2021*
- Notification Sent to Staff, *December 10, 2021*
- Dear Colleague Letter to Staff, *November 23, 2021*
- Letter Sent Administrative Staff, *December 20, 2021*
- Joint News Release: NYSSBA, NYSCOSS, BIG 5, Rural Schools, *November 10, 2021*
- NYSSBA Update, *November 14, 2021*
- NYSSBA Update, *November 21, 2021*
- NYSSBA Update, *November 28, 2021*
- NYSSBA Update, *December 5, 2021*
- NYSSBA Advocacy Update, *November 16, 2021*
- SCOPE, *Fall 2021*
- EAP Pathways, *December 2021*
- EAP Pathways for Supervisors, *December 2021*
- 2021-22 SCOPE Book
- The Owl’s Hoot, *Fall 2021*




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Joanne Klein  
District Clerk