



December 8, 2020

Meeting Type: Regular Meeting

Date: Tuesday, December 8, 2020

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

Location: Central Administrative Office/Videoconferencing/Livestream

Roll Call – (Attendees Noted by District Clerk)

Present were:

Board Members

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

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)

Call to Order (Board President)

The Regular Meeting was called to order at 6:01 p.m. by Board President, Mrs. Santos.

EXECUTIVE SESSION

At this time a motion to move into Executive Session to discuss possible litigation, the performance of a particular employee and negotiations was made by Mr. Wunsch, seconded by Mrs. Herz. At 7:00 p.m. the Board unanimously agreed to adjourn Executive Session and move into the Regular Meeting on motion made by Mr. Wunsch, seconded by Mrs. Herz.

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 acknowledged the participants who were viewing the Board meeting via video conference/livestream.

Approval of Minutes Regular Meeting – November 10, 2020

The minutes of the Regular Meeting of November 10, 2020 were approved unanimously on motion of Mr. Wunsch and seconded by Mrs. Herz.

Approval of Minutes Special Meeting – December 1, 2020

The minutes of the Special Meeting of December 1, 2020 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 introduced Heather Briggs of Bonadio & Co., LLP, who has been working with WS BOCES for several years and Ms. Briggs will speak briefly 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, 2020".

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

Treasurer's Report

The Board acknowledged receipt of the Treasurer's Report indicating balances in the various financial accounts as of October 31, 2020. (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 October 6, 2020 to November 25, 2020 for expenditures totaling \$22,354,640.17. (Copies incorporated with the official minutes of this meeting.)

EXECUTIVE OFFICER'S REPORTS

District Superintendent – Comments/Events

Mrs. Johnson-Dingle discussed the following topics:

- New York State Attendance and Calendar Reporting.
- NYSED Updates – Safety Plans.

Chief Operating Officer Report – Comments/Events

Award of Grants – Mr. Flynn noted the Award of Grants for the School Library program.

Mr. Flynn discussed with the Board the following topics:

- JEA Elementary Annex
- Child Nutrition – USDA – continuation of free lunch, free lunch reimbursed by the Federal government.
- COVID-19 Testing in Micro-Clusters
- School Bus Stop Arm Enforcement Program.
- Scholarship Donations.

Chief Financial Officer – Update of Capital Projects

Mr. Taylor updated the Board concerning the Capital Projects report which includes 19 projects that are currently in design. Many of these projects are long-term. Currently five projects are in NYSED planning and are awaiting review and approval. Other projects are moving along.

ITEMS FOR BOARD ACTION

Business Administration Matters

Approval of Budget Adjustments December 2020-21

On motion by Mrs. Herz, seconded by Mr. Sales, the Board voted unanimously to approve 2020-21 budget adjustments/transfers for December 2020 in the following programs:

Center for Learning Technology	Distance Learning
Services Other BOCES	SLS – Supplementary Aid
SLS – Aid for Automation	

(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, Mr. Sales seconded, and the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated December 8, 2020.

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

Acceptance of the 2019-20 Independent Auditors' Report [R]

On motion by Mrs. Herz, seconded by Mr. Sales, the Board voted unanimously for Acceptance of the 2019-20 Independent Auditors' Report as follows:

RESOLVED, that the independent audit report prepared by Bonadio and Co. LLP, covering the school year 2019-2020 has been reviewed by the Board of Western Suffolk BOCES and is hereby accepted, as required by Commissioner's Regulations.

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

Resolution to Participate in Bayshore UFSD Contract for General Building Maintenance Involving New Construction, Reconstruction and Demolition [R]

On motion by Mrs. Herz, seconded by Mr. Sales, the Board voted unanimously to Participate in Bayshore UFSD Contract for General Building Maintenance Involving New Construction, Reconstruction and Demolition as

follows:

WHEREAS, Section 103 of the General Municipal Law permits Western Suffolk BOCES to purchase apparatus, materials, equipment or supplies or contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies through the use of a contract let by the United States or any agency thereof, any state or any other county, political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities; and

WHEREAS, Western Suffolk BOCES, based on the authority granted in General Municipal Law, Article 5A (Public Contracts), Section 103, desires to participate in Bayshore UFSD Contract for General Building Maintenance Involving New Construction, Reconstruction and Demolition, for the purpose of fulfilling and executing its public governmental purposes, goals, objectives, programs and functions; and

WHEREAS, Western Suffolk BOCES has reviewed the benefits of participating in this program and an analysis is performed, and based on this review which is in accordance with the General Municipal Law, has concluded that participation in the program could result in savings to Western Suffolk BOCES;

THEREFORE, BE IT RESOLVED, that Western Suffolk BOCES is authorized to participate in Bayshore UFSD Contract for General Building Maintenance Involving New Construction, Reconstruction and Demolition and that the Board President and/or the Chief Operating Officer or his designee is hereby authorized to execute any and all necessary documents to effectuate participation in Bayshore UFSD Contract for General Building Maintenance Involving New Construction, Reconstruction and Demolition.

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

Resolution to Participate in Omnia Partners Contract for Job Order Contracting Services [R]

On motion by Mrs. Herz, seconded by Mr. Sales, the Board voted unanimously to Participate in Omnia Partners Contract for Job Order Contracting Services as follows:

WHEREAS, Section 103 of the General Municipal Law permits Western Suffolk BOCES to purchase apparatus, materials, equipment or supplies or contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies through the use of a contract let by the United States or any

agency thereof, any state or any other county, political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities; and

WHEREAS, Western Suffolk BOCES, based on the authority granted in General Municipal Law, Article 5A (Public Contracts), Section 103, desires to participate in Omnia Partners Contract #R200101 Job Order Contracting Services, for the purpose of fulfilling and executing its public governmental purposes, goals, objectives, programs and functions; and

WHEREAS, Western Suffolk BOCES has reviewed the benefits of participating in this program and an analysis is performed, and based on this review which is in accordance with the General Municipal Law, has concluded that participation in the program could result in savings to Western Suffolk BOCES;

THEREFORE, BE IT RESOLVED, that Western Suffolk BOCES is authorized to participate in Omnia Partners Contract #R200101 Job Order Contracting Services and that the Board President and/or the Chief Operating Officer or his designee is hereby authorized to execute any and all necessary documents to effectuate participation in Omnia Partners Contract #R200101 Job Order Contracting Services.

(Listing referred to is designated as Encl. 9.1.5 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 Mr. Sales, the Board voted unanimously for 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 South Huntington Technology Project is \$308,265 with \$308,300 to be financed through TD Bank, the interest rate of the financing will be 1.048% for forty-three (43) months, and

WHEREAS, the cost of the Harborfields Technology Project is \$174,983 with \$175,000 to be financed through TD Bank, the interest rate of the financing will be 1.136% for fifty-five (55) months, and

WHEREAS, the cost of the Northport-E Northport Technology Project is \$254,178 with \$254,200 to be financed through TD Bank, the interest rate of the financing will be 1.136% 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. 9.1.6 and is incorporated with the official minutes of this meeting.)

Personnel

Instructional Personnel

Mrs. Herz moved and Mr. Wunsch 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 3-page Instructional Report dated December 8, 2020 (Encl. 9.2.1) is incorporated with the official minutes of this meeting.

Supplementary Services

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

All items listed on the 4-page Supplementary Services Report dated December 8, 2020 (Encl. 9.2.2) is incorporated with the official minutes of this meeting.

Non-Instructional Personnel

Mrs. Herz moved and Mr. Wunsch 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 8, 2020 (Encl. 9.2.3) 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 Mr. Sales, seconded by Mr. Wunsch 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.)

Approval of Articulation Agreement with Dr. Dodis Kohan, OB/GYN [R]

On motion of Mr. Sales, seconded by Mr. Wunsch, the Board voted unanimously for Approval of Articulation Agreement with Dr. Dodis Kohan, OB/GYN as follows:

WHEREAS, an agreement between Western Suffolk BOCES and Dr. Dodis Kohan, OB/GYN has been developed for the purpose of providing a clinical experience for Western Suffolk BOCES participating Diagnostic Medical Sonography students; 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 Dr. Dodis Kohan, OB/GYN. This agreement may be modified at any time by written agreement consented by both parties.

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

Approval of Articulation Agreement with SUNY College of Agriculture & Technology at Cobleskill [R]

On motion of Mr. Sales, seconded by Mr. Wunsch, the Board voted unanimously for Approval of Articulation Agreement with SUNY College of Agriculture & Technology at Cobleskill as follows:

WHEREAS, an agreement between Western Suffolk BOCES and the State University of New York College of Agriculture and Technology at Cobleskill has been developed for the purpose of providing instruction for Western Suffolk BOCES students participating in the following educational programs:

Advertising/Graphic Design
Audio Production
Digital Film and Video Production
Early Childhood Education

Veterinary Assisting

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 State University of New York College of Agriculture and Technology at Cobleskill. These agreements will be reviewed for renewal, five years after signing by the participating parties.

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

Approval of Articulation Agreement with SUNY Morrisville [R]

On motion of Mr. Sales, seconded by Mr. Wunsch, the Board voted unanimously for Approval of Articulation Agreement with SUNY Morrisville as follows:

WHEREAS, an agreement between Western Suffolk BOCES and The State University of New York Morrisville has been developed for the purpose of Cosmetology and Esthetics students pursuing an educational program at Western Suffolk BOCES and intending to continue their education at SUNY Morrisville, 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 The State University of New York Morrisville. This agreement will be reviewed and renewed every five years. This agreement will be in effect upon signing by both parties and may be reviewed upon by mutual agreement of both parties.

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

Authorization to Accept a Scholarship Donation – Laverty [R]

On motion of Mr. Sales, seconded by Mr. Wunsch, the Board voted unanimously for Authorization to Accept a Scholarship Donation – Laverty as follows:

WHEREAS, in prior action the Western Suffolk BOCES has authorized the establishment of a scholarship program in honor of William Laverty; and

WHEREAS, various individuals have offered donations in further support of the above program;

THEREFORE, BE IT RESOLVED, that the Western Suffolk BOCES accept various donations in the total amount of \$500 to be used to fund this scholarship program.

(Listing referred to is designated as Encl. 9.3.5 and is incorporated with the official minutes of this meeting.)

Authorization to Accept a Scholarship Donation – Gordon F. Smith [R]

On motion of Mr. Sales, seconded by Mr. Wunsch, the Board voted unanimously for Authorization to Accept a Scholarship Donation – Gordon F. Smith as follows:

WHEREAS, in prior action the Western Suffolk BOCES has authorized the establishment of a scholarship program in honor of Gordon F. Smith; and

WHEREAS, various individuals have offered donations in further support of the above program;

THEREFORE, BE IT RESOLVED, that the Western Suffolk BOCES accept various donations in the total amount of \$1,500 to be used to fund this scholarship program.

(Listing referred to is designated as Encl. 9.3.6 and is incorporated with the official minutes of this meeting.)

Authorization to Accept Donated Equipment and Supplies [R]

On motion of Mr. Sales, seconded by Mr. Wunsch, the Board voted unanimously for Authorization to Accept Donated Equipment and Supplies as follows:

WHEREAS, Western Suffolk BOCES has received an offer from Anthony Nicoletti, 8 Hope Place, St James, NY 11780, to donate two (2) Salon Tray Stands with attached hot iron holders/sleeves to be used by the students attending the Cosmetology Program at Wilson Tech, Northport Campus, and

WHEREAS, Western Suffolk BOCES students would benefit from these 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. 9.3.7 and is incorporated with the official minutes of this meeting.)

Resolution for Authorization to Participate in the County of Suffolk School Bus Stop Arm Enforcement Program [R]

On motion of Mr. Wunsch, seconded by Mrs. Herz, the Board voted for Authorization to Participate in the County of Suffolk School Bus Stop Arm Enforcement Program as follows:

WHEREAS, the Western Suffolk Board of Cooperative Educational Services desires to participate in the County of Suffolk School Bus Stop Arm Enforcement Program (hereinafter the "Program") to promote the health and safety of its students and staff; and

WHEREAS, the program is authorized under New York State Vehicle and Traffic Law §1174-a; and

WHEREAS, pursuant to NYS VTL §1174-a, in order to participate in the program, the Western Suffolk BOCES must enter into an agreement with the county and Bus Patrol America LLC; and

WHEREAS, in order to participate in Program, Western Suffolk BOCES must execute the School Bus Stop Arm Enforcement Program Opt-in Agreement, attached hereto as Exhibit 1;

BE IT RESOLVED, that the Western Suffolk BOCES hereby acknowledges and approves the Suffolk County School Bus Stop Arm Enforcement Program Opt-in Agreement as set forth herein to be made and entered into by and between the County of Suffolk, Western Suffolk BOCES, and Bus Patrol America LLC, and hereby authorizes the Board President, District Superintendent and/or the Chief Operating Officer to enter into the agreement on behalf of Western Suffolk BOCES.

The Authorization to Participate in the County of Suffolk School Bus Stop Arm Enforcement Program resolution passed. Mr. Kaden opposed.

(Listing referred to is designated as Encl. 9.3.8 and is incorporated with the official minutes of this meeting.)

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

At 7:34 p.m. there being no further business items for discussion, the meeting was adjourned on motion by Mrs. Zumpano and seconded by Mrs. Herz.

UPCOMING EVENTS

DATE	EVENT	ATTENDEES
3/22/21	SCOPE's 20 th Annual School District Awards Dinner, Monday, Villa Lombardi's, Holbrook, NY – <i>Event Pending</i>	
4/10/21 - 4/12/21	National School Boards Association Convention, Sat. – Mon., New Orleans	

Enclosures:

- Letter Sent to Staff, *November 4, 2020*
- Letter Sent to Staff, *November 9, 2020*
- Letter Sent to Staff, *November 10, 2020*
- Letter Sent to Staff, *November 12, 2020*
- Letter Sent to Staff, *November 16, 2020*
- Letter Sent to Staff, *November 17, 2020*
- Letter Sent to Staff, *November 18, 2020*
- Letter Sent to Staff, *November 23, 2020*
- Letter Sent to Staff, *November 24, 2020*
- Letter Sent to Staff, *December 1, 2020*
- Dear Colleague Letter to Staff, *November 18, 2020*
- Letter Sent to Administrative Staff, *November 18, 2020*
- Updated 2020-21 Western Suffolk BOCES Board Member Listing
- NYSSBA Update, *November 8, 2020*

NYSSBA Update, *November 15, 2020*
NYSSBA Update, *November 29, 2020*
NYSSBA Advocacy Alert, *November 18, 2020*
Separation Notices
Press Release
Employment Ad Flyer – *“Join Our Team”*
SCOPE, *Fall 2020*
EAP Pathways, *December 2020*
EAP Pathways for Supervisors, *December 2020*



Joanne Klein
District Clerk