



**February 14, 2023**

Meeting Type: Regular Meeting

Date: Tuesday, February 14, 2023

Start Time: 5:30 p.m.

Location: Central Administrative Office

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

Present were:

**Board Members**

- Ilene Herz, Esq. (President)
- Brian J. Sales (Vice President)
- Mary Ellen Cunningham
- James Kaden
- Jeannette Santos

**BOCES Staff**

- Michael Flynn (Chief Operating Officer)
- Warren Taylor (Chief Financial Officer)
- Joanne Klein (District Clerk)
- Nancy Fischetti (Public Relations Director)
- Nancy Kelsey (Exec. Dir. Career and Tech. Education)
- Nancy Wilson (Exec. Dir. Special Education)
- Lorraine Hein (Director of Business)

- Paula Klingelhofer (Interim Director – DISS)
- Staff Members

**Absent**

- Mr. David Wicks
- Dr. Hugh Gigante (Exec. Dir. – Personnel)

**Call to Order (Board President)**

The Regular Meeting was called to order at 5:32 p.m. by Board President, Mrs. Herz.

Mr. Wunsch attended the Board meeting via videoconference as a non-voting Board Trustee.

**EXECUTIVE SESSION**

At this time a motion to move into Executive Session to discuss the performance of three particular employees, ongoing contract negotiations and a potential litigation was made by Mr. Sales, seconded by Mrs. Cunningham. At 7:05 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. Cunningham.

**REGULAR MEETING/Pledge of Allegiance (Board President)**

The Regular meeting of the Board resumed at 7:07 p.m. Mrs. Herz led the audience in the Pledge of Allegiance.

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

Mrs. Herz 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 – January 10, 2023**

The minutes of the Regular Meeting of January 10, 2023 were approved unanimously on motion of Mr. Sales and seconded by Mrs. Cunningham.

**Approval of Minutes Special Meeting – January 31, 2023**

The minutes of the Special Meeting of January 31, 2023 were approved unanimously on motion of Mr. Kaden and seconded by Mr. Sales.

## **Program Presentation**

### Internal Audit Report to the Board

The Audit Committee Meeting was held. Internal Auditors Dimitris Bantileskas, Richard Vitulli and Darin Iacobelli of Nawrocki Smith reported to the Audit Committee regarding the draft report Initial Risk Assessment Pertaining to the Internal Controls.

Mr. Bantileskas reviewed the report with the Audit Committee discussing policies, procedures and controls in place. Mr. Bantileskas shared the recommendations in the report regarding low risk, moderate risk and high risk assessments. Mr. Bantileskas mentioned to the Audit Committee there were no high risk findings.

The Audit Committee and Internal Auditors discussed areas suggested and identified to be tested for the remainder of this year. The Audit Committee agreed to test safety and security.

### 2023/24 Proposed Administrative and Capital Charges

Mr. Flynn discussed the proposed Administrative, Capital Charges and Program Tuition rates for the 2023/24 school year.

## **Treasurer's Report**

The Board acknowledged receipt of the Treasurer's Report indicating balances in the various financial accounts as of December 31, 2022. (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 January 3, 2023 to February 2, 2023 for expenditures totaling \$15,851,552.26 (Copies incorporated with the official minutes of this meeting.)

## **EXECUTIVE OFFICER'S REPORTS**

### Interim District Superintendent – Comments/Events

Mr. Wicks was unable to attend the meeting.

### Chief Operating Officer Report – Comments/Events

Mr. Flynn updated and discussed with the Board on the following topics:

- NYSED Updates
- Blue Ribbon Committee – Graduation Pathway

BOCES Annual Election – Mr. Flynn noted there will be two Board of Education trustees seeking reelection this year. Mrs. Santos and Mr. Wunsch have indicated their willingness to seek reelection to the BOCES Board of Education. Mr. Flynn mentioned there is a vacancy to be filled. This vacancy was the result of a resignation of a Board trustee last fall. Nominations may be made by every school district. Nominations will close on Friday, March 17, 2023 and elections will be held in component school districts on Tuesday, April 25, 2023.

Chief Financial Officer – Update of Capital Projects

Mr. Taylor updated the Board on the Report of Capital Projects. Mr. Taylor discussed the status of the 66 projects and the status of the five-year capital projects.

**ITEMS FOR BOARD ACTION**

**Business Administration Matters**

**Approval of Budget Adjustments – February 2022/23**

On motion by Mr. Sales, seconded by Mrs. Santos, the Board voted unanimously for Approval of Budget Adjustments – February 2022/23 in the following programs:

Exploratory Enrichment Program	Center for Learning Technology
School Improvement for Stds. Implementation	Community School Resources
Services Other BOCES	Career & Technical Education
General Occupational Education	Center for Learning Technology

(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. On motion by Mr. Sales, seconded by Mrs. Santos, and the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated February 14, 2023.

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

**Resolution to Participate in Sourcewell Contract #070121-CAR for HVAC Systems, Installation, and Service with Related Products and Supplies [R]**

On motion by Mr. Sales, seconded by Mrs. Santos, the Board voted unanimously to Participate in Sourcewell Contract #070121-CAR for HVAC Systems, Installation, and Service with Related Products and Supplies as follows:

WHEREAS, Section 103 of the General Municipal Law permits Western Suffolk BOCES to purchase materials, equipment or supplies, or to contract for services, other than services subject to article nine of the labor law, when available, through the county in which the political subdivision or district is located or through any county within the state subject to the rules established pursuant to subdivision two of §408-a of the county law; provided that the political subdivision or district for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor or contractor;

WHEREAS, Western Suffolk BOCES, based on the authority granted in General Municipal Law, Article 5A (Public Contracts), Section 103, desires to participate in Sourcewell's RFP #070121-CAR for HVAC systems, installation, and service with related products and supplies for the purpose of fulfilling and executing its public governmental purposes, goals, objectives, programs and functions;

WHEREAS, Western Suffolk BOCES has reviewed the benefits of participating in this program and an analysis 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 Sourcewell RFP #070121-CAR 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 the RFP issued by Sourcewell for HVAC systems, installation, and service with related products and supplies.

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

**Resolution to Participate in Southampton Public Schools Bids for: School Supplies and Materials, and Science Supplies and Materials [R]**

On motion by Mr. Sales, seconded by Mrs. Santos, the Board voted unanimously to Participate in Southampton Public Schools Bids for: School Supplies and Materials, and Science Supplies and Materials 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 Southampton Public Schools Bids for School Supplies and Materials, 2nd extension, Bid #SPS21-001, term 3/1/23 – 2/28/24, and Science Supplies and Materials, 2nd extension, Bid #SPS21-002, term 3/1/23 – 2/28/24 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 Southampton Public Schools Bids 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 the bids issued by Southampton Public Schools for School Supplies and Materials, 2nd extension, Bid #SPS21-001, term 3/1/23 – 2/28/24, and Science Supplies and Materials, 2nd extension, Bid #SPS21-002, term 3/1/23 – 2/28/24.

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

#### **Approval of Engagement Letter [R]**

On motion by Mr. Sales, seconded by Mrs. Santos, the Board voted unanimously for Approval of Engagement Letter as follows:

BE IT RESOLVED, that upon the recommendation of the Chief Operating Officer, the Board approves an Engagement letter with Nawrocki Smith dated February 7, 2023 and authorizes the Chief Operating Officer to execute same.

(Listing referred to is designated as Encl. 9.1.5 and is incorporated with the official minutes of this meeting.)

**Approval Resolution to Retain Special Legal Counsel [R]**

On motion by Mr. Sales, seconded by Mrs. Santos, the Board voted unanimously for Approval of Resolution to Retain Special Legal Counsel as follows:

WHEREAS, Western Suffolk BOCES is a party to a certain matter concerning a student attending a BOCES class in the Harborfields School District, and

WHEREAS, the BOCES insurer has initially refused to recognize their obligation to provide defense to BOCES during the period covered by the above matter, and

WHEREAS, this matter is proceeding ahead in the legal process,

THEREFORE, BE IT RESOLVED that Western Suffolk BOCES, at the advice of its general counsel, retain the firm of Monteiro & Fishman LLP pursuant to their engagement letter dated January 19, 2023.

(Listing referred to is designated as Encl. 9.1.6 and is incorporated with the official minutes of this meeting.)

**Personnel**

**Instructional Personnel**

Mr. Kaden moved, 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 9-page Instructional Report dated February 14, 2023 (Encl. 9.2.1) are incorporated with the official minutes of this meeting.

**Supplementary Services**

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

All items listed on the 10-page Supplementary Services Report dated February 14, 2023 (Encl. 9.2.2) are incorporated with the official minutes of this meeting.

**Non-Instructional Personnel**

Mr. Kaden moved, 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 February 14, 2023 are incorporated with the official minutes of this meeting.

**Resolution Authorizing Legal Counsel to Commence Action [R]**

On motion by Mr. Kaden, seconded by Mr. Sales, the Board voted unanimously for Authorization for Legal Counsel to Commence Action as follows:

Upon recommendation of the Chief Operating Officer and BOCES' labor counsel,

IT IS HEREBY RESOLVED, that Lamb & Barnosky, LLP, as BOCES' labor counsel, is hereby authorized to commence an action and/or special proceeding against a former BOCES employee to seek recovery of monies due and owing to BOCES.

(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. Cunningham, seconded by Mr. Sales 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.)

**Authorization for Articulation Agreement with Dutchess Community College [R]**

On motion by Mrs. Cunningham, seconded by Mr. Sales, the Board voted unanimously for Authorization of Articulation Agreement with Dutchess Community College as follows:

WHEREAS, an agreement between Western Suffolk BOCES and Dutchess Community College has been developed for the purpose of providing a program for Western Suffolk BOCES students studying Aircraft/Drone Technology;

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 Dutchess Community College. This agreement will become effective January 2023.

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

**Authorization for Articulation Agreement with Helene Fuld College of Nursing [R]**

On motion by Mrs. Cunningham, seconded by Mr. Sales, the Board voted unanimously for Authorization for Articulation Agreement with Helene Fuld College of Nursing as follows:

WHEREAS, an agreement between Western Suffolk BOCES and Helene Fuld College of Nursing has been developed for the purpose of providing a program for Western Suffolk BOCES students studying Licensed Practical Nursing;

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 Helene Fuld College of Nursing. Either party may terminate this agreement by providing notice by the month of June. Such termination shall not affect the students presently enrolled pursuant to this agreement.

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

**Authorization for Articulation Agreement with Jefferson Community College [R]**

On motion by Mrs. Cunningham, seconded by Mr. Sales, the Board voted unanimously for Authorization for Articulation Agreement with Jefferson Community College as follows:

WHEREAS, an agreement between Western Suffolk BOCES and Jefferson Community College has been developed for the purpose of providing Veterinary Medical Assisting Program courses for Western Suffolk BOCES students participating in Jefferson Community College educational programs; 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 Jefferson Community College. This agreement will become effective on February 14, 2023 and remain in effect for five years.

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

**Adoption WS BOCES 2023/24 School Calendar [R]**

On motion of Mrs. Cunningham, seconded by Mr. Sales, the Board voted unanimously for Adoption WS BOCES 2023/24 School Calendar as follows:

WHEREAS, the Western Suffolk BOCES School Calendar for 2023/2024 has been reviewed with the component school district Superintendents of Schools; and

WHEREAS, the Superintendents of Schools have accepted this BOCES calendar;

THEREFORE, BE IT RESOLVED that the Western Suffolk BOCES School Calendar for 2023/2024 as presented to the Board is hereby approved for adoption.

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

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

On motion of Mrs. Cunningham, seconded by Mr. Sales, the Board voted unanimously for Acceptance of Donated Equipment & Supplies as follows:

WHEREAS, Western Suffolk BOCES has received an offer from the Northeast Beef Promotion Initiative, 205 South Juliana Street, Bedford, PA 15522 to donate fifty (50) pounds of fresh veal to be used for the students in the Culinary Programs at the Wilson Tech Dix Hills Campus; and

WHEREAS, Western Suffolk BOCES students would benefit from this donation; and

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

NOW 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. 9.3.6 and is incorporated with the official minutes of this meeting.)

Mr. Kaden and Mrs. Kelsey discussed articulation agreements and the process.

## **OLD BUSINESS**

## **NEW BUSINESS**

### **Adoption of Revised WS BOCES Board of Education Meeting Dates for 2022/23**

The members of the Board of Education agreed to adopt the Revised WS BOCES Board of Education Meeting Dates for 2022/23. On motion of Mrs. Santos, seconded by Mr. Kaden, the Board unanimously voted for adoption of the Revised WS BOCES Board of Education Meeting Dates for 2022/23.

(Listing referred to is designated as Encl. 11.1. and is incorporated in the official minutes of this meeting.)

### **Review Proposed WS BOCES Board of Education Meeting Dates for 2023/24**

The members of the Board of Education reviewed and adopted the Proposed WS BOCES Board of Education Meeting Dates for 2023/24. On motion of Mrs. Santos, seconded by Mr. Kaden, the Board unanimously voted for adoption of the WS BOCES Board of Education Meeting Dates for 2023/24.

(Listing referred to is designated as Encl. 11.2. and is incorporated in the official minutes of this meeting.)

**ADJOURNMENT**

At 7:58 p.m. there being no further business items for discussion, the meeting was adjourned on motion by Mrs. Santos and seconded by Mrs. Cunningham.

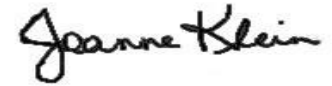
**UPCOMING EVENTS**

<b>DATE</b>	<b>EVENT</b>	<b>ATTENDEES</b>
2/17/23	Western Suffolk BOCES Legislative Program, Fri., WS BOCES Conference Center, Wheatley Heights, 8:30 Registration, 9:00 am Program	B. Sales
3/9/23	N-SSBA Know Your Story, Tell Your Story, Sell Your Story, Part 4, 6:30 pm to 9:30 pm, Heritage Club at Bethpage State Park	
3/10/23	REFIT Legislative Breakfast, Fri., WS BOCES Conference Center, Wheatley Heights 9:00 am to 11:00 am	
4/1/23 - 4/3/23	National School Boards Association Convention, Sat. – Mon., Orlando, FL	B. Sales, P. Wunsch
5/22/23	SCOPE's 22 <sup>nd</sup> Annual School District Awards Dinner, Monday, 4:30 pm, Villa Lombardi's, Holbrook, NY	

**Enclosures:**

- Memorandum to DISS Staff, *February 2, 2023*
- Annual Blood Drive Flyer
- NYSSBA Update, *January 16, 2023*
- NYSSBA Update, *January 22, 2023*
- NYSSBA Update, *January 29, 2023*
- NYSSBA Update, *February 5, 2023*
- NYSSBA Advocacy Alert, *February 1, 2023*
- NYSSBA Advocacy Update, *February 7, 2023*
- Save the Date, REFIT Legislative Breakfast
- Save the Date, SCOPE's Annual School District Awards Dinner
- Separation Notice
- EAP Pathways, *January 2023, February 2023*

EAP Pathways for Supervisors, *January 2023, February 2023*

A handwritten signature in black ink that reads "Joanne Klein". The signature is written in a cursive, flowing style.

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Joanne Klein  
District Clerk