



February 8, 2022

Meeting Type: Regular Meeting

Date: Tuesday, February 8, 2022

Start Time: 6:00 p.m.

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
- Brian J. Sales
- Peter Wunsch
- Maryann Zumpano

BOCES Staff

- Michael Flynn (Chief Operating Officer)
- Angelique Johnson-Dingle (District Superintendent)
- Warren Taylor (Chief Financial Officer)
- Dr. Hugh Gigante (Exec. Dir. – Personnel)
- 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 6:02 p.m. by Board President, Mrs. Santos.

EXECUTIVE SESSION

At this time a motion to move into Executive Session to discuss a potential litigation was made by Mr. Kaden, seconded by Mr. Wunsch. At 7:12 p.m. the Board unanimously agreed to adjourn Executive Session and move into the Regular Meeting on motion made by Mr. Kaden, seconded by Mr. Wunsch.

REGULAR MEETING/Pledge of Allegiance (Board President)

The Regular meeting of the Board resumed at 7:12 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 – January 11, 2022

The minutes of the Regular Meeting of January 11, 2022 were approved unanimously on motion of Mrs. Zumpano and seconded by Mrs. Herz.

Approval of Minutes Special Meeting – January 20, 2022

The minutes of the Special Meeting of January 20, 2022 were approved unanimously on motion of Mrs. Zumpano and seconded by Mrs. Herz.

Program Presentation

Internal Audit Report to the Board

The Audit Committee Meeting was held and Internal Auditors Don Hoffmann and Rich Coffey of Cullen and Danowski presented the draft Applying Agreed-Upon Procedures Report and the draft Risk Assessment Update

Report to the Audit Committee.

Mr. Hoffmann reminded the Board that at the meeting last February 9, 2021, the decision was made that the Purchasing Department would be the focus of the audit.

Mr. Coffey discussed in detail the format in the draft Applying Agreed-Upon Procedures Report related to purchasing and receiving and requisitions. Purchasing activity related to laws and general municipal transactions with 70 vendors and transactions were reviewed. In summary, Mr. Coffey stated there are five recommendations to be put into place.

Mr. Hoffmann asked the Audit Committee if they had any questions regarding the draft report.

Mr. Wunsch inquired about what happens if a recommendation cannot be implemented.

Mr. Hoffmann replied once the Board approves the Corrective Action Plan, the Board has agreed upon it.

Mr. Kaden asked a question regarding the cover letter and questioned the auditor's opinion stated within it.

Mr. Hoffmann answered they have done exactly what their standards dictate.

Mr. Sales inquired about the controls in place to ensure that when ACH payments are made to a vendor, that the proper vendor receives the payment. Mr. Sales mentioned as scams become more prevalent in today's world, how do you know who the vendor really is. What measures are in place?

Mr. Taylor responded, when a vendor changes a bank account there is a verbal follow through from his office and a dummy transaction will be performed to show the account is legitimate.

Mr. Hoffmann then discussed the annual Risk Assessment Report. Mr. Hoffmann mentioned all the open recommendations were adequately addressed and that WS BOCES has been active in responding to the auditors' recommendations in a timely manner. Mr. Hoffmann asked if there were any further questions regarding the Risk Assessment Report.

Mrs. Herz, inquired why have some categories in the report changed from low to medium in information systems and hiring.

Mr. Hoffmann responded the change was because those areas had not been tested in a number of years.

Mrs. Herz requested if an annotation can be made in the Risk Assessment Report regarding the change from low to medium is due to those areas not being tested in some time.

Mr. Hoffmann responded he will include such an annotation in the Risk Assessment Report.

Mr. Hoffmann mentioned it was discussed the areas for testing next Fall would be the CTE Adult Ed financial operations, adding there are many different revenue sources involved.

Mr. Sales inquired if that was the only area appropriate for testing. In the Risk Assessment Report other areas went from low to medium because they have not been tested.

Mr. Taylor said that an expanded audit would require budgetary changes. Mr. Taylor also mentioned both CTE Adult Ed and IT are in flux due to new systems being installed.

Mr. Kaden inquired on the frequency of audit committee meetings.

Mr. Wunsch replied the Audit Committee meets annually. Mr. Wunsch then inquired if all employees receive a direct deposit.

Mr. Taylor confirmed that all paychecks are direct deposit and mentioned there has been a push to get all transactions completed electronically.

2022/23 Proposed Administrative and Capital Charges

Mr. Flynn discussed the proposed Administrative and Capital Charges for the 2022/23 school year. Since the tax cap was initiated, BOCES has stayed under the 2% tax cap. This is the first year the budget will go over that. Mr. Flynn mentioned the increases were discussed with the component District Superintendents and Business Officials. The proposed charges for 2022/23 combined are 2.24%. BOCES has two charges, the first is the

Administrative Charge and the second is the Capital Charge. The program tuition average charge will be 2.58% to the component school districts for 2022/23.

Mrs. Santos inquired if the other Long Island BOCES, Eastern and Nassau were in a similar situation.

Mr. Flynn discussed WS BOCES will hold the annual legislative program in February. Mr. Flynn mentioned that NYSCOSS usually does not advocate for BOCES issues but these are now included in their top three asks of the State legislators this year.

Treasurer's Report

The Board acknowledged receipt of the Treasurer's Report indicating balances in the various financial accounts as of December 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 January 4, 2022 to January 31, 2022 for expenditures totaling \$14,934,099.91. (Copies incorporated with the official minutes of this meeting.)

EXECUTIVE OFFICER'S REPORTS

District Superintendent – Comments/Events

Mrs. Johnson-Dingle welcomed everyone to the meeting. The following topics were discussed:

- ESSA Accountability Waiver
- 2022/23 State Assessment Dates

Chief Operating Officer Report – Comments/Events

BOCES Annual Election – Mr. Flynn noted there will be three Board of Education trustees seeking reelection this year, Mrs. Herz, Mr. Sales and Mrs. Zumpano. All three trustees have indicated their willingness to seek reelection to the BOCES Board of Education. Nominations may be made by every school district. Nominations will close on March 18, 2022 and elections will be held in the component school districts on Tuesday, April 26, 2022.

Mr. Flynn the discussed the following topics:

- WS BOCES 2022/23 School Calendar
- PTA Dinner at Wilson Tech – Canceled
- COVID-19 Home Test Kits – Update

- Northwell Health New Mental Health Program

Chief Financial Officer – Update of Capital Projects

Mr. Taylor updated the Board on the Report of Capital Projects. Mr. Taylor mentioned there are 48 active projects, 45 are in progress, nine projects in design, five projects submitted to NYSED and nine projects are out for bid. Mr. Taylor mentioned there are some concerns regarding the supply chain.

ITEMS FOR BOARD ACTION

Business Administration Matters

Approval of Budget Adjustments – February 2021/22

On motion by Mr. Wunsch, seconded by Mrs. Zumpano, the Board voted unanimously for Approval of Budget Adjustments – February 2021/22 in the following programs:

Center for Learning Technology
Supplemental Services
Career & Technical Education
Instructional Support

School Improvement for Stds. Implementation
Services Other BOCES
Center for Learning Technology
Internal Computer Services

(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. Wunsch, seconded by Mrs. Zumpano, the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated February 8, 2022.

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

Approval of Equipment Lease Purchase Financing Agreement [R]

On motion by Mr. Wunsch, seconded by Mrs. Zumpano, 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 West Babylon Technology Project is \$289,192 with \$289,500 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 1.76 % for fifty-three (53) 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 JP Morgan Chase 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. 9.1.3 and is incorporated with the official minutes of this meeting.)

Approval of Corrective Action Plan

On motion by Mr. Wunsch, seconded by Mrs. Zumpano, the Board voted unanimously to approve the Corrective Action Plan. All items listed on the Corrective Action Plan, dated February 8, 2022 (Encl. 9.1.4) are incorporated with the official minutes of this meeting.

Resolution to Participate in Sourcewell Contract #030817-Car for HVAC Systems, Installation, and Service with Related Products and Supplies [R]

On motion by Mr. Wunsch, seconded by Mrs. Zumpano, the Board voted unanimously for Resolution to Participate in Sourcewell Contract #030817-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 #030817-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 #030817-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. 9.1.5 and is incorporated with the official minutes of this meeting.)

Personnel

Instructional Personnel

Mrs. Zumpano moved, Mr. Kaden 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 7-page Instructional Report dated February 8, 2022 (Encl. 9.2.1) are incorporated with the official minutes of this meeting.

Supplementary Services

Mrs. Zumpano moved, Mr. Kaden 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 February 8, 2022 (Encl. 9.2.2) are incorporated with the official minutes of this meeting.

Non-Instructional Personnel

Mrs. Zumpano moved, Mr. Kaden 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 8, 2022 are incorporated with the official minutes of this meeting.

Approval of Agreement Amendment for District Superintendent [R]

On motion by Mrs. Zumpano, seconded by Mr. Kaden, the Board voted unanimously for Approval of Agreement Amendment for District Superintendent as follows:

WHEREAS, the above parties have previously entered into an employment agreement dated October 18, 2016, October 15, 2019 and

WHEREAS, the parties now wish to amend that agreement,

WHEREAS, all previous provisions of the agreements between the parties shall remain in full force and effect and shall not be diminished during the term of the employment of Angelique Johnson-Dingle or, if applicable, to

post retirement benefits after the date of retirement.

THEREFORE, BE IT RESOLVED, the President of the Western Suffolk Board of Cooperative Educational Services is hereby authorized to execute certain modifications to the Agreement between Angelique Johnson-Dingle and the Western Suffolk BOCES Board of Education which amended Agreement is to be effective October 18, 2021.

(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. Zumpano, 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.)

Adoption WS BOCES 2022/23 School Calendar [R]

On motion of Mrs. Zumpano, seconded by Mr. Kaden, the Board voted unanimously for Adoption WS BOCES 2022/23 School Calendar as follows:

WHEREAS, the Western Suffolk BOCES School Calendar for 2022/2023 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 2022/2023 as presented to the Board is hereby approved for adoption.

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

Authorization to Accept Scholarship Donation – Finkelstein [R]

On motion of Mrs. Zumpano, seconded by Mr. Kaden, the Board voted unanimously for Authorization to Accept Scholarship Donation – Finkelstein as follows:

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

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

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

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

Authorization to Accept a Scholarship Donation – Kidane [R]

On motion of Mrs. Zumpano, seconded by Mr. Kaden, the Board voted unanimously for Authorization to Accept a Scholarship Donation – Kidane as follows:

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

WHEREAS, PM Pediatrics, One Hollow Lane Suite 301, Lake Success, NY 11042, has offered a donation in further support of the above program;

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

THEREFORE, BE IT RESOLVED, that the Western Suffolk BOCES accept the \$600 donation to be used to fund this scholarship program.

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

Authorization for a Board Member to Attend a Conference [R]

On motion of Mrs. Zumpano, seconded by Mr. Kaden, the Board voted unanimously for Authorization for a Board Member to Attend a Conference as follows:

WHEREAS, Western Suffolk BOCES is committed to providing the best possible leadership to the organization;
and

WHEREAS, the ongoing education of Board of Education members assists in achieving this goal;

THEREFORE, BE IT RESOLVED the following Board Member is authorized to attend the conference noted below:

Brian J. Sales
NSBA Annual Conference
San Diego, CA
April 2 – April 4, 2022

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

Resolution to Authorize the New York State Department of Education to Use Space in the Western Suffolk BOCES Central Administration Building [R]

On motion of Mrs. Zumpano, seconded by Mr. Kaden, the Board voted unanimously for Resolution to Authorize the New York State Department of Education to Use Space in the Western Suffolk BOCES Central Administration Building as follows:

WHEREAS, the New York State Department of Education and Western Suffolk BOCES work cooperatively on

behalf of the component school districts,

WHEREAS, Western Suffolk BOCES has available office space at its Central Administration Building, 507 Deer Park Road, Dix Hills, NY and said space would be of use to the Deputy Commissioner of the New York State Department of Education,

THEREFORE, BE IT RESOLVED, that the Western Suffolk BOCES Board of Education is authorizing that the New York State Department of Education Deputy Commissioner may use space in the Central Administration Building at no charge.

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

OLD BUSINESS

NEW BUSINESS

Review Proposed WS BOCES Board of Education Meeting Dates for 2022/23

The members of the Board of Education agreed to review the Proposed 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.)

ADJOURNMENT

At 8:11 p.m. there being no further business items for discussion, the meeting was adjourned on motion by Mr. Wunsch and seconded by Mrs. Herz.

UPCOMING EVENTS

DATE	EVENT	ATTENDEES
4/2/22 - 4/4/22	National School Boards Association Convention, Sat. – Mon., San Diego	B. Sales
5/23/22	SCOPE’s Annual School District Awards Dinner, Monday – Villa Lombardi’s, Holbrook – DATE CHANGE - More Details Coming Soon	

Enclosures:

Notification Sent to Staff, *January 14, 2022*

Notification Sent to Staff, *January 21, 2022*

Notification Sent to Staff, *January 28, 2022*

Notification Sent to Staff, *February 4, 2022*

NYSSBA Update, *January 17, 2022*

NYSSBA Update, *January 23, 2022*

NYSSBA Advocacy Update, *January 18, 2022*

NYSSBA Advocacy Update, *January 19, 2022*

NYSSBA Advocacy Update, *January 21, 2022*

NYSSBA Advocacy Update, *January 27, 2022*

NYSSBA Advocacy Update, *January 30, 2022*

NYSSBA Area Director Update, *January 2022*

EAP Pathways, *February 2022*

EAP Pathways for Supervisors, *February 2022*

Statement from NYSED Commissioner Betty Rosa, *February 1, 2022*

Thank You Card, Half Hollow Hills Board of Education and District Clerk



Joanne Klein
District Clerk