



**January 12, 2021**

Meeting Type: Regular Meeting

Date: Tuesday, January 12, 2021

Start Time: 6:00 p.m.

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)
- 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)

**Absent:**

- Angelique Johnson-Dingle (District Superintendent)

**Call to Order/Pledge of Allegiance (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 a potential litigation, personnel matters and the performance of two particular employees was made by Mr. Wunsch, seconded by Mrs. Herz. At 7:03 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**

The Regular meeting of the Board resumed at 7:04 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 – December 8, 2020**

The minutes of the Regular Meeting of December 8, 2020 were approved unanimously on motion of Mr. Kaden and seconded by Mr. Wunsch.

**Program Presentation**

Career & Tech Advisory Council Report, Christopher E. Kelly, Chairperson

Mr. Flynn introduced Mrs. Nancy Kelsey, Executive Director, CTE.

Mrs. Kelsey advised Mr. Kelly was unable to attend the meeting this evening. Mrs. Kelsey presented the Annual Report to the Board on behalf of Mr. Kelly. The Career & Tech Advisory Council Report includes recommendations and resolutions in line with the goals and objectives of the Division of CTE adopted by the BOCES.

Mrs. Kelsey thanked the Board for their continued support.

### WS BOCES Board Policy Revision Project - Update, Dr. Hugh Gigante

Dr. Gigante gave a PowerPoint presentation regarding the WS BOCES School Board Policy Review and Revision Initiative. Dr. Gigante updated the Board on the status of this initiative. It is anticipated the revision process will resume in the Spring. Dr. Gigante further explained the project will be a long-term plan.

### **Treasurer's Report**

The Board acknowledged receipt of the Treasurer's Report indicating balances in the various financial accounts as of November 30, 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 November 3, 2020 to December 30, 2020 for expenditures totaling \$21,214,591.62. (Copies incorporated with the official minutes of this meeting.)

## **EXECUTIVE OFFICER'S REPORTS**

### District Superintendent – Comments/Events

Mrs. Johnson-Dingle was unable to attend this evening's Board meeting.

Mr. Flynn reported to the Board on the following topics in Mrs. Johnson-Dingle's absence:

- LI Student Forum.
- NYSED Memo – Reporting Attendance Either In-Person or Remote Instruction.
- Resurrection House – Donations for Families.

### Chief Operating Officer Report – Comments/Events

Mr. Flynn welcomed everyone to the meeting. Mr. Flynn discussed the following topics:

- Cancellation of the Legislative Program – January 15, 2021 – Letters of cancellation due to COVID-19 were sent to local legislators.
- 2020/21 Budget Development – Mr. Taylor and our program directors have been doing a great job and are working diligently on the budget given the 2% Tax Cap. BOCES has never exceeded the Tax Cap – the Administrative Charge is voted on along with the election of new Board members. The second charge is the Capital Charge which is assessed to school districts. The Tuition Charges will be 2% or less. BOCES is living in the same dynamic as our component school districts. The average increase will be approximately 1.76%.

- COVID-19 – There has been an increase in positive cases in our area which seem to be originating in the home situation. COVID-19 vaccinations have become available and school employees are in the second tier. It is anticipated vaccinations will become available in February for this tier.

**Chief Financial Officer – Update of Capital Projects**

Mr. Taylor updated the Board on the Report of Capital Projects. Mr. Taylor stated a number of projects have been completed over the winter recess. A section has been added to the report which breaks the various projects down by completion. There are 18 projects still in design and 16 projects ongoing. We are in the process of completing the five-year capital project plan and we will complete this within the next month or two.

**ITEMS FOR BOARD ACTION**

**Business Administration Matters**

**Approval of Budget Adjustments January 2020-21**

On motion by Mrs. Herz, seconded by Mr. Wunsch, the Board voted unanimously for Approval of 2020-21 budget adjustments/transfers for January 2021 in the following programs:

Center for Learning Technology	Services Other BOCES
Special Education Option 3	

(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. Wunsch seconded, and the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated January 12, 2021.

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

**Authorization to Rescind Bid Award [R]**

On motion by Mrs. Herz, seconded by Mr. Wunsch, the Board voted unanimously for Authorization to Rescind Bid Award as follows:

WHEREAS, Western Suffolk BOCES (“WSBOCES”) let a bid for personal protective equipment under Bid # 20/21-46LH on or about July 5, 2020, and

WHEREAS, on or about July 7, 2020, said bid added additional line items, including among other things, line items #66-100 for polycarbonate shields/sneeze guards, to be used in WSBOCES school buildings to allow WSBOCES to safely maintain in-person attendance in WSBOCES school buildings for its staff and students, and

WHEREAS, Malor & Company, Inc. was awarded items #66-100 of said bid, and

WHEREAS, Malor & Company, Inc. supplied products that failed to meet the contract specifications, as the products delivered were not polycarbonate as specified in the bid, and

WHEREAS, Malor & Company, Inc., claimed the products supplied met the contract and assured WSBOCES the products met the bid specifications, and

WHEREAS, upon independent laboratory inspection of material supplied by Malor & Company, Inc. it was determined that the product supplied did not meet the bid specifications as the product was not polycarbonate, and

WHEREAS, Malor & Company, Inc. supplied material safety data sheets for the products delivered that confirmed that the product supplied did not meet the bid specifications as said safety data sheets confirmed the products were not polycarbonate, and

WHEREAS, Malor & Company, Inc., after given a protracted opportunity to provide documentation that the non-compliant products supplied at least met the minimum safety standards as set forth by the NYS Education Department and the NYS Building Code for use of the plastic shields/sneeze guards in WSBOCES’s school buildings, Malor & Company, Inc. provided false and misleading information and/or clearly non-compliant and/or completely contradictory documentation so that WSBOCES had no way of knowing whether the product supplied was safe to remain in the school buildings, and

WHEREAS, WSBOCES by correspondence dated January 6, 2021 WSBOCES General Counsel has provided notice to Malor & Company, Inc. of the foregoing and further notified them that WSBOCES cannot process a payment for the products provided,

NOW THEREFORE, BE IT RESOLVED, that the bid award made to Malor & Company, Inc. for items #66-100 for plastic shields/sneeze guards, under Bid #20/21-46LH, be and is hereby rescinded.

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

## **Personnel**

### **Instructional Personnel**

Mr. Wunsch moved, Mrs. Herz 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 January 12, 2021 (Encl. 9.2.1) is incorporated with the official minutes of this meeting.

### **Supplementary Services**

Mr. Wunsch moved, Mrs. Herz 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 January 12, 2021 (Encl. 9.2.2) is incorporated with the official minutes of this meeting.

### **Non-Instructional Personnel**

Mr. Wunsch moved, Mrs. Herz 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 January 12, 2021 (Encl. 9.2.3) is incorporated with the official minutes of this meeting.

### **Resolution to Terminate Employment Agreement [R]**

On motion by Mr. Wunsch, seconded by Mrs. Herz, the Board voted unanimously for Resolution to Terminate Employment Agreement as follows:

RESOLVED, that the Board of Education hereby terminates the Employment Agreement with Employee #06482, dated June 15, 2020, effective January 13, 2021.

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

**Approval of Post-Retirement Health Insurance Agreements [R]**

On motion by Mr. Wunsch, seconded by Mrs. Herz, the Board voted unanimously for Approval of Post-Retirement Health Insurance Agreements as follows:

WHEREAS, various collective bargaining agreements require the Board to provide written agreements to retiring employees covering the conditions under which those retirees will continue to receive health insurance and,

WHEREAS, the board has adequately funded the cost of post-retirement benefits through current year appropriations and reserve funds for future year costs, then it is

THEREFORE, BE IT RESOLVED, that the President of the Board be authorized to execute the required agreements with the employees listed below who have resigned for the purpose of retirement;

Joann Aloisi	Rita Horne
Jean Marie Barone	Arlene Kishlansky
Randee Bienenstock	Raymond Kootz
Nancy Carella	Doreen Light
Phyllis Danishefsky	Ronald Louder
Annette Denmark	Roseann Merlino
Lisa Dennis	Patricia Munoz
Lillian Goodbody	Marguerite Risucci
Jane Grimaldi	

(Listing referred to is designated as Encl. 9.2.5 and is incorporated with the official minutes of this meeting.)

**Authorization to Compensate Non-Contracted Employees at Location Placed on Remote Instruction [R]**

On motion by Mr. Wunsch, seconded by Mrs. Herz, the Board voted unanimously for Authorization to Compensate Non-Contracted Employees at Location Placed on Remote Instruction as follows:

WHEREAS, due to the mandated quarantine of staff who were exposed to other staff and/or students who had

tested positive for COVID-19 and the threat of COVID-19 infection to staff and students, Western Suffolk BOCES decided to transition all student instruction to a remote environment in the following buildings for the periods indicated below; and

- James E. Allen Jr/Sr High School on December 23, 2020;
- James E. Allen Elementary School on January 12, 2021 thru January 15, 2021
- James E. Allen Elementary School Annex at Lincoln School on January 12, 2021 thru January 15, 2021

WHEREAS, in the interest of maintaining the availability of certain staff who are not included in any collective bargaining unit during and after the time periods listed;

THEREFORE, BE IT RESOLVED that the Western Suffolk BOCES Board of Education hereby authorizes the following categories of employees continue to receive pay according to their individual schedules for the periods listed above: Relief Aides, regularly assigned Per Diem Substitutes, Hourly Aides and other hourly employees determined by the Chief Operating Officer.

It is hereby certified that the above motion was approved by the Western Suffolk BOCES Board of Education at its meeting, duly noticed, held on January 12, 2021.

(Listing referred to is designated as Encl. 9.2.6 and is incorporated with the official minutes of this meeting.)

### **Other Action Items**

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

The Board voted unanimously for Approval of Disposition of Surplus Property on motion of Mr. Wunsch, 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 Affiliation Agreement Rider Northwell Health, Inc. [R]**

On motion of Mr. Wunsch, seconded by Mr. Sales, the Board voted unanimously for Authorization for Affiliation Agreement Rider Northwell Health, Inc. [R] as follows:

WHEREAS, an agreement between Western Suffolk BOCES and Northwell Health, Inc., has been developed for the purpose of providing clinical instruction for Western Suffolk BOCES students enrolled in Central Sterile Technician 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 Northwell Health, Inc. This agreement will become effective December 1, 2020 and shall terminate as of November 30, 2023. Either of the parties to this Rider may terminate this Rider and the participation of participants in program, with or without cause, upon sixty days' prior written notice to the other party.

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

**Approval of Multi-Year Technology Agreement with Cold Spring Harbor CSD and West Babylon UFSD [R]**

On motion of Mr. Wunsch, seconded by Mr. Sales, the Board voted unanimously for Approval of Multi-Year Technology Agreement with Cold Spring Harbor CSD and West Babylon UFSD as follows:

WHEREAS, the Division of Instructional Support Services has been working with Cold Spring Harbor & West Babylon School Districts on the development of a long-range technology plan; and

WHEREAS, the districts have adopted this plan for implementation and have requested Western Suffolk BOCES to provide the service appropriate to this plan;

THEREFORE, BE IT RESOLVED that the District Superintendent and District Clerk are hereby authorized to execute service agreements for the amounts listed plus cost of related financing

<b>School District</b>	<b>Time</b>	<b>Amount</b>
Cold Spring Harbor CSD	4 Year	\$212,468
Cold Spring Harbor CSD	5 Year	\$123,371
West Babylon UFSD	5 Year	\$310,665

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

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

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

WHEREAS, Western Suffolk BOCES has received an offer from Suffolk County Community College, Central Administration, 533 College Road, Selden, NY 11784-2899 to donate one (1) 2013 Cadillac Model-ATS Vin Number IG6A15SX3D0133931 to be used by the students attending the Auto Tech Program at Wilson Tech, Dix Hills 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. 9.3.4 and is incorporated with the official minutes of this meeting.)

**Authorization for Withdrawal of Multi-Year Technology Agreement with Commack UFSD [R]**

On motion of Mrs. Herz, seconded by Mr. Sales, the Board voted for Authorization for Withdrawal of Multi-Year Technology Agreement with Commack UFSD as follows:

WHEREAS, the Division of Instructional Support Services has worked with Commack UFSD on the development of a long- range technology plan; and

WHEREAS, pursuant to that plan the district had requested a service to be supplied over a four (4) year period requiring the purchase of Chromebooks; and

WHEREAS, the BOCES Board approved the Multi-Year Technology Agreement on June 9, 2020, Enclosure 9.3.12 and approved the Financing Agreement on July 14, 2020, Enclosure 9.1.4 in order to implement the plan and supply the necessary equipment; and

WHEREAS, Commack UFSD subsequently has requested the cancellation of the described service;

WHEREAS, BOCES incurred fees and expenses in developing the long-range technology plan for Commack USFD, and in obtaining said financing for the plan, and may incur financing charges for the cancellation of the Financing Agreement,

NOW THEREFORE, BE IT RESOLVED that the BOCES hereby acknowledges the cancellation of the order placed by Commack UFSD pursuant to the aforementioned Multi-Year Technology Agreement and hereby approves the cancellation of the associated Financing Agreement made for the Agreement, subject to and conditioned upon Commack UFSD reimbursing BOCES any fees and expenses incurred by BOCES in developing the long-range technology plan for Commack UFSD and in obtaining said long-term financing for said Multi-Year Technology Agreement, and/or any financing charges BOCES may incur for cancellation of the long-term Financing Agreement.

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

It is noted, Mr. Wunsch recused himself from the entire discussion and from the vote on this resolution for Authorization for Withdrawal of Multi-Year Technology Agreement with Commack UFSD.

**OLD BUSINESS**

**NEW BUSINESS**

**ADJOURNMENT**

At 7:50 p.m. there being no further business items for discussion, the meeting was adjourned on motion by Mr. Kaden and seconded by Mr. Sales.

**UPCOMING EVENTS**

<b>DATE</b>	<b>EVENT</b>	<b>ATTENDEES</b>
1/25/21	NSSBA-NCCSS-SCSSA Annual Conference, Virtual Event, Monday at 7:00 pm	J. Santos
3/22/21	SCOPE's 20 <sup>th</sup> Annual School District Awards Dinner, Monday, Villa Lombardi's, Holbrook, NY – <b>Event Pending</b>	
4/8/21 - 4/10/21	2021 National School Boards Association Convention, An Online Experience	

**Enclosures:**

- Letter Sent to Staff, *December 4, 2020*
- Letter Sent to Staff, *December 7, 2020*
- Letter Sent to Staff, *December 10, 2020*
- Letter Sent to Staff, *December 11, 2020*
- Letter Sent to Staff, *December 14, 2020*
- Letter Sent to Staff, *December 15, 2020*
- Letter Sent to Staff, *December 21, 2020*
- Letter Sent to Staff, *December 23, 2020*
- Letter Sent to Staff, *January 4, 2021*
- Letter Sent to Staff, *January 7, 2021*
- Holiday Wishes, *December 23, 2020*
- Letter Sent to Legislators, *December 22, 2020*
- Save the Date, NSSBA-NCCSS-SCSSA Annual Conference, Virtual Event
- NYSSBA Update, *December 13, 2020*
- NYSSBA Update, *December 20, 2020*
- NYSSBA Update, *December 27, 2020*
- NYSSBA Update, *January 3, 2021*
- NYSSBA Advocacy Update, *December 22, 2020*
- NYSSBA Advocacy Update, *January 7, 2021*
- NYSSBA Area Director Update, *December 18, 2020*

Press Release, Suffolk County Legislator, Jason A. Richberg, *December 21, 2020*  
*The Owl's Hoot*, Fall 2020

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