



**July 12, 2022**

Meeting Type: Regular Meeting

Date: Tuesday, July 12, 2022

Start Time: 6:30 p.m.

Location: Central Administrative Offices

**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
- Peter Wunsch
- Maryann Zumpano

**BOCES Staff**

- Michael Flynn (Chief Operating Officer)
- Warren Taylor (Chief Financial Officer)
- Joanne Klein (District Clerk)
- Nancy Wilson (Exec. Dir. – Special Education)
- Nancy Kelsey (Exec. Dir. – Career and Tech. Education)

- Lorraine Hein (Director Business)
- Paula Klingelhofer (Interim Director – DISS)
- Staff Members

**Absent**

- Mr. David Wicks
- Dr. Hugh Gigante

**Call to Order/Pledge of Allegiance (Board President)**

The Regular Meeting was called to order at 6:23 p.m. by Board President, Mrs. Herz.

**EXECUTIVE SESSION**

At this time a motion to move into Executive Session to discuss an ongoing litigation, the performance of two particular employees and on-going negotiations was made by Mr. Wunsch, seconded by Mrs. Zumpano. At 7:10 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. Zumpano.

**REGULAR MEETING**

The Regular meeting of the Board resumed at 7:10 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 – June 14, 2022**

The minutes of the Regular Meeting of June 14, 2022 were approved on motion of Mrs. Zumpano and seconded by Mrs. Cunningham.

**Approval of Minutes Special Meeting – June 28, 2022**

The minutes of the Special Meeting of June 28, 2022 were approved on motion of Mr. Wunsch and seconded by Mr. Kaden.

**PROGRAM PRESENTATIONS**

### **Western Suffolk BOCES Nassau – Suffolk Bi-County Public School Enrollment 2015-2024**

Mr. Flynn welcomed everyone to the Board and introduced Mrs. Paula Klingelhoef, Interim Director – DISS. Mrs. Klingelhoef discussed the regional study for public school enrollment. The study indicates that enrollment in Nassau County has slowed and Suffolk County public school enrollment is still declining. Mrs. Klingelhoef mentioned young families are moving in and the changing demographics. Mrs. Klingelhoef mentioned the Western Suffolk BOCES Nassau – Suffolk Bi-County Public School Enrollment 2015-2024 report was included in the Board packet.

Mrs. Herz mentioned in recent vaccination data, the same trend as in school districts, showed that Nassau County had an older population and Suffolk County a younger population.

### **End of School Year Update / Opening of Summer School and Summer Programs**

Mrs. Klingelhoef reported to the Board regarding the work the Division of Instructional Support Services had done as well as Mr. Taylor and his office regarding the Regional Summer School. The Regional Summer School program opened today and the opening went very well. Prior to opening the program, a virtual orientation for parents and students was held. Staff attended an orientation as well. There are 1,900 student registered for examinations.

Mrs. Nancy Kelsey reported to the Board on the end of year for the Career and Technical Education division. The end of year went very smoothly. We have seven endorsements and all were approved for academic credit. Mrs. Kelsey reported community sites will be back to full participation in September and secondary enrollment is almost back to pre-pandemic levels.

Ms. Nancy Wilson discussed the end of year ceremonies and the many different parades that were held at the close of the school year. Ms. Wilson further discussed the summer programs being offered in the Special Education division and mentioned the students have transitioned well.

Ms. Wilson further reported to the Board regarding the extended school year which has presented a challenge pertaining to staffing. There is a positive energy and we were fortunate to have the support of staff to help transition our students. In addition, Ms. Wilson gave kudos to office staff for their enthusiasm and hard work.

Mrs. Herz mentioned how wonderful it is going into a year with renewed collectiveness and normalcy.

### **Treasurer's Report**

The Board acknowledged receipt of the Treasurer's Report indicating balances in the various financial accounts as of May 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 June 8, 2022 to June 30, 2022 for expenditures totaling \$54,029,675.63. (Copies incorporated with the official minutes of this meeting.)

## **EXECUTIVE OFFICER'S REPORTS**

### Interim District Superintendent – Comments/Events

Mr. Wicks was unable to attend this meeting.

### Chief Operating Officer Report – Comments/Events

Mr. Flynn reported to the Board regarding a recent agreement with Northwell Health to open up a community based mental health program. Mr. Flynn discussed the program and the overwhelming response from school districts who want to participate. The program is anticipated to open in the fall.

Mr. Flynn updated the Board on the following topics:

- Keep Kids Fed Act of 2022 (KKFA)
- Letter from NYSED Regarding District Superintendent Search
- Authorization to Accept \$25,000.00 Donation from Avalon Park and Preserve.

### Chief Financial Officer – Update of Capital Projects

Mr. Taylor updated the Board regarding the Report of Capital Projects mentioning new projects have been added to the report. There are currently 38 projects are in the design phase.

## **ITEMS FOR BOARD ACTION**

### Business Administration Matters

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

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously to approve 2021-22 budget adjustments/transfers for July 2022 in the following programs:

Distance Learning  
Services Other BOCES

Center for Learning Technology  
Instructional Support

(Listing referred to is designated as Encl. 9.1.1 and is incorporated with the official minutes of this meeting.)

**Approval of Budget Adjustments July - 2022-23**

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously to approve 2022-23 budget adjustments/transfers for July 2022 in the following programs:

Center for Learning Technology      Model Schools

(Listing referred to is designated as Encl. 9.1.2 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. Mr. Wunsch moved, Mrs. Santos seconded, and the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated July 12, 2022.

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

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

On motion by Mr. Wunsch, seconded by Mrs. Santos, 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 Elwood Technology Project is \$186,710 with \$186,800 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 2.88% for forty-eight (48) months, and

WHEREAS, the cost of the N Babylon Technology Project is \$496,975 with \$497,000 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 2.88% for forty-eight (48) months, and

WHEREAS, the cost of the Babylon Technology Project is \$1,135,691 with \$1,135,700 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 2.83% for sixty (60) months, and

WHEREAS, the cost of the Cold Spring Harbor Technology Project is \$537,102 with \$537,200 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 2.83% for sixty (60) months, and

WHEREAS, the cost of the Deer Park Technology Project is \$585,562 with \$585,600 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 2.83% for sixty (60) months, and

WHEREAS, the cost of the Harborfields Technology Project is \$103,133 with \$103,200 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 2.83% for sixty (60) months, and

WHEREAS, the cost of the Northport-E Northport Technology Project is \$1,166,241 with \$1,166,300 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 2.83% for sixty (60) months, and

WHEREAS, the cost of the Wyandanch Technology Project is \$290,541 with \$290,600 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 2.83% for sixty (60) 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. 9.1.4 and is incorporated with the official minutes of this meeting.)

## **Personnel**

### **Instructional Personnel**

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

All Instructional personnel matters listed on the 6-page Instructional Report dated July 12, 2022 (Encl. 9.2.1) is incorporated with the official minutes of this meeting.

### **Supplementary Services**

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

All items listed on the 12-page Supplementary Services Report dated July 12, 2022 (Encl. 9.2.2) is incorporated with the official minutes of this meeting.

### **Non-Instructional Personnel**

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



All Non-Instructional Personnel matters listed on the 3-page Non-Instructional Report dated July 12, 2022 (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. Wunsch, 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.)

#### **Authorization for Lease Agreement Between Western Suffolk BOCES and Deer Park UFSD [R]**

On motion of Mr. Wunsch, seconded by Mr. Kaden, the Board voted unanimously for Authorization for Lease Agreement Between Western Suffolk BOCES and Deer Park UFSD as follows:

WHEREAS, Western Suffolk BOCES leases a portion of the Deer Park Elementary School for BOCES instructional programs as set forth in the lease between BOCES and Deer Park Union Free School District and approved by Resolution dated 7/14/20; 8/10/21 and

WHEREAS, both parties desire to renew said lease for an additional one (1) year commencing September 1, 2022 and ending August 31, 2023 upon the terms set forth in the Amendment of Lease; and

WHEREAS, pursuant to Education Law section 1950(4)(p), before executing any such lease BOCES shall adopt a resolution determining that such agreement is in the best financial interests of BOCES and stating the basis for that determination; and

WHEREAS, pursuant to Education Law section 1950(4)(p), renewal of said lease may be made for a period of up to ten (10) years upon the consent of the Commissioner of Education; and

WHEREAS, pursuant BOCES enrollment in Special Ed continues to require this additional space;

THEREFORE, BE IT RESOLVED, that BOCES hereby determines that the extension of said lease with Deer Park UFSD of the Deer Park Elementary School as set forth in the Amendment of Lease is in the best financial interests of BOCES as the terms and conditions of such lease are at or less than fair market value for such rental; and

IT IS FURTHER RESOLVED, that the Board President is hereby authorized to sign an agreement to enter into the Extension of Lease, subject to the approval of the Commissioner of Education pursuant to Education Law section 1950(4)(p).

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

**Authorization for Affiliation Agreement Department of Veterans Affairs [R]**

On motion of Mr. Wunsch, seconded by Mr. Kaden, the Board voted unanimously for Authorization for Affiliation Agreement Department of Veterans Affairs as follows:

WHEREAS, an agreement between Western Suffolk BOCES and the Department of Veterans Affairs has been developed for the purpose of providing a program for Western Suffolk BOCES students training in Nurse Assisting and Practical Nursing and,

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

THEREFORE, BE IT RESOLVED that the Chief Operating Officer is authorized to execute said agreement with the Department of Veterans Affairs. This agreement will be in force until May 16, 2032. It may be terminated in writing at any time by mutual consent with due consideration of patient care and educational commitments, or by written notice by either party six months in advance of the next training experience.

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

**Authorization for Affiliation Agreement SUNY Stony Brook University Hospital and Western Suffolk BOCES [R]**

On motion of Mr. Wunsch, seconded by Mr. Kaden, the Board voted unanimously for Authorization for Affiliation Agreement SUNY Stony Brook University Hospital and Western Suffolk BOCES as follows:

WHEREAS, Western Suffolk BOCES is hereby authorized to enter into Affiliation Agreement with SUNY Stony Brook University Hospital for Diagnostic Medical Sonography, in the form approved by counsel, and

WHEREAS, both parties believe this agreement to be in the interests of the Western Suffolk BOCES students;

THEREFORE, BE IT RESOLVED, that the Chief Operating Officer of Western Suffolk BOCES is hereby authorized to execute the necessary agreement. The agreement is effective April 28, 2022 and will remain in effect for a term of three years and may be automatically renewed for two successive one-year terms upon mutual written agreement of the parties. If either party wishes to terminate this agreement it is understood that written notice will be given to the other party at least 30 days in advance of such termination.

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

**Authorization to Accept a Donation – Avalon Park and Preserve [R]**

On motion of Mr. Wunsch, seconded by Mr. Kaden, the Board voted unanimously for Authorization to Accept a Donation – Avalon Park and Preserve as follows:

WHEREAS, Western Suffolk BOCES has received an offer from Avalon Park & Preserve Foundation, to donate funds to sponsor students from local Long Island school districts to participate in the 2022 Summer Marine Studies Enrichment Program that will run July 18, 2022 to August 5, 2022. The donation in the amount of \$ 25,000.00 will reduce the program fees from school districts; and

WHEREAS, the Avalon Park & Preserve Foundation is a 501[c]3 organization that was founded on behalf of the friends & family of Paul Alexander Simmons as a tribute to his life & as a vehicle for providing benefits to the community in his memory. To this end, the foundation has been an avid proponent of supporting programs that serve to engage children with the natural world; and

WHEREAS, component school districts would benefit from the reduction in program fees that the acceptance of this donation will allow; and

WHEREAS, according to Policy #4420, all donations of funds shall be presented to the Board for acceptance;

THEREFORE, BE IT RESOLVED that the Board hereby approves the acceptance of the donated funds as listed:

Avalon Park and Preserve, Inc.  
Elizabeth Williamson, Chief Financial Officer  
200 Harbor Road  
Stony Brook, NY 11790  
(631) 689-0619  
Amount of check: \$ 25,000.00

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

**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. Wunsch and seconded by Mrs. Santos.

**UPCOMING EVENTS**

<b>Date &amp; Time</b>	<b>Event and Location</b>	<b>ATTENDEES</b>
8/16/22	SCOPE Annual Dinner Meeting, Bourne Mansion, Oakdale, NY – Tuesday, 5:00 pm	B. Sales, J. Santos
10/6/22	REFIT Annual Dinner Meeting, The Milleridge Inn Jericho, NY – Thursday, 6:00-10:00 pm	

10/27/22- 10/29/22	NYSSBA Annual Convention and Education Expo, Syracuse, NY – Thursday to Saturday	J. Santos
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**Enclosures:**

- Letter to Staff, *June 22, 2022*
- Letter from NYS Caucus of Black School Board Members, *July 1, 2022*
- Separation Notice
- Annual Safety Drills
- EAP Pathways, *June 2022*
- EAP Pathways for Supervisors, *June 2022*
- The Owl's Hoot, *Spring 2022*



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Joanne Klein  
District Clerk