



**March 9, 2021**

Meeting Type: Regular Meeting

Date: Tuesday, March 9, 2021

Start Time: 6:00 p.m.

Location: Central Administrative Office/Videoconferencing/Livestream

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

Present were:

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

**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)

**Absent:**

**Board Member**

- Peter Wunsch

**Call to Order (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 was made to move into Executive Session to discuss personnel matters by Mrs. Herz, seconded by Mr. Sales. At 7:01 p.m. the Board unanimously agreed to adjourn Executive Session and move into the Regular Meeting on motion made by Mrs. Herz, seconded by Mr. Sales.

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

The Regular meeting of the Board resumed at 7:02 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 – February 9, 2021**

The minutes of the Regular Meeting of February 9, 2021 were approved unanimously on motion by Mrs. Herz, seconded by Mr. Sales.

**Program Presentation**

Special Education

Mr. Flynn introduced Ms. Nancy Wilson, Executive Director, Special Education. Ms. Wilson gave a brief PowerPoint presentation regarding the Division of Special Education and COVID-19. Ms. Wilson discussed the importance of maintaining connections, the extraordinary efforts by administrators and staff, the reopening of schools, flexibility, transparency and active listening. Ms. Wilson mentioned efforts made whether students were in-person or remote to ensure no student missed out on activities such as a singalong. Morning announcements, homeroom “hellos” and daily check-ins were a part of maintaining connection with students. Most importantly Ms. Wilson discussed how coming together is the beginning, keeping together is progress and working together is success.

On behalf of the entire Board, Mrs. Santos thanked Ms. Wilson and all WS BOCES staff, who came together during this pandemic.

#### Policy Presentation

Mr. Flynn introduced Dr. Hugh Gigante who gave a brief presentation on WS BOCES Board policies. Dr. Gigante discussed the four policies included in the Board packet for the Board to review and consider for adoption.

#### Proposed 2021-22 Budget

Mr. Flynn discussed and gave a presentation regarding the proposed Administrative and Capital Charges for the 2021-22 school year. Mr. Flynn mentioned BOCES do not have bonding authority. Mr. Flynn pointed out the increase in rent and property leases for two buildings. The WS BOCES component school districts will vote on the Administrative Charge. The Administrative Budget will increase by 2% and the total average charge is 1.76% for next year.

#### **Treasurer's Report**

The Board acknowledged receipt of the Treasurer's Report indicating balances in the various financial accounts as of January 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 5, 2021 to February 25, 2021 for expenditures totaling \$24,551,395.31. (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 and discussed the following topics:

- USDE Memo on Assessments
- Teacher Vaccination
- Summary of Advocacy Week

##### Chief Operating Officer Report – Comments/Events

Mr. Flynn welcomed all and discussed the following items:

- Donation from Estee Lauder. Estee Lauder donated lamps which will be used in CTE programs.
- Grant from NYSED to provide professional development on the new science standards.

- WS BOCES Virtual Legislative Program held on February 26, 2021.

Chief Financial Officer – Update of Capital Projects

Mr. Taylor discussed the report regarding Capital Projects. Mr. Taylor mentioned that included on the monthly report are 16 projects that have been submitted to NYSED in the last two months and are waiting for approval. There are two projects currently in the bid process and nine projects have been completed in the last month.

**ITEMS FOR BOARD ACTION**

**Business Administration Matters**

**Approval of Budget Adjustments – March 2020/21**

On motion by Mr. Kaden, seconded by Mr. Sales, the Board voted unanimously for Approval of Budget Adjustments – March 2020/21 in the following programs:

Center for Learning Technology  
Planning

School Improvement for Stds. Implementation  
Services Other BOCES

(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. Mr. Kaden moved, Mr. Sales seconded, and the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated March 9, 2021.

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

**Authorization to Participate in Omnia Partners [R]**

On motion by Mr. Kaden, seconded by Mr. Sales, the Board voted unanimously for Authorization to Participate in Omnia Partners 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 #151148 Janitorial & Sanitation Products, Supplies & Related 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 #151148 Janitorial & Sanitation Products, Supplies & Related 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 #151148 Janitorial & Sanitation Products, Supplies & Related Services.

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

**Resolution to Participate in Nassau BOCES Contract for Passenger Cars, Vans and Trucks [R]**

On motion by Mr. Kaden, seconded by Mr. Sales, the Board voted unanimously to Participate in Nassau BOCES Contract for Passenger Cars, Vans and Trucks 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 Nassau BOCES Contract #19/20-045X Passenger

Cars, Vans and Trucks Ext. #1, 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;

BE IT RESOLVED, that the Board of Cooperative Educational Services, Second Supervisory District of Suffolk County, agrees to pay the cost of \$450 associated with participation in the Nassau BOCES bid; and

THEREFORE, BE IT RESOLVED, that Western Suffolk BOCES is authorized to participate in Nassau BOCES Contract #19/20-045X Passenger Cars, Vans and Trucks Ext. #1, and that the District Superintendent or her designee is hereby authorized to execute any and all necessary documents to effectuate participation in Nassau BOCES Contract #19/20-045X Passenger Cars, Vans and Trucks Ext. #1.

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

## **Personnel**

### **Instructional Personnel**

Mrs. Herz 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 3-page Instructional Report dated March 9, 2021 (Encl. 9.2.1) is incorporated with the official minutes of this meeting.

### **Supplementary Services**

Mrs. Herz 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 4-page Supplementary Services Report dated March 9, 2021 (Encl. 9.2.2) is incorporated with the official minutes of this meeting.

### **Non-Instructional Personnel**

Mrs. Herz 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 2-page Non-Instructional Report dated March 9, 2021 (Encl. 9.2.3) is incorporated with the official minutes of this meeting.

**Authorization for Agreement with Western Suffolk BOCES Faculty Association - Unit I [R]**

On motion by Mrs. Herz, seconded by Mr. Sales, the Board voted unanimously for Authorization of an Agreement with Western Suffolk BOCES Faculty Association - Unit I as follows:

RESOLUTION authorizing the Chief Operating Officer to execute an agreement between the Unit I (Western Suffolk BOCES Faculty Association) and the Board of Cooperative Educational Services, Second Supervisory District, Suffolk County;

WHEREAS, the Chief Operating Officer is designated as a representative of the Board of Cooperative Educational Services of the Second Supervisory District;

THEREFORE, BE IT RESOLVED that the Chief Operating Officer be authorized to execute the agreement between the Board of Cooperative Education Services and Unit I (Western Suffolk BOCES Faculty Association) for reimbursement to identified teachers affected by the new federal Every Student Succeeds Act (ESSA) Law for the \$100 application fee required by the New York State Education Department to apply for a Statement of Continued Eligibility (SOCE) or the \$100 fee required to apply for the Limited Extension in each of the four secondary core subject areas. Science can have up to three certification subjects.

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

**Resolution to Authorize Settlement Payment Pursuant to Workers Compensation Injury [R]**

On motion by Mrs. Herz, seconded by Mr. Sales, the Board voted unanimously to Authorize Settlement Payment Pursuant to Workers Compensation Injury as follows:

WHEREAS, the employee/claimant, Employee #02620, filed a claim against BOCES for work related injuries suffered by the employee, and

WHEREAS, Claimant has been classified by the Workers Compensation Board as being partial permanent disabled with a 75% Loss of Wage-Earning Capacity, and

WHEREAS, Triad Group, LLC, as administrator of BOCES' self-insured workers compensation program, has recommended BOCES globally settle the claim made by the Claimant as full and final settlement pursuant to New York State Workers Compensation Law Section 32 ("Section 32"), meaning that the Claimant and BOCES agree to settle both the medical and indemnity portions of the claim, whereby, upon approval of the Workers Compensation Board, the claimant forever waives his rights to any additional medical or indemnity awards related to the claim, and

WHEREAS, the Claimant had agreed to settle the medical portion of his claim provided BOCES pays the sum of \$34,953.00 upfront to the Pacific Life Company to purchase CMS/Medicare Approved Medicare-Set-Aside account ("MSA") and, once the S32 is approved by the Workers Compensation Board, by BOCES paying seed money to the Claimant in the sum of \$93,459.00, and

WHEREAS, the Claimant has agreed to accept \$125,000 to settle the indemnity portion of his claim, and

WHEREAS, said Section 32 global settlement is subject to the approval of the Workers Compensation Board, and

WHEREAS, said Section 32 global settlement is recommended as it would minimize future exposure to BOCES and avoid future costs and expenses to BOCES, and permanently close the workers compensation case made by the Complainant against BOCES,

THEREFORE, BE IT RESOLVED, that BOCES is hereby authorized to globally settle the workers compensation claim made by Employee #02620, as a full and final settlement pursuant to New York State Workers Compensation Law Section 32, by settling the medical portion of the claim by paying the sum of \$34,953.00 upfront to the Pacific Life Company to purchase CMS/Medicare Approved Medicare-Set-Aside account ("MSA") and, once the S32 is approved by the Workers Compensation Board, by paying seed money to the Claimant in the sum of \$93,459.00, and by settling the indemnity portion of the claim by paying the Claimant the sum of \$125,000, and

IT IS FURTHER RESOLVED, that BOCES hereby authorizes Triad Group, LLC, as administrator of BOCES's



Workers Compensation claims, to take all steps necessary to finalize and implement the Section 32 global settlement with the Claimant, Employee #02620 as set forth in this Resolution.

(Listing referred to is designated as Encl. 9.2.5 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 Mr. Sales, seconded by Mrs. Herz 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 2021/22 School Calendar [R]**

On motion of Mr. Sales, seconded by Mrs. Herz, the Board voted unanimously for Adoption WS BOCES 2021/22 School Calendar as follows:

WHEREAS, the Western Suffolk BOCES School Calendar for 2021/2022 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 2021/2022 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 for Articulation Agreement – SUNY Canton [R]**

On motion of Mr. Sales, seconded by Mrs. Herz, the Board voted unanimously for Authorization of an Articulation Agreement – SUNY Canton as follows:

WHEREAS, agreements between Western Suffolk BOCES and SUNY Canton have been developed for the purpose of providing instruction for Medical Assisting and Medical Laboratory courses for Western Suffolk BOCES students participating in SUNY Canton’s educational programs;

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

THEREFORE, BE IT RESOLVED that the Chief Operating Officer be authorized to execute said agreements with SUNY Canton. These agreements will be effective as of February 1, 2021 and shall continue through January 31, 2026.

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

**Approval of Agreement with 3D Aviation, Inc. D.B.A. Nassau Flyers [R]**

On motion of Mr. Sales, seconded by Mrs. Herz, the Board voted unanimously for Approval of Agreement with 3D Aviation, Inc. D.B.A. Nassau Flyers as follows:

WHEREAS, Western Suffolk BOCES desires to provide Flight Instruction to students in the Aviation Science/Flight Program offering; and

WHEREAS, Western Suffolk BOCES insists that flight instruction contractor maintains appropriate levels of insurance as determined by the BOCES insurance contractor and NYSIR;

THEREFORE, BE IT RESOLVED that Western Suffolk BOCES Board of Education authorizes the Chief Operating Officer to sign a Memorandum of Understanding and Agreement with 3D Aviation, Inc. D.B.A. Nassau Flyers, Inc. for the provision of flight instruction to students in the Aviation Science/Flight Program for the period September 2021 – June 2022.

(Listing referred to is designated as Encl. 9.3.4 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 Mrs. Herz, the Board voted unanimously for Authorization to Accept Donated Equipment and Supplies as follows:

WHEREAS, Western Suffolk BOCES has received an offer from Gary Nasta, Estee Lauder, 155 Pinelawn Road Melville NY 11747, to donate forty (40) new Architectural Lamps to be used by the students attending the Appearance Enhancement Programs 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. 9.3.5 and is incorporated with the official minutes of this meeting.)

**OLD BUSINESS**

**Approval of WS BOCES Board of Education Meeting Dates for 2021-22**

On motion of Mr. Kaden, seconded by Mrs. Herz, the Board unanimously voted for Approval of WS BOCES Board of Education Meeting Dates for 2021-22.

(Listing referred to is designated as Encl. 10.1 and is incorporated with the official minutes of this meeting.)

**NEW BUSINESS**

**Review and Adopt Policy #2320 - Community Relations**

On motion of Mrs. Herz, seconded by Mr. Sales, the Board unanimously agreed to review Policy #2320 - Community Relations.

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

**First Read & Review Policy #6420 - Student Records Regulation**

On motion of Mrs. Herz, seconded by Mr. Sales, the Board unanimously agreed to review Policy #6420 - Student Records Regulation.

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

**First Read & Review Policy #6422 - Parents' Bill of Rights for Student Data Privacy and Security**

On motion of Mrs. Herz, seconded by Mr. Sales, the Board unanimously agreed to review Policy #6422 - Parents' Bill of Rights for Student Data Privacy and Security.

(Listing referred to is designated as Encl. 11.3 and is incorporated with the official minutes of this meeting.)

**First Read & Review New Policy #6423 - Information and Data Privacy, Security, Breach and Notification Regulation**

On motion of Mrs. Herz, seconded by Mr. Sales, the Board unanimously agreed to review new Policy #6423 - Information and Data Privacy, Security, Breach and Notification Regulation.

(Listing referred to is designated as Encl. 11.4 and is incorporated with the official minutes of this meeting.)

**ADJOURNMENT**

At 8:06 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**

DATE	EVENT	ATTENDEES
3/12/21	REFIT Virtual Legislative Forum, Friday, 8:30 am	J. Santos
4/8/21 - 4/10/21	2021 National School Boards Association Convention, An Online Experience	

**Enclosures:**

Candidacy Letter Sent to Component School Board Members, *February 2021*

Legislative Presentation, *February 26, 2021*  
Notification Sent to Staff, *February 8, 2021*  
Notification Sent to Staff, *February 9, 2021*  
Notification Sent to Staff, *February 10, 2021*  
Notification Sent to Staff, *February 11, 2021*  
Notification Sent to Staff, *February 13 & 14, 2021*  
Notification Sent to Staff, *March 1, 2021*  
Notification Sent to Staff, *March 2, 2021*  
Notification Sent to Staff, *March 3, 2021*  
Notification Sent to Staff, *March 4, 2021*  
EAP Pathways, *February 2021*  
EAP Pathways for Supervisors, *February 2021*  
Save the Date, REFIT Legislative Forum  
Separation Notices  
Letter from CTE Parent, *January 24, 2021*  
NYSSBA Advocacy Update, *February 23, 2021*  
NYSSBA Update, *February 14, 2021*  
NYSSBA Update, *February 21, 2021*  
NYSSBA Update, *February 28, 2021*  
NYSSBA Area Director Update, *March 2, 2021*



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Joanne Klein  
District Clerk