Commack Union Free School District Board of Education Meeting Minutes

Commack High School Monday, October 7, 2019 Generated by Debbie Virga

Board Members Present: Jarrett M Behar, Steve Hartman, William Hender, Susan Hermer,

Justin Varughese

Board Members Absent: None

Administration Present: Dr. Donald James, Laura Newman, Amy Ryan Counsel Present: Mr. Eugene Barnosky, Ms. Mara Harvey

A. OPENING OF MEETING

Meeting called to order by Mr. Hartman at 6:32 p.m.

Motion made by Mr. Behar, seconded by Mr. Hender to adjourn into executive session for the purpose of discussing the following:

- Pending litigation in the matter(s) of AB v. Commack Union Free School District
- Negotiations conducted pursuant to the Taylor Law involving CTA
- The employment history of particular teachers
- In order to obtain legal advice

Motion made by Mr. Hender, seconded by Mr. Varughese and carried unanimously (5-0) to exit executive session at 7:15 p.m. and return to public meeting.

1. Pledge of Allegiance

B. OPENING CEREMONIES

- 1. Roll Call
- 2. Recognition of Board of Education

C. <u>ADMINISTRATIVE REPORT</u>

1. Capital Project and Bond Exploration Findings and Recommendations

D. COMMITTEE REPORTS

1. Legislative Advocacy Committee

2. Anti-Vaping/Smoking Task Force

E. BOARD OF EDUCATION MEETING STATEMENT

Mr. Behar read a statement outlining the structure of the public Board meeting.

F. PUBLIC PARTICIPATION – ON AGENDA ITEMS

- 1. Comment on Vaping Task Force
- 2. Comment heard on Bond Issue

G. **DONATIONS**

1. The Mandracchia-Sawmill PTA - \$6,000

The Board accepted, on behalf of the District, a donation of \$6,000.00 to Mandracchia-Sawmill Intermediate School for Grades 3, 4 and 5 field trips (\$2,000.00 each), and; the District deposited these funds into TA 038.28

2. AdoptAClassroom & Burlington Stores - \$10,000

The Board accepted, on behalf of the District, a donation by AdoptAClassroom & Burlington Stores of \$10,000.00 to Burr and Sawmill Intermediate Schools (\$5,000 each) to purchase iPads for use in the school libraries and; the funds were dispersed via a virtual savings account through AdoptAClassroom.org.

Motion by Jarrett M Behar, second by Susan J Hermer

Final Resolution: Motion Carried

Aye: Jarrett Behar, Steve Hartman, William Hender, Susan J. Hermer, Justin Varughese

H. CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

- 1. Correspondence from M. Polen regarding dates of Bond Focus Groups.
- **2.** Correspondence from J. Scully regarding school lunch program.
- **3.** Correspondence from J. Carpenter regarding Bill a2912 immunization of HPV.

All correspondence responded to administratively.

I. MINUTES

1. The Board of Education Approved the minutes of the September 12, 2019 Meeting.

Motion by Jarrett M Behar, second by Susan J Hermer

Final Resolution: Motion Carried

Aye: Jarrett Behar, Steve Hartman, William Hender, Susan J. Hermer, Justin Varughese

J. PERSONNEL

Upon the recommendation of the Superintendent of Schools, the Board of Education approved personnel matters as amended.

Motion by William Hender, second by Susan J Hermer

Final Resolution: Motion Carried

Aye: Jarrett M Behar, Steve Hartman, William Hender, Susan J Hermer, Justin Varughese

K. CONSENT AGENDA - NEW BUSINESS

1. Parent's Bill of Rights Resolution

Upon the recommendation of the Superintendent of Schools, the Board of Education authorized Jose Santiago, or his designee, to sign the Rider for the Parents Bill of Rights on behalf of the District.

2. Field Trips

The BOE approved the below-listed field trips:

a. Metropolitan Opera
 Lincoln Center
 New York, New York
 January 7, 2020
 Commack Middle School

b. Guggenheim Museum

1071 5th Avenue New York, New York 10128 Via LIRR - Deer Park Station November 6, 2019 Commack High School

c. 2019 NYSSMA All-State Winter Conference

Rochester Convention Center Rochester, New York December 5-8, 2019

Commack High School

d. Commack Varsity Cheerleading Pocono Regional Competition Kutztown University 15200 Kutztown Road Kutztown, PA 19530 November 24, 2019 Commack High School

3. Consultant/Vendor/Association Contracts – Various Vendors

Approved contract, and rider where applicable, with the listed vendors for their services for the 2019-2020 school year and authorize the President of the Board to sign same.

- a. Brookville Center for Children's Services, Inc. Tuition Program Educational Services
- b. Brookville Center for Children's Services, Inc. Home and Community Based Program Educational Services
- c. Dr. Monica DeSchryver Consultation Services
- d. N. Amato Consultant Agreement

4. Building Emergency Response Plans

Adopted the 2019-2020 Emergency Response Plans for each of the schools within the Commack UFSD.

5. Obsolete Vehicle

Approved the obsolescence of the listed items:

Vehicle	VIN#	Mileage	Reason
2007 Chevy Impala	2G1WS58R479374043	, and the second	The item is inoperable and beyond repair.

6. Obsolete & Disposable Equipment

Approved the obsolescence and disposal of the listed items:

Equipment	Tag#	Style / Serial #	Reason
Piano	770221	N/A	The item is not in usable condition and cannot be repaired.

Equipment	Tag#	Reason
20" Hild Floor Stripper Machine	96-01221	The item is obsolete and beyond repair.

7. Bids

The Board of Education approved the following bids as recommended:

BID#	Name of Bid	Award Recommendation	Reason
19-31	Sale of Obsolete Equipment	Wheels Used Cars	High Bidder
19-32	Purchase of Loader & Cab for Tractor	Malvese Equipment Corp. Inc.	Low Bidder
19-33	Western Plow & Sander Parts	Dejana Truck	Low Bidder

The Board of Education approved the following Department of Public Works contracts:

Contract #	Commodity	Vendor Name	Expiration Date
CTS-090116	Cooling Tower Cleaning & Disinfecting	Tech20 Inc	8/31/2020
FP-090118	Fine Paper	WB Mason	8/31/2020
GRPS-070115	Grounds keeping Repair Parts/Service	Bissett Equipment Corporation	6/30/2020
GRPS-070115	Grounds keeping Repair Parts/Service	Chief Equipment Inc	6/30/2020
GRPS-070115	Grounds keeping Repair Parts/Service	Northeast Equipment, Inc.	6/30/2020
GRPS-070115	Grounds keeping Repair Parts/Service	Storr Tractor Company	6/30/2020
GRPS-070115	Grounds keeping Repair Parts/Service	Montage Enterprises	6/30/2020
GRPS-070115	Grounds keeping Repair Parts/Service	All Island Equipment Corp.	6/30/2020
GRPS-070115	Grounds keeping Repair Parts/Service	Malvese Equipment Co Inc	6/30/2020
ICES-102017	Industrial & Commercial Equipment	Choice Distribution Inc	10/19/2020
ICES-102017	Industrial & Commercial Equipment	Sid Tool Co., Inc.	10/19/2020
ICES-102017	Industrial & Commercial Equipment	Hd Supply Facilities Maintenance Ltd	10/19/2020

IICES-102017	L .	Home Depot U.S.A., Inc.	10/19/2020
IICES-102017	Industrial & Commercial Equipment	Lawson Products, Inc.	10/19/2020
IICES-102017	Industrial & Commercial Equipment	W.W. Grainger, Inc	10/19/2020

The Board of Education approved piggybacking on the following municipal contracts:

Contract #	Commodity	Vendor Name	Expiration Date
Rabylon	Installation, Repair and Maintenance of Synthetic Turf Fields	The Landtek Group, Inc.	2/28/20
H/Town of	General Construction Requirements Contract	The Landtek Group, Inc.	8/21/20

8. Memorandum of Agreement

Approved the Memorandum of Agreement between the Commack Union Free School District and the Commack Administrative and Supervisory Association.

9. APPR Independent Hardship Waiver

The Board authorized the Board President to sign the APPR Independent Hardship Waiver.

10. Non-Resident Tuition Contract

The Board of Education approved the attached non-resident tuition contract, and authorized the Board President to sign the same.

Motion by Susan J Hermer, second by William Hender.

Final Resolution: Motion Carried

Aye: Jarrett M Behar, Steve Hartman, William Hender, Justin Varughese, Susan J Hermer

L. <u>CONSENT AGENDA – LEGAL</u>

1. Release of Documents

Approved the release of documents

WHEREFORE, the District is presently engaged in a pending litigation (Docket No. 18-CV-07249) wherein Lamb & Barnosky, LLP has been assigned as counsel;

WHEREFORE, in connection with its representation, Lamb & Barnosky has identified various documents of a potentially privileged nature relating to a previous internal investigation undertaken by the District;

WHEREFORE, these documents are responsive to various demand for production made by the plaintiff in the litigation; and

WHEREFORE, the District believes that the production of these documents would be advisable;

BE IT RESOLVED that the Board of Education authorized, in connection with this pending litigation, Lamb & Barnosky to disclose certain documents relating to the internal investigation and which may be otherwise protected from disclosure by applicable privileges. The instant waiver of said privileges are limited to the scope of the litigation and the documents may not be disclosed for any other purpose.

Motion by Jarrett M Behar, second by William Hender.

Final Resolution: Motion Carried

Aye: Jarrett M Behar, Steve Hartman, William Hender, Justin Varughese, Susan J Hermer

M. ITEMS REMOVED FROM CONSENT AGENDA

School

1. 2019-2020 Tax Levy Adoption

Motion to approve the 2019-2020 Tax Levy.

Total Tax Levy:

SCHOOL	$\phi_{1} + 2, 3 + 3, 1 + 0$
Library	\$ 4,189,331
	\$146,734,471
	2019-2020
Huntington:	\$ 53,655,999
Smithtown:	\$ 88,889,141
Commack Library:	\$ 4,189,331

\$142 545 140

Estimated Tax Rates: (For informational	<u>2018-2019</u>	<u>2019-2020</u>	
purposes)			
Huntington:	\$272.57	\$281.30	(3.20%)
Smithtown:	\$177.28	\$184.30	(3.96%)
Commack Library:	\$210.22	\$212.78	(3.37%)

2. SEQRA Type II Resolution – 2019 Bond

Motion to adopt the SEQRA Type II resolution in connection with the 2019 Bond, as recommended by administration.

Resolution for Type II Determination Proposed Bond Projects at the Commack Union Free School District

WHEREAS, the Board of Education of the Commack Union Free School District (Board of Education) is considering various building and site improvements at 13 properties as part of a bond proposition (the "proposed action"); and

WHEREAS, the proposed projects at the Burr Intermediate School include the renovation of student restrooms and adult restrooms, installation of cooling in the cafeteria and gymnasium, renovations to the auditorium, replacement of the domestic hot water heater, OEM Fiber Optics upgrade and the repaving of the faculty parking lot; and

WHEREAS, the proposed projects at the North Ridge Primary School include the renovation of student restrooms and adult restrooms, installation of cooling in the cafeteria and gymnasium, OEM Fiber Optics upgrade and the repaying of the parking lot and bus loop; and

WHEREAS, the proposed projects at the Wood Park Primary School include the renovation of student restrooms and adult restrooms, installation of cooling in the cafeteria and gymnasium, OEM Fiber Optics upgrade, and the installation of transfer pumps for an existing oil tank; and

WHEREAS, the proposed projects at the Indian Hollow Primary School include the repaving of all existing asphalt, renovations of the adult restrooms, installation of cooling in the cafeteria and gymnasium, installation of a new building sign, and OEM Fiber Optics upgrade; and

WHEREAS, the proposed projects at the Rolling Hills Primary School include the renovations of select student and adult restrooms, installation of cooling in the cafeteria and gymnasium, installation of a new building sign, and OEM Fiber Optics upgrade; and

WHEREAS, the proposed projects at the Sawmill Intermediate School include the renovations of select student and adult restrooms, installation of cooling in the cafeteria and gymnasium, renovations to the auditorium, replacement of the domestic hot water heater, and OEM Fiber Optics upgrade; and

WHEREAS, the proposed projects at the Commack Middle School include the replacement of select roofing, renovations to select penthouses, install roof-top HVAC unit for main office and guidance office, renovations to select student and adult restrooms, and science labs, installation of cooling in the cafeteria and gymnasium, installation of a door ajar monitoring system, conversion of the lower grass soccer field to a new multi-sport turf field with running track, and OEM Fiber Optics upgrade; and

WHEREAS, the proposed projects at the Commack High School include the repaving of the Town Line Road and football parking lots, renovations to student and adult restrooms, renovations to the science labs and locker rooms, installation of cooling in the cafeteria and gymnasium, conversion of existing grass baseball field to turf, relocation of the softball field, installation of a door ajar monitoring system, interior reconstruction of four classrooms for the creation of a multi-use student space, renovation of the courtyard, installation of 1,860 linear feet of estate fencing along portion of Scholar Lane and Town Line Road for security purposes, and OEM Fiber Optics upgrade; and

WHEREAS, the proposed projects at the Cedar Road School include the replacement of the roof, windows and exterior doors; and

WHEREAS, the proposed projects at the Long Acres School include the replacement of the roof, windows, boiler and hot water heater; and

WHEREAS, the proposed projects at the Old Farms School include the replacement of the roof, windows, exterior doors, boiler and hot water heater; and

WHEREAS, the proposed project at the Sagtikos School includes the replacement of the roof; and

WHEREAS, the proposed projects at the Smith Lane School include the replacement of the windows and exterior doors; and

WHEREAS, pursuant to 6 NYCRR §617.5(a), "Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part, except as otherwise provided in this section. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies."; and

WHEREAS, pursuant to 6 NYCRR §§617.5(c)(1), (2), (9) and (10), the "maintenance or repair involving no substantial changes in an existing structure or facility," and "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy or fire codes...," and "construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls...," and "routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings..." are Type II actions;

THEREFORE, BE IT RESOLVED, that the Board of Education, after review of the proposed action, 6 NYCRR §617.5, and the opinion provided by KGO Consulting Inc., hereby determines that the proposed projects are Type II Actions pursuant to 6 NYCRR §617.5 (c)(1), (2), (9) and (10) of the implementing regulations of the State Environmental Quality Review Act, and will, therefore, by definition, have no significant adverse impact on the environment.

The adoption of the foregoing resolution was p	out to a vote on roll call which resulted as follows:
AYES:	
NOES:	
Attested to:	
Date	District Clerk

3. Bond Proposition

BE IT RESOLVED, upon the recommendation of the Superintendent of Schools, the Board of Education approves the Bond Proposition, and authorizes the Board president to sign same.

BOND PROPOSITION

RESOLVED:

- That the Board of Education (the "Board") of Commack Union Free School District, in the County of Suffolk, New York (the "District"), is hereby authorized to construct alterations and improvements to District buildings and sites (the "Project") substantially as referred to and described in a plan prepared for the District with the assistance of John A. Grillo, Architects (the "Plan"), which Plan is available for public inspection at the office of the District Clerk, such Project including but not limited to: security upgrades and replacement of roofs and windows; air conditioning of auditoriums, gymnasiums and cafeterias; interior space reconfiguration and partial reconstruction for new science labs, instructional and other space; lavatory and paving improvements, and upgrades to athletic fields at the secondary schools; all of the foregoing to include the original furnishings, equipment, machinery, apparatus, and all ancillary and related site and other work required in connection therewith; and to expend therefor, including preliminary costs and costs incidental thereto and to the financing thereof, an amount not to exceed the estimated total cost of \$67,523,998; provided that the estimated costs of the components of the Project as set forth in the Plan may be reallocated among such components if the Board of Education shall determine that such reallocation is in the best interest of the District;
- (b) that a tax is hereby voted in the amount of not to exceed \$67,523,998 to finance such cost, such tax to be levied by and collected in installments in such years and in such amounts as shall be determined by said Board of Education; and
- (c) that in anticipation of said tax, the Board of Education of the District may authorize the issuance of bonds in the aggregate principal amount of not to exceed

\$67,523,998, and a tax is hereby voted to pay the interest on said bonds as the same shall become due and payable.

Such Proposition shall appear on the ballots used for voting at said Special District Meeting in substantially the following condensed form:

BOND PROPOSITION

YES NO

RESOLVED:

(a) That the Board of Education (the "Board") of Commack Union Free School District, in the County of Suffolk, New York (the "District"), is hereby authorized to construct alterations and improvements to District buildings and sites, substantially as referred to and described in a plan prepared for the District with the assistance of John A. Grillo, Architects, and to expend not to exceed \$67,523,998 therefor; (b) that a tax is hereby voted in the amount of not to exceed \$67,523,998 to finance such cost, such tax to be levied by and collected in installments in such years and in such amounts as shall be determined by said Board of Education; and (c) that in anticipation of said tax, the Board of Education of the District may authorize the issuance of bonds in the aggregate principal amount of not to exceed \$67,523,998, and a tax is hereby voted to pay the interest on said bonds as the same shall become due and payable.

The voting will be conducted by ballot on voting machines or paper ballot as provided in the Education Law and the polls will remain open from 6:00 o'clock A.M. to 9:00 o'clock P.M. (Prevailing Time) and as much longer as may be necessary to enable the voters then present to cast their ballots.

NOTICE IS HEREBY FURTHER GIVEN that, pursuant to Section 2014 of the Education Law, personal registration of voters is required for said Special District Meeting, and no person shall be entitled to vote at the Special District Meeting to be held as aforesaid, whose name does not appear on the register of the School District prepared as hereinafter set forth, except a person who is otherwise qualified to vote and is registered under the provisions of Article 5 of the Election Law.

For registration pursuant to Section 2014 of the Education Law, the Board of Registration shall meet on Thursday, November 14, 2019 and Wednesday, November 20, 2019 from 9:00 o'clock A.M. to 9:00 o'clock P.M. (Prevailing Time) at the place hereinafter designated in each election district, to prepare the register of the School District for each election district, and any person shall be entitled to have his/her name placed upon such register, provided that at such meetings of the members of the Board of Registration he/she is known or proven to the satisfaction of such members to be then or thereafter entitled to vote at the Special District Meeting. Members of said Board of Registration shall meet as aforesaid, in each election district, as follows:

ELECTION DISTRICT NO. 1

NORTH OF JERICHO TURNPIKE: Commack High School, Scholar Lane Commack, New York

ELECTION DISTRICT NO. 2
SOUTH OF JERICHO TURNPIKE: Commack Middle School, Vanderbilt
Parkway, Commack, New

The register so prepared shall include all qualified persons who shall have presented themselves personally for registration in accordance with this Notice, and all persons who shall have been previously registered for and voted at any annual or special election of the School District held or conducted at any time during the years 2015 through 2018 inclusive, and all persons registered during the annual election of May 21, 2019.

The register for this Special District Meeting shall be filed in the office of the Clerk of the District, located in the School District Administration Office, in the Hubbs Administration Center, Clay Pitts Road, East Northport, New York, where such register will be open for inspection by the qualified voters of the District between the hours of 9:00 o'clock A.M. and 3:30 o'clock P.M. (Prevailing Time), on each of the seven days prior to the day of the Special District Meeting (except Thursday, November 28, 2019, Friday, November 29, 2019, and Sunday, December 1, 2019) and on the day set for said Special District Meeting, and by advance appointment only between the hours of 9:00 o'clock A.M. and 11:00 o'clock A.M. (Prevailing Time) on Saturday, November 30, 2019.

NOTICE IS HEREBY FURTHER GIVEN that qualified voters will register and vote at the registration and polling places designated herein for the election district in which they reside.

NOTICE IS HEREBY FURTHER GIVEN that applications for absentee ballots may be obtained at the office of the District Clerk, in the Hubbs Administration Center, on Clay Pitts, East Northport, New York during school business hours. In addition, all inquiries for information concerning the use of an absentee ballot can be made by writing to Debbie Virga, District Clerk, Commack Union Free School District, Hubbs Administration Center, Clay Pitts Road, P.O. Box 150, Commack, New York 11725. Completed applications must be received by the District Clerk at least seven (7) days before the date of the Special District Meeting if the ballot is to be mailed to the voter, or the day before the Special District Meeting if the ballot is to be delivered personally to the voter. No absentee voter's ballot shall be canvassed unless it shall have been received in the office of the Clerk of the District not later than 5:00 o'clock P.M. Prevailing Time on the day of the vote. A list of all persons to whom absentee ballots shall have been issued will be available in the said office of the Clerk on each of the seven days prior to the day of the Special District Meeting (except Thursday, November 28, 2019, Friday, November 29, 2019, and Sunday, December 1, 2019), and by advance appointment only between the hours of 9:00 o'clock A.M. and 11:00 o'clock A.M. (Prevailing Time) on Saturday, November 30, 2019.

NOTICE IS HEREBY FURTHER GIVEN that the place in each election district where the Special District Meeting will be held is as follows:

ELECTION DISTRICT and POLLING PLACES

ELECTION DISTRICT NO. 1 – NORTH OF JERICHO TURNPIKE

Polling Place: Commack High School

Scholar Lane, Commack, NY.

ELECTION DISTRICT NO. 2 – SOUTH OF JERICHO TURNPIKE

Polling Place: Commack Middle School

Vanderbilt Parkway, Commack, NY

Only qualified voters who are registered to vote will be permitted to vote.

BY THE ORDER OF THE BOARD OF EDUCATION

Dated: October 7, 2019

DEBBIE VIRGA District Clerk

Motion by Jarrett M Behar, second by William Hender.

Final Resolution: Motion Carried

Aye: Jarrett M Behar, Steve Hartman, William Hender, Justin Varughese, Susan J Hermer

N. BOARD BUSINESS

1. Internal Claims Auditor's Monthly Update

Acknowledged receipt of the Internal Claims Auditor's Monthly Update

2. Financial Reports

Acknowledged receipt of the Financial Reports listed below:

- Cash Flow Report: August 2019
- CD Rates Report: September 2019
- Treasurer Reports: July and August 2019
- Collateral Statement Summary: July and August 2019
- 3. Financial Statements and Supplementary Information Ended 6/30/19
- 4. Statement of Professional Services for Lamb & Barnosky, LLP

Statement of Professional Services for Lamb & Barnosky, LLP for the month of September 30, 2019 in the amount of \$22,505.23.

- 5. Board Discussion Items
 - a) Open House
 - b) Bond Resolutions voting
 - c) Whitsons Meeting
 - d) Education Conference
 - e) Marching Band Festival at Hofstra
 - f) October 26, 2019 Homecoming

6. Announcement of Board Meeting

The Board of Education of the Commack Union Free School District shall hold its Regular Meeting on Thursday, November 14, 2019 at 6:30 p.m. at Hubbs Administration Building, 480 Clay Pitts Road, East Northport, NY. It is anticipated that the Board will make a motion for the purpose of adjourning into Executive Session at this time and at 8:00 p.m. the Board will reconvene in Public Session for the purpose of holding its Regular Business Meeting.

O. PUBLIC PARTICIPATION

Suggestion of advertising for Home Games by having a Sports Calendar

Compliment regarding Ed-Camp

Comment regarding bathroom renovations and adding vaping sensors

P. ADJOURNMENT

Motion made to adjourn the meeting at 8:35 pm.

Motion made by Jarrett M Behar, second by Susan J Hermer

Final Resolution: Motion Carried

Aye: Steve Hartman, Jarrett M Behar, William Hender, Susan J Hermer, Justin Varughese