

**Commack Union Free School District  
Board of Education Meeting Minutes  
Thursday, July 15, 2021  
*Generated by Debbie Virga***

Board Members Present: Steve Hartman, William Hender, Susan Hermer, Justin Varughese,  
Gus Hueber  
Board Members Absent: None  
Administration Present: Dr. Donald James, Laura Newman, Dr. Michael Inforna  
Counsel Present: Mr. Eugene Barnosky, Mrs. Mara Harvey

**A. OPENING OF MEETING**

Meeting called to order by Mr. Hartman at 6:30 p.m.

**EXECUTIVE SESSION**

- Negotiations conducted pursuant to the Taylor Law involving CTA, Local 237 (Buildings and Grounds), CSSA
- Pending litigation
- The financial history of particular teacher and a non-aligned individual
- The employment history of a particular employee
- Matters leading to the appointment of a particular employee
- Matters leading to the appointment of a particular consultant to the District
- In order to obtain legal advice.

Motion to approve executive session made by Justin Varughese, seconded by Susan Hermer and carried unanimously (5-0)

Motion to exit Executive Session and return to the Public Meeting at 8:03 pm, made by William Hender seconded by Justin Varughese and carried unanimously (5-0)

Meeting called to order by District Clerk, Debbie Virga, at 8:11 pm

1. Pledge of Allegiance

**B. CALL FOR ELECTION OF PRESIDENT**

1. Call for Nominations for President

Motion made by Susan Hermer to nominate Steve Hartman, seconded by Justin Varughese

Aye: Susan Hermer, William Hender, Steve Hartman, Justin Varughese

Abstained: Gus Hueber

Final Resolution: Motion Carried

**C: PRESIDENT ASSUMES CHAIR AND PROCEEDS WITH REORGANIZATION BUSINESS**

1. Call for Nominations for Vice-President

Nomination by William Hender to nominate Justin Varughese

Motion made by Susan Hermer seconded by Gus Hueber

Aye: Susan Hermer, William Hender, Gus Hueber, Steven Hartman, Justin Varughese  
Final Resolution: Motion Carried

2. Appointments

Approved Appointments for the 2021-2022 school year

Motion made by William Hender, seconded by Susan Hermer

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

Final Resolution: Motion Carried

3. Designation:

Approved Designations for the 2021-2022 school year

Motion made by Justin Varughese, seconded by William Hender

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

**D. OPENING CEREMONIES**

1. Roll Call

**E. ADMINISTRATIVE REPORT**

1. Public Hearing – District Emergency Management Plan

2. 10<sup>th</sup> and 11<sup>th</sup> Year Review

3. Labor Relations Update

**F. COMMITTEE REPORTS**

None

**G. DONATIONS**

1. **FRL Furniture** - Whiteboards, cork boards and plastic stackable chairs to Commack High School - valued at \$10,000.00. The Board accepted on behalf of the District, a donation from FRL Furniture to be used at Commack High School valued at \$10,000

**H. BOARD OF EDUCATION MEETING STATEMENT**

## **I. PUBLIC PARTICIPATION**

- Comments on the use of mask in schools

## **J. CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. Acknowledgement of correspondence from various community members regarding Board of Education Meeting on June 10, 2021.
2. Acknowledgement of Correspondence from various community members regarding the Multi-Racial Committee
3. Acknowledgement of Correspondence from J. Scully regarding Delta variant

## **K. MINUTES**

1. The Board of Education approved the minutes of the June 10, 2021 Board of Education Meeting.

Motion made by Justin Varughese, seconded by Gus Hueber.

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

Final Resolution: Motion Carried

## **L. PERSONNEL**

Upon the recommendation of the Superintendent of Schools, the Board of Education approved the Personnel matters.

Motion by William Hender, seconded by Susan Hermer

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

Final Resolution: Motion Carried

## **M. CONSENT AGENDA – NEW BUSINESS**

1. Approved Consent Agenda items 2-17
2. Public Hearing to discuss the District-Wide Emergency Response Plan.
3. Approved Amendment #3 to the Energy Performance Contract for the addition of Carport/Canopy Solar systems to the project and authorize the President of the Board to sign same.
4. Approved the following members to be appointed to the District's 2021-2022 Audit Committee: Board of Education members, Anthony Castaldo, Randolph DeYulio, Christine Miller, and Ryan Rafferty.

5. Approved the contract, and rider where applicable, with the listed vendors for their services for the 2021-2022 school year and authorize the President of the Board to sign same.

a. The Long Island Home d/b/a South Oaks Hospital - Vocational Services for Special Education students

b. Positive Behavior Support Consulting & Psychological Resources, P.C. - Behavior Intervention Services and Parent Training –

c. Tutoring for Life d/b/a Tutors 4 Life - Home Instruction and Home Tutoring Services

d. School Aid Specialists - Services and Support for medicaid Claim Filing

6. Adopted the following resolution to fund various reserves:

WHEREAS, by action of the Board of Education the Commack Union Free School District has previously established Reserve for Employee Benefits, a Workers' Compensation Reserve, Retirement Contribution Reserve for ERS and TRS, Reserve for Unemployment Insurance Reserve, Reserve for Insurance, a Repair Reserve, and the Employee Accrued Liability Reserve (EBALR),

And, WHEREAS, the Commack Union Free School District wishes to maintain these reserves as close to fully funded as possible,

NOW BE IT RESOLVED that the Board of Education of the Commack Union Free School District reaffirms its intent to maintain a Reserve for Employee Benefits, a Workers' Compensation Reserve, Retirement Contribution Reserve for ERS and TRS, Reserve for Unemployment Insurance Reserve, Reserve for Insurance, a Repair Reserve, and the EBALR,

BE IT FURTHER RESOLVED that upon the recommendation of the Superintendent of Schools, the Board of Education of the Commack Union Free School District authorizes a transfer of up to \$1,000,000.00 each from fund balance to Reserve for Employee Benefits, a Worker's Compensation Reserve, Retirement Contribution Reserve for ERS and TRS, Reserve for Unemployment Insurance Reserve, Reserve for Insurance and a Repair Reserve.

BE IT FURTHER RESOLVED that upon the recommendation of the Superintendent of Schools, the Board of Education of the Commack Union Free School District authorizes a transfer of up to \$2,400,000.00 from the EBALR for the purpose of funding retirement and terminal leave placements.

BE IT FURTHER RESOLVED that upon the recommendation of the Superintendent of Schools, the Board of Education of the Commack Union Free School District authorizes the District to pay \$1,000,000 plus interest back to Worker's Compensation Reserve and Reserve for Employee Benefits to repay the funds pulled from such funds for COVID-related expenses.

7. Approved the Lamb & Barnosky, LLP, Retainer as General and Labor Counsel Agreement covering July 1, 2021 through June 30, 2022 and authorize the President of the Board to sign same.

8. Approved the obsolescence and disposal of the listed items:

Equipment	Tag #	Reason
Dryer Model #: GTPX200EM1WW Serial #: DZ714921A	N/A	Equipment is damaged and beyond repair.

Equipment	Tag #	Reason
Piano Model: Weber Baby Grand Serial #: 851342	N/A	Equipment is broken beyond repair.
Piano Model: Everett Studio Serial #: 223048	540024	Equipment is broken beyond repair.
Piano Model: Baldwin Acrosinic Serial #: 2247710	014066	Equipment is broken beyond repair.
Piano Model: Hardman Baby Grand Serial #: 101626	N/A	Equipment is broken beyond repair.

9. Approved the Internal Claim Auditor's engagement letter for the 2021-2022 school year and authorize the President of the Board to sign same.

10. Accepted the listed Internal Audit Reports and to approve the corresponding Corrective Action Plans.

- a. Internal Audit Report on Fund Balance Management and Reserves and corresponding Corrective Action Plan
- b. Internal Audit Report on Risk Assessment for the period July 1, 2020 through May 31, 2021.
- c. Internal Audit Report on Procurement and Claims Processing for the period July 1, 2020 through February 28, 2021.
- d. Updated Corrective Action Plan for Capital Assets Procedures for the period July 1, 2019 through February 27, 2020 (report originally accepted at the October 8, 2020 Board of Education Meeting)

11. Board of Education of the Commack Union Free School District approved the Resolution prepared by Lamb & Barnosky declaring the suspension of the rules found in Board of Education Policies 5410 and 5411 until the next Board of Education meeting solely for the purchase of equipment, materials and supplies needed to be purchased to combat the novel coronavirus.

12. Approved Change Order #1 – The LandTek Group, Inc. – Commack High School Site Work for Project #008-027 in the deduction amount of (\$20,000.00) and authorize President of the Board to sign same.

13. Approved contract extensions for the listed transportation vendors, and authorize the President of the Board to sign same:

Towne Bus Corp. - School Year 2021-2022

Towne Bus Corp. - Athletic Trips

Towne Bus Corp. - Field Trips

Suffolk Transportation Service, Inc. - Summer 2021

Suffolk Transportation Service, Inc. - School Year 2021-2022

14. Approved the Primary lunch price to be increased to \$2.65 (increase of \$.15)

Intermediate lunch price to be increased to \$2.65 (increase of \$.15)

Middle/High School lunch price to be increased to \$2.85 (increase of \$.15)

Adult lunch price to be increased to \$4.15 (increase of \$.15) plus sales tax

15. Board of Education approved the Transportation Contracts and Resolution establishing Eastern Suffolk BOCES as a Transportation provider for the Commack UFSD, from July 1, 2021 to August 30, 2021 for summer transportation and from September 1, 2021 to June 30, 2022 for the regular school year transportation, and authorize the President of the Board to sign same.

16. Approved the Hold Harmless Agreement with the Town of Huntington and the Town of Smithtown for the 2021 Homecoming Parade and authorize the President of the Board to sign same.

17. Approved the resolution for the Energy Performance Contract Financing.

Motion by Susan Hermer, seconded by Gus Hueber

Final Resolution: Motion Carried

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

#### **N. CONSENT AGENDA – LEGAL**

1. Approved the following lease agreement and authorize the President of the Board to sign same:

- Long Acres Elementary School - Commack UFSD with Kiddie Care Early Learning Center, Inc. - Renewal for five years from July 1, 2021 through June 30, 2026.

Motion by Justin, seconded by Willaim Hender

Final Resolution: Motion Carried

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

## **O. ITEMS REMOVED FROM CONSENT AGENDA**

1. Upon the recommendation of the Superintendent of Schools, the Board of Education approved the first reading of Policy #4211 - Organizational Structure, Policy #5620 - Fixed Asset Inventories, Accounting and Tracking, Policy #7132 - Non-resident Students, Policy #5640 - Smoking, Tobacco, and Cannabis (Marijuana)Use. BE IT FURTHER RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approved the 2nd reading and moves to adopt the policies tonight.

**Motion by Susan Hermer, seconded by Willaim Hender**

**Final Resolution: Motion Carried**

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

2. Upon the recommendation of the Superintendent of Schools, the Board of Education approved the stipulation agreement between the Commack School District and the Commack Schools Secretarial Association.

**Motion by William Hender, seconded by Justin Varughese**

**Final Resolution: Motion Carried**

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

3. Upon the recommendation of the Superintendent of Schools, the Board of Education approved the stipulation agreement between the Commack School District and the Commack Teachers Association.

**Motion by William Hender, seconded by Justin Varughese**

**Final Resolution: Motion Carried**

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

4. Upon the recommendation of the Superintendent of Schools, the Board of Education approved the Stipulation Agreement between the Commack School District and Local 237, IBT, Long Island Division

**Motion by William Hender, seconded by Gus Hueber**

**Final Resolution: Motion Carried**

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber

## **P. BOARD BUSINESS**

**1. Statement of Professional Services Rendered by Lamb & Barnosky, LLP**

The Board of Education acknowledged receipt of the statement for Professional Services rendered by Lamb & Barnosky, LLP on non-retainer matters for the month ending May 31, 2021 in the amount of \$17,681.82, plus an additional \$535.50, and invoice for the month ending June 30, 2021 in the amount of \$24,636.87

2. Acknowledged receipt of the Internal Claims Auditor's Monthly Updates for May 2021 and June 2021.

3. Acknowledged receipt of the Financial Reports listed below:

- Trial Balances: May 2021
- Revenue Status Reports: May 2021
- Budget Status: May 2021
- Budgetary Transfer: May 2021
- Cash Flow Report: May 2021
- CD Rates Report: June 2021
- Treasurer Reports: May 2021
- Collateral Statement Summary: May 2021

4. Acknowledged receipt of Committee on Special Education: 6/14/21; 6/15/21; 6/16/21; 6/17/21; 6/18/21; 6/21/21; 6/22/21; 6/23/21; 6/24/21; 6/28/21; 7/9/21; 7/13/21.

Acknowledged receipt of Committee on Preschool Special Education: 6/14/21; 6/15/21; 6/16/21; 6/18/21; 6/22/21; 6/23/21; 7/14/21.

5. Announcement of Upcoming Board of Education Meeting

The Board of Education of the Commack Union Free School District shall hold its Regular Meeting on Thursday, August 12, 2021 at 6:30 p.m. at Hubbs Administration Center, 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 Meeting.

#### **Q. PUBLIC PARTICIPATION**

Comments on where does the Board stand regarding mask

Comments on vaccine mandates

Comments on Mental Health Services

Comments on Bia events – How does the Board plan on how to address

Comments if students could be involved in the Humanities Committee

Comments on keeping the Multi-Racial Committee active

Comments on the Humanities Review – keep books like Devils Arithmetic

#### **R: ADJOURNMENT**

Motion to adjourn the meeting at 10:40

Motion made by William Hender, seconded by Susan Hermer

Final Resolution: Motion Carried

Aye: Steve Hartman, William Hender, Justin Varughese, Susan Hermer, Gus Hueber