

Regular Meeting

A Regular Meeting of the Board of Education of the Northport-East Northport Union Free School District was held on Monday evening, December 21, 2009, beginning at 6:30 p.m., in the Board Conference Room at the William J. Brosnan School, 158 Laurel Avenue, Northport, New York, with Mr. Stephen V. Waldenburg, Jr., Chairperson, opening the meeting and presiding.

Members present: Mrs. Liz Dragone, Mr. Joe Gannon, Mr. Rob Ingraham, Mr. Tim Madden, Mrs. Donna McNaughton, Dr. Kay Hutchins Sato, Mr. Stephen V. Waldenburg, Jr., Mrs. Karen Wills

Members absent: Mrs. Arlene S. Munson

Also present: Dr. Marylou McDermott, Superintendent of Schools

1. President Waldenburg called the meeting to order.

Motion was made by Trustee Gannon, seconded by Trustee Wills, to convene in Executive Session to discuss matters pertaining to individual employees.

Unanimously carried by those present.

At 7:35 p.m., motion was made by Trustee Ingraham, seconded by Trustee Madden, to reconvene in public session in the Cafeteria at the William J. Brosnan School.

Unanimously carried by those present.

Public attendance: There were approximately 30 persons present.

2. Mr. Waldenburg led those present in the Pledge of Allegiance; and
3. Pointed out the emergency exits.

Motion was made by Trustee Gannon, seconded by Trustee Ingraham, to reorder the agenda and move agenda items 6 (Communications) and 7 (Public Participation) after agenda item 12 (New Business).

In response to a question from Trustee Madden, President Waldenburg stated that the agenda is being reordered to allow the Board to discuss and vote on important business items. Mr. Waldenburg stated that the motion only moves the public participation of non-agenda items to the end of the meeting.

Vote on Trustee Gannon's motion was as follows:

YES: Mrs. Dragone, Mr. Gannon, Mr. Ingraham, Mrs. McNaughton, Dr. Sato, Mr. Waldenburg, Mrs. Wills

NO: Mr. Madden

Motion passed.

4. APPROVAL OF MINUTES

Motion was made by Trustee Ingraham, seconded by Trustee Wills, to approve all items under 4.1:

- 4.1 Minutes
 - 4.1.1 Regular Meeting, December 7, 2009

4.1.2 Public Work Session, December 7, 2009

Unanimously carried by those present.

4.2 For Information: Claims Auditor's Report for Warrants and Schedule of Claims for payments dated October 1, 2009 (Accounts Payable Warrant), October 2, 2009 (Payroll Trust & Agency Warrant), October 15, 2009 (Accounts Payable Warrant), October 16, 2009 (Payroll Trust & Agency Warrant), October 1-30, 2009 (Wire Transfer Warrant), October 30, 2009 (Payroll Trust & Agency Warrant), October 30, 2009 (Accounts Payable Warrant)

5. SPECIAL REPORTS/ANNOUNCEMENTS FROM THE SUPERINTENDENT

5.1 President Waldenburg introduced Mr. John Gross, Board Counsel, to summarize the busing issues from Ocean Avenue School to the Village Pre School.

Mr. Gross stated that the current busing issue concerns the extent to which, under existing Board Policy, the District has an obligation to transport children from home school to a child care location either within their attendance zone or outside of the attendance zone. The existing Board Policy indicates that if a program is registered or licensed under the Social Services Law for the State of New York the District has the obligation to transport children from the home to those registered or licensed facilities anywhere within the District. If, however, a program or location is not registered or licensed then the obligation of the District is only to transport the children within the attendance zone. The initial question was triggered by residents asking for delivery of youngsters to an unlicensed, unregistered facility outside of the student's attendance zone. In the course of researching that question, it was discovered that the Village Pre School is neither registered nor licensed and the issue arose whether or not the existing delivery of youngsters to that entity was permissible under the law. Mr. Gross stated that counsel advice is that it is impermissible to deliver the youngsters through public funds to the Village Pre School kindergarten enhancement program. Mr. Gross stated that in conversation with counsel representing the Village Pre School, he stated that should the preschool program, which is a tuition based instructional program for kindergarten enhancement, make application under the Social Services Law for registration as a registered child care program, and if they were successful in obtaining that registered status it would be permissible to deliver students to that program. Mr. Gross stated that the Counsel to the New York State School Boards Association agreed with the legal opinion regarding transportation of students to Village Pre School.

Mr. John Rieger, counsel to Ms. Gail Sparks owner of the Village Pre School, stated that the law and Board policy for many years has required no registration or license, nor does the state of New York under the Education Law for those children who are going to a child care facility within the attendance zone. Mr. Rieger stated that the Village Pre School is chartered by the State of New York as a preschool/nursery school and the kindergarten enrichment program is everything that a child care facility is.

There was a long discussion among the Board members and counsel regarding the registration or license of the Village Pre School as a child care facility, the expenditure of public funds for transportation to child care facilities, the consequences of providing transportation to the Village Pre School, the continuation of the transportation from Ocean Avenue School until the end of the school year, proposing changes to the state transportation law, and appeals to the Commissioner of Education.

Mr. Gross stated that the Commissioner of Education does not give advisory opinions and the only way to get a final decision from the Commissioner would be for the Board to adopt a resolution to terminate transportation services to the Village Pre School and an appeal to the Board's decision be filed with the Commissioner within 30 days.

Motion was made by Trustee Gannon, seconded by Trustee McNaughton, upon following the advice of Board Counsel, to cease bus transportation services to certain families and youngsters to the Village Pre School program within the attendance zone of Ocean Avenue School. The cessation will occur on June

30, 2010. The delay in termination of services is due to the hardship that will be imposed upon those parents with the cessation of those services.

Vote on Trustee Gannon's motion was as follows:

YES: Mrs. Dragone, Mr. Gannon, Mr. Ingraham, Mrs. McNaughton, Dr. Sato, Mr. Waldenburg, Mrs. Wills

NO: Mr. Madden

Motion passed.

5.2 Dr. Marylou McDermott, Superintendent, presented the District's 2008-2009 New York State Report Card and District Highlights. Dr. McDermott stated that Districts are required to meet the AMO or Annual Measurable Objective for English Language Arts, Mathematics and Science assessment scores in grades 3-8. The State also requires Districts to meet the AMO in English and Mathematics at the secondary level as well as meeting the State standard for graduation. Dr. McDermott presented 2007-2009 data showing that the District has continued to perform above the state standard at all levels in English Language Arts, Mathematics, Science and Social Studies.

Dr. McDermott presented the 2009 District program highlights including a profile of the Class of 2009 and departmental highlights in English Language Arts, Mathematics, Science, Social Studies, World Languages, Art, Music, International Baccalaureate, Business, Academy of Finance, Academy of Information Technology, Technology, Family and Consumer Sciences, Health Education, Library Media Centers, Physical Education, Athletics, Special Education, English as a Second Language, Counseling Center, and Extra and Co-Curricular Activities.

There was a brief discussion by the Board regarding the slight decrease in the 2009 graduation rate and factors impacting that number. Mr. Matt Nelson, Assistant Superintendent for Instruction, stated that the staff continually reaches out to students who are dropping out and tries to find ways to keep them in school or get those students in GED programs, through academic, social and emotional support. Mr. Nelson noted that the state report card does not include the students who graduated in August.

Dr. McDermott stated that she will discuss the savings the District has realized during the months of December and January at the January 25th Board meeting, and asked Ms. Kathleen Molander, Assistant Superintendent for Business, to discuss some of the rebates the District has received.

Ms. Molander stated the District has received \$13,570 in rebates from LIPA for the installation of energy efficient devices. These devices were installed at three of the elementary schools and at East Northport Middle School through the use of Excel money that was received from New York State.

5.3 Motion was made by Trustee Dragone, seconded by Trustee Gannon, to receive the final recommendations for course catalog changes being considered at the high school for the 2010-2011 school year.

Unanimously carried by those present.

Trustee Wills thanked the administration for addressing the Special Education Course Catalog changes.

5.4 The President of the Board reviewed the upcoming Board of Education meetings scheduled for January 11th, January 25th, February 8th and February 22nd.

Trustee Wills asked the Superintendent to invite Mr. Joseph Pokorny of the Suffolk County Water Authority to attend a Work Session to discuss the placement of wells on District property.

Motion was made by Trustee Gannon, seconded by Trustee Dragone, to approve all items under 8. and 9., including Supplemental 8.1.1 (Schedule A - #3-6), Supplemental 8.1.3 (Schedule C - #3), Supplemental 9.4 (Transfer of Funds), Supplemental 9.7 (Resolution), and Supplemental 9.8 (Grant Application).

8. SUPERINTENDENT'S REPORT, GENERAL - FOR BOARD ACTION

8.1 Personnel Schedules, each dated December 21, 2009, and each attached and made part of the official minutes:

- 8.1.1 Schedule A - Certified Staff (including Supplemental A)
- 8.1.2 Schedule B - Non-Instructional Staff
- 8.1.3 Schedule C - Salary Transfer (including Supplemental C)
- 8.1.4 Schedule J - Committee on Special Education

8.2 Receiving for a second reading and adopting revisions to the following policy:

8.2.1 Policy #9510.4 – *“Terms and Conditions of Employment for Security Personnel”*

There was a brief discussion regarding the security personnel policy and looking into alternative health care companies to find the most economical plan and alternative ways of funding those plans to reduce the District’s liabilities.

8.3 Receiving for a first reading the following policy:

8.3.1 Policy #6685 – *“False Claims, Fraud Prevention and Detection”*

8.4 Deleting the following policies:

- 8.4.1 Policy #3361 – *“Payrolls”*
- 8.4.2 Policy #5142.3 – *“Eye Safety”*
- 8.4.3 Policy #6145 – *“Extraclassroom Activities”*
- 8.4.4 Policy #6175 – *“Youth Recreation Advisory Council”*

8.5 Receiving for a first reading the following textbook:

8.5.1 Basic Steps to Reading Rhythm
James Guarnieri JG Music 1 Instrumental Band Lessons

9. SUPERINTENDENT’S REPORT, FINANCIAL - FOR BOARD ACTION

9.1 Taking specified action on the following BIDS:

EDUCATIONAL

9.1.1 Award – Hardcover/Paperback Books

9.2 Approving a 2009-2010 SEDCAR I Sub-Allocation Contract for Services between Commack Union Free School District (Local Education Agency-LEA) and the Northport-East Northport Union Free School District (Approved Special Education Program-ASEP)

9.3 Approving the following donations to the District:

9.3.1 \$500.00 from Mark Tracy to the Judith P. Tracy Memorial Scholarship Fund and \$150.00 from Mr. and Mrs. Joseph Tragna to the Lieutenant Commander Christopher C. Tragna Memorial Scholarship Fund

9.3.2 \$280.00 from various donors to the Michael Kauffman Memorial Scholarship Fund

9.3.3 \$200.00 from Mr. and Mrs. Charles D. Tragna to the Lieutenant Commander Christopher C. Tragna Memorial Scholarship Fund and \$1,000.00 from Mrs. Britt Marshal to the Joseph Marshall Math Scholarship Fund

9.4 Approving transfer of general fund appropriations in the 2009-2010 budget

9.5 Approving a 2009-2010 Special Education Services Contract between the Northport-East Northport Union Free School District and the Half Hollow Hills Central School District

9.6 Approving the following change orders:

CAPITAL PROJECTS – EXCEL:

9.6.1 Change Order #1, dated November 17, 2009, SED Project #58-04-04-03-0-009-015, Pulaski Road Elementary School, increase in the amount of \$677.00

9.6.2 Change Order #1, dated August 21, 2009, SED Project #58-04-04-03-0-003-016, East Northport Middle School, increase in the amount of \$1,219.92, and General Allowance Authorization #1, in the amount of \$2,000.00

9.7 Approving the following resolution:

RESOLUTION OF THE NORTHPORT-EAST NORTHPORT UNION FREE SCHOOL DISTRICT, NEW YORK, ADOPTED DECEMBER 21, 2009, DELEGATING TO THE PRESIDENT OF THE BOARD OF EDUCATION THE POWER TO AUTHORIZE THE ISSUANCE OF TAX ANTICIPATION NOTES AND/OR REVENUE ANTICIPATION NOTES FOR THE 2009-2010 FISCAL YEAR.

Recitals

WHEREAS, on October 15, 2009, in response to updated budget projections, the Governor of the State of New York (the “Governor” and the “State”) proposed reducing the current 2009-2010 State Budget by \$3.0 billion, including \$480 million in education spending; and

WHEREAS, the State Legislature convened in Special Session to consider the Governor’s deficit reduction plan and to develop other proposals to address the imbalance in the State’s 2009-2010 Budget, which has been estimated to be between \$3.2 billion and \$4.0 billion; and

WHEREAS, on December 2, 2009 the State Legislature adopted a \$2.7 billion deficit reduction plan to partially reduce the State’s projected budget deficit, *without* impacting any State aid funding to public school districts; and

WHEREAS, on December 13, 2009 the Governor announced that he would unilaterally withhold \$750 million in scheduled payments to schools and local governments and instructed the Division of the Budget to delay aid payments to school districts in order to eliminate the total projected State deficit; and

WHEREAS, as a result of the Governor's action, the Board of Education of the Northport-East Northport Union Free School District (the "District") anticipates that such delay may affect the District's operating cash flow and cash liquidity for the remainder of the 2009-2010 school fiscal year and necessitate District borrowing; and

WHEREAS, in order to arrange for any such borrowing in a timely and efficient manner, the Board of Education of the District has determined that it is necessary and desirable to delegate to the President of the Board the power to authorize the issuance of tax anticipation notes and/or revenue anticipation notes of the District during the remainder of the current fiscal year; and

Now, therefore,

THE BOARD OF EDUCATION OF THE NORTHPORT-EAST NORTHPORT UNION FREE SCHOOL DISTRICT, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than a majority of all the members of said Board of Education) AS FOLLOWS:

Section 1. In order to facilitate the issuance of tax anticipation notes (the "TANs") and/or revenue anticipation notes (the "RANs," and together with the TANs are hereafter collectively referred to as the "Notes") to provide funds to meet its cash-flow needs for the 2009-2010 fiscal year, the Board of Education of the Northport-East Northport Union Free School District (the "District"), in the County of Suffolk, New York, hereby delegates, pursuant to Section 30.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), its power to authorize the issuance of tax anticipation notes and/or revenue anticipation notes to the President of the Board of Education, the chief fiscal officer of the District.

Section 2. (a) Any TANs shall be issued pursuant to Section 24.00 of the Law, and shall be issued in anticipation of the collection of real estate taxes heretofore levied for school purposes for the fiscal year commencing July 1, 2009 and ending June 30, 2010, and the proceeds of the TANs shall be used only for the purposes for which said taxes have been levied.

(b) Any RANs shall be issued pursuant to Section 25.00 of the Law, and shall be issued in anticipation of the receipt of moneys (herein called "State Aid") expected to be received by the District from the State of New York for the fiscal year commencing July 1, 2009 and ending June 30, 2010 and the proceeds of the RANs shall be used only for the purposes of paying expenses which are payable from the State Aid in anticipation of which they are issued.

Section 3. All of the Notes so authorized shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the District, and the faith and credit of the District are hereby pledged to the punctual payment of the principal of and interest on the Notes and unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the District and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00 and 60.00 of the Law, the powers to sell and issue such Notes, including the renewals thereof, and to determine the terms, form and contents, including the manner of execution, of such Notes, and to execute arbitrage certifications relative thereto, are hereby further delegated to the President of the Board of Education.

Section 5. All of such Notes shall be executed in the name of the District by the manual signature of the President of the Board of Education, the Vice President of the Board of Education, the District Treasurer, the District Clerk, or such other officer of the District as shall be designated by the

chief fiscal officer of the District, and shall have the corporate seal of the District impressed or imprinted thereon which corporate seal may be attested by the manual signature of the District Clerk.

Section 6. The powers hereby delegated shall be exercised by the President of the Board of Education until such time as the Board of Education, by resolution, shall elect to reassume the same.

Section 7. This resolution shall take effect immediately.

In response to questions, Ms. Kathleen Molander, Assistant Superintendent for Business, stated that the recommended resolution addresses the 10% cut in State Aid the District received in December and a possible 19% reduction in the Star payment in the month of January. Ms. Molander stated that this is proactive and the District may not have to borrow the money, but would be able to should it need it. Ms. Molander noted that several law suits have been filed against the state and suggested writing to the governor and local representatives as a united force against the cuts in State Aid.

9.8 Authorizing the administration to apply for a “*Chase Multimedia in the Classroom Grant*” to be used for students and teachers at Ocean Avenue School to receive free general admission to the 2010 Celebration of Teaching and Learning.

Vote on Trustee Gannon’s motion to approve all items under 8. and 9., including Supplemental 8.1.1 (Schedule A - #3-6), Supplemental 8.1.3 (Schedule C - #3), Supplemental 9.4 (Transfer of Funds), Supplemental 9.7 (Resolution), and Supplemental 9.8 (Grant Application) was unanimously carried by those present.

10. SUPERINTENDENT'S REPORT - FOR INFORMATION ONLY

10.1 Student Activity Account Reports for October, 2009 from:

- 10.1.1 Northport High School
- 10.1.2 East Northport Middle School
- 10.1.3 Northport Middle School

11. UNFINISHED BUSINESS

Dr. McDermott stated that Instructional Initiatives in Community Services postponed at the December 7th meeting will be presented at the April 27th, 2010 meeting.

12. NEW BUSINESS

6. COMMUNICATIONS

There were no letters of communication.

7. PUBLIC PARTICIPATION

<u>Name</u>	<u>Comment</u>
Denise Mumm UTN-EN	Thanked Dr. McDermott for calling her today and giving an update on several issues and also inquired about the status of the Use of Facilities policy and suggested reviewing health care options and changing employee contributions to health insurance.

Trustee Ingraham stated that the committee reviewing the Use of Facilities policy will have recommendations ready next month for the Board’s review.

Dr. Nina Dorata
Audit Committee Member

Stated that the terms of the audit committee members should not be interrupted following an audit when there is existing work the committee must complete and suggested having the terms coincide with the appointment of the District auditors. Dr. Dorata also stated that it is important to understand where the District stands on actual spending through the Budget Status Report. Dr. Dorata suggested preparing budgets by building district-wide in order to calculate costs per building and costs per student per building.

At 11:00 p.m., motion was made by Trustee Sato, seconded by Trustee Ingraham, to extend the meeting.

Unanimously carried by those present.

Armand D'Accordo
Audit Committee Member
UTN-EN

Inquired if the Board was involved in the development of the five year capital improvement plan or if it was developed by the outside company that created it and if any recommendations were being made with regards to the athletic fields. Mr. D'Accordo also stated he was concerned with all the plans and liabilities being created on a long term basis and that the District continues to do a budget on a year to year basis.

Trustee Dragone stated that the Board is involved in the development of the five year capital improvement plan. Mrs. Dragone noted that there is a team comprised of district personnel, community residents, parents and members of the health and safety committee that are involved in the plan at different points in time.

Ms. Kathleen Molander, Assistant Superintendent for Business, stated that the District does plan ahead with the use of District's reserve funds, including the workers compensation reserve fund, the unemployment insurance reserve fund, the employee benefit liability reserve fund, and the capital reserve fund. Ms. Molander stated that the District is planning long term for expenditures they know they will have.

Trustee Dragone noted that it is illegal for the District to reserve funds to cover GASB45.

There being no further business to discuss at this time, motion was made by Trustee Wills, seconded by Trustee Sato, to adjourn the meeting.

At 11:15 p.m., the Chair declared the meeting adjourned.

Beth M. Nystrom
District Clerk

bmn