

**Northport-East Northport Union Free School District Regular Meeting - William J. Brosnan School  
(Thursday, October 26, 2017)**

*Generated by Beth M Nystrom on Friday, October 27, 2017*

**Members present**

David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

**Members absent**

None

**Also present**

Mr. Robert Banzer, Superintendent of Schools

Ms. Kathleen Molander, Assistant Superintendent for Business

Ms. Irene McLaughlin, Assistant Superintendent for Human Resources

Mr. Steven Goodstadt, Ingerman Smith, LLP, Board Counsel

Ms. Diana Cannino, Ingerman Smith, LLP, Board Counsel

Public Attendance: Approximately 60 people

**1. CALL TO ORDER** – President Rapiejko called the meeting to order at 6:06 p.m.

**2. IF NECESSARY, THE CHAIR MAY ENTERTAIN A MOTION TO ENTER INTO EXECUTIVE SESSION** - Note: It is anticipated that the Board will meet in public at 6:00 p.m. in the Board Conference Room to act upon a resolution, upon majority vote, to immediately convene into Executive Session to discuss matters pertaining to the employment history of a particular person, matters pertaining to pending litigation, and matters pertaining to collective negotiations.

Action: 2.01 Motion to convene into Executive Session to discuss matters pertaining to the employment history of particular persons, matters pertaining to current litigation, and matters pertaining to collective negotiations.

Motion by David Stein, second by Lori McCue.

Final Resolution: Motion passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C. Noonan, Andrew Rapiejko, David Stein, Tammie Topel

At 7:25 p.m. the Board reconvened in public session in the cafeteria at the William J. Brosnan School.

**3.** Mr. Rapiejko led those present in the **PLEDGE OF ALLEGIANCE**; and

**4.** Pointed out the **EMERGENCY EXITS**

**5. APPROVAL OF MINUTES**

Action: 5.01 Minutes

There were no minutes for approval.

**6. STUDENT AND STAFF RECOGNITION/ANNOUNCEMENTS FROM THE SUPERINTENDENT OF SCHOOLS**

Presentations: 6.01 Accomplishments of Staff and Students

6.01.1 Mr. Michael Genovese, Norwood Avenue Elementary School Principal, introduced the following students who attended a "We Day U.N." leadership conference:

Benjamin Bunch, Mairead Carroll, Patrick Clements, Sedona Conforti, Christian Darrigo, Haiden Forster, Masen Forster, Harrison Kuhn, Glenn May, Spencer Murphy, Liam Prasad, Jack Sandin, Finn Tyrer, Molly Ahearne, Lillian Clements, Brendan Fenlon, Wyatt Fredericks, Ava Olsen

6.01.2 Governor Andrew Cuomo has declared the week of October 23 - October 27, 2017 School Board Recognition Week. The Governor declared this special week to commend school board members for their dedicated services to the children of New York State. The seven members of the Board received a Proclamation from New York State Senator Carl Marcellino, commendations from Western Suffolk BOCES, and commendations from the Northport-East Northport School District and PTA Council.

Information: 6.02 Upcoming Meetings

President Rapiejko reviewed the upcoming meetings of November 16<sup>th</sup>, November 30<sup>th</sup> and December 14<sup>th</sup>.

Mr. Rapiejko reminded the Board that the BOCES Annual Dinner featuring student work is being held on Thursday, November 30<sup>th</sup> which is the same evening of a scheduled Board meeting. The Board will discuss whether to change the date of that Board meeting under New Business.

**7. COMMUNICATIONS** - Please Note: This is the opportunity for persons who had written letters to the Board to speak to the Board regarding the issues raised in their communications. Speakers are asked to keep their comments brief, and to speak no longer than 5 minutes.

There were no communications requiring Board action.

**8. PUBLIC COMMENT/PARTICIPATION** - Please Note: Community members are invited to share their questions, comments, or concerns with the School Board. When speaking, citizens should state their name and address for the record and limit their presentation to 5 minutes. Where possible, the Board will answer factual questions immediately. A written response may be provided when information is not available. If a response would involve discussion of Board Policy or decisions which might be of interest to citizens not present at the meeting, the Board may place the item on a future meeting agenda.

<u>Name</u>	<u>Comment</u>
Mike Gozelski Football Booster Club President	Suggested that the concession stand be placed in the south end of the field which has more room and the north end of the field be used for handicapped parking.
Antoinette Blanck UTN President	Read a statement saying that she was deeply troubled that personal notes that were taken by a member of the UTN for their own reference regarding a personal matter were taken without that person's knowledge and posted on social media. Ms. Blanck stated that the notes are sole property of the United Teachers of Northport and they are not subject to FOIL. The preservation of privacy and confidentiality is very important and it is extremely disturbing that the notes are out on social media with names on them that were not redacted.

President Rapiejko stated that he appreciated Ms. Blanck coming forward and saying that preservation of confidential discussions is extremely important.

Denise Schwartz  
Parent Stated that a diesel generator was used to blow out lines at Northport Middle School and several children felt sick from the fumes, there are leaks in the portables and there is a sink hole at Ocean Avenue School. Ms. Schwartz stated that issues need to be addressed in every building.

Superintendent Banzer stated that the sink hole at Ocean Avenue School was noticed before the school opened and it was due to the heavy rains. The students were re-routed into the school. It was inspected by an engineer and architect and will be repaired immediately. Regarding the diesel generator it was outside the school, not near any windows, and the wind blew the fumes toward the school. Students who did not feel well were brought to the nurse and parents were called. JC Broderick was called in to check the air quality and all was ok.

Nancy Mansour  
Parent Stated that the health and safety of the school community is a top priority and the issues at Northport Middle School have been going on for far too long. Ms. Mansour stated that the middle school should be closed and students and staff moved over to the Brosnan Building.

Louise Ko  
Parent Stated that last year there was another sink hole at Ocean Avenue School. Ms. Ko asked what the plan is to remedy this and why is this happening.

Tracy Bernson  
Parent Asked if it is 100% safe for the students to use the main entrance to Ocean Avenue School which is a few feet away from the sink hole.

Mr. Banzer stated that it has been inspected and it is safe for the students to use the main entrance.

#### Action 11. Reorder Agenda

Recommendation reorder the agenda and move item 11 before item 9.

Motion by David Badanes, second by David Stein

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

## 11. PUBLIC WORK SESSION

Superintendent Banzer presented an overview of the history of Northport Middle School. In 1956 the Senior High School opened on the Middleville Road Campus. In 1966 the new high school opened on Laurel Hill Road and the Middleville campus was named Middleville Junior High. In 1991 due to declining enrollment and fiscal difficulties, the Middle campus was closed. In 1996 due to resurging enrollment the Middleville campus was reopened and the Laurel Avenue campus was closed.

Through a review of historical documents, primarily from 2000-2001 regarding indoor air quality, according to health and safety incident reports filed there were a number of complaints related to headaches, upset stomach, various smells including mildew, mold and gas, skin rash, itchy skin, dust in the air and on the floors and in a few cases, asthmatic reactions. The documents detail the account of what appeared to be a collaborative effort of the school district, building staff, teacher's union, community members and three professional consultants (Tiffany-Bader, Envirosience Consultants, and New York Committee on Occupational Safety and Health) in investigating these concerns. The documents also indicate that the results of these findings were reviewed by the New York State Education Department and the Suffolk County Department of Health. The review of records indicate that there were recommendations such as: the increased maintenance of ventilation systems, review of housekeeping activities; and the repair or abandonment of damaged or antiquated building systems. The extensive

remediation plan results in spaces and classrooms that met the recommendations set forth by the various agencies involved during this time period.

In 2011 there was a report from a middle school teacher in room 75 that gas was leaking into the classroom making them feel dizzy and sick. Maintenance staff treated it as a plumbing issue, checked for leaks and assessed trap, filled chase in floor leading to basement (warehouse).

In 2012-2014 “Operation Deep Clean” was instituted for numerous projects throughout the District. Generally, there was a redeployment of staff, particularly on Fridays during the summer to provide additional custodial support to complete projects.

Mr. Banzer viewed the Northport Middle School facility upgrades including capital projects from the late 1990’s to 2007, projects from the 2008 bond referendum, and capital projects since 2009 and various upgrades throughout the Northport Middle School campus.

Mr. Banzer reviewed the 2017 plan which is to change the culture/systems, recruit/retain/support leadership and use data to drive decisions which will lead to a model facilities program. Mr. Banzer and Mr. John Moran, Northport Middle School Head Custodian, reviewed the recent maintenance enhancements at Northport Middle School.

There was a discussion regarding the portables at Northport Middle School, districtwide air quality testing, Tools for Schools, drywells throughout the district, the warehouse at Northport Middle School, and the implementation timeline of Tools for Schools.

#### Discussion: 11.01 Longitudinal Study of Northport Middle School

President Rapiejko stated that community members had asked the Board to do a longitudinal study. The Board requested input from two experts in the field of environmental health, Dr. Kenneth Spaeth and Dr. Lauren Zajac. An outstanding question posed from community members was if the conditions in the classroom could be recreated and then air testing be performed. Dr. Zajac consulted with her team and in the end decided that it could not be done with a level of confidence.

Trustee McCue stated that some community members are saying that the doctors were paid.

Superintendent Banzer stated that as part of the organization the doctors belong to, they volunteer their time. They were not paid by the District.

President Rapiejko stated that Dr. Zajac concluded that there would be no value in doing a longitudinal study as it would be very, very hard to get information that would be valuable. Dr. Zajac would not recommend doing one and suggested the District put that energy and effort into putting an indoor air quality plan in place.

#### Action 11.01 Longitudinal Study

Recommendation to request the administration perform a longitudinal study due to the issues at Northport Middle School

Motion by David Badanes, second by Allison C. Noonan

There was a long discussion by Trustees regarding doing a longitudinal study. Trustee Badanes states that with all the questions given to Dr. Zajac and her opinion, he did not see value in doing a study. Mr. Badanes stated that there are too many variables but he does see value in going forward and fixing things to make sure it doesn’t happen again. Trustee Noonan stated she believes the Board has a fiduciary responsibility to protect the health and safety of students and staff and a study may reconcile what has

happened and make parents and staff members feel that the Board does have their best interests. Trustee McCue stated that she could not vote for doing the study as it would not do anything to improve the situation from the opinions of experts. Trustee Topel stated that she believes work has to be done before doing a longitudinal study such as looking at nurses logs of student illnesses. Trustee McNaughton stated that the District sought the advice of two professionals who do this for a living who said that if a study was done you would not be able to draw conclusions. Mrs. McNaughton was not in favor of doing a study. Vice President Stein stated that the District brought in experts and the advice they gave was invaluable with information from a medical perspective. Mr. Stein stated that there is a need for an improved process, performance and follow-up but he does not agree with doing a longitudinal study. President Rapiejko stated that he has worked with the Suffolk County Department of Health for over 30 years performing environmental testing and that if you don't have confidence in the conclusions you will get you should not do a study.

Final Resolution: Motion Fails

Yes: Allison C Noonan

No: David Badanes, Lori McCue, Donna McNaughton, Andrew Rapiejko, David Stein, Tammie Topel

Action: Extend Meeting

At 10:30 p.m. recommendation to extend the meeting

Motion by David Stein, second by Donna McNaughton

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

Action: 11.01 Study of Nurse Logs

Recommendation to look at nursing logs for Northport Middle School at number of students who complained of illnesses in K-wing and compare to themselves.

Motion by Tammie Topel, second by Allison C Noonan

There was a discussion of Trustee Topel's motion to do a study of the nursing logs. Trustee Topel stated that answers could be given to parents because the District has that data. Trustee Noonan stated that doing this study is not necessarily about getting a conclusion but reconciling and validating the community and staff concerns. President Rapiejko stated that in doing a study you want to minimize the variables and to him it is not practical as there are too many variables. Mr. Rapiejko stated that the District is validating what the community has said by all the actions that Mr. Banzer has undertaken. The way to go is with the plan that Mr. Banzer has laid out and not do studies the experts say will not give any conclusions. Trustee Badanes stated that doing this kind of study would give a little bit of false hope and the reconciliation is the work Mr. Banzer is doing in the four phase program working on the issues and preventing them in the future.

Trustee McCue asked to call the question.

Final Resolution: Motion Fails

Yes: Allison C Noonan, Tammie Topel

No: David Badanes, Lori McCue, Donna McNaughton, Andrew Rapiejko, David Stein

Action, Discussion: 11.02 Board Policies

Recommendation to table item 11.02 until the November 16, 2017 Board of Education meeting

Motion by David Stein, second by Tammie Topel.

Final Resolution: Motion Passes

Yes: Lori McCue, Donna McNaughton, Andrew Rapiejko, David Stein, Tammie Topel  
No: David Badanes  
Abstain: Allison C Noonan

Action, Information: 11.03 New York State School Boards Association Annual Convention  
Recommendation to table item 11.03 until the November 16, 2017 Board of Education meeting

Motion by Tammie Topel, second by Allison C Noonan.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

Information: 11.04 Committee Updates

11.04.1 Legislative Advocacy Committee Update from Trustee Badanes

Trustee Badanes stated that the committee met a couple of times and discussed some action items. They are getting more information about Title I and II grants, 611 grants and the next meeting is December 6<sup>th</sup>.

11.04.2 Use of District Facilities Citizen Advisory Committee Update from Vice President Stein

Vice President Stein stated that there was an initial meeting on September 9<sup>th</sup> with the Superintendent. The full committee will be meeting on November 9<sup>th</sup>.

## **9. SUPERINTENDENT'S REPORT, GENERAL - FOR BOARD ACTION**

Action: 9.01 Personnel Actions Report

Recommendation to approve the attached Personnel Actions Report including Addendums and the following resolutions:

“BE IT RESOLVED, that the Board of Education of the Northport-East Northport Union Free School District, having reviewed an Agreement involving a member of the non-instructional staff in executive session, hereby approves such Agreement and authorizes and directs the Superintendent of Schools and Board of Education President to execute such Agreement on behalf of the Board of Education.”

“BE IT RESOLVED, that the Board of Education hereby directs an employee made known to them in Executive Session to attend a medical examination in order to determine such employee’s fitness to perform the responsibilities of the employee’s position within the district. Such examination shall occur at a time and location scheduled by the physician and communicated to the employee.”

Motion by Tammie Topel, second by Donna McNaughton.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

Action: 9.02 Textbook

Recommendation to receive for a second read and adopt the following textbook:

9.02.1 The Musician's Guide to Theory and Analysis, Clendinning/Marvin, W.W. Norton and Company, 2016 (AP Music Theory, Grades 10-12)

Motion by Tammie Topel, second by Donna McNaughton.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

Action: 9.03 Impartial Hearing Officer

Recommendation that the Board appoint Joseph Wooley as Hearing Officer to conduct hearings pursuant to Section 504 of the Rehabilitation Act of 1973 and Section 3214 of the Education Law of the State of New York

Motion by Tammie Topel, second by Donna McNaughton.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

Action: 9.04 Impartial Hearing Officer

Recommendation to approve the following resolution:

"BE IT RESOLVED, that in accordance with Board Policy and State Regulation, the Board of Education approve the appointment of Ms. Lynn Botwinik Almeleh, 11 Lotus Street, Cedarhurst, NY 11516 to serve as Impartial Hearing Officer for the purpose of conducting an impartial hearing in accord with Policy 4321, Program for Students with Disabilities under IDEA and Article 89."

Motion by Tammie Topel, second by Donna McNaughton.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

## **10. SUPERINTENDENT'S REPORT, FINANCIAL - FOR BOARD ACTION**

Action: 10.01 BIDS

Recommendation to take specified action of the following bid:

### **TRANSPORTATION**

10.01.1 AWARD: Transportation for District Students with Disabilities and District Students Attending Out-of-District Schools

Motion by David Badanes, second by David Stein.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

Action: 10.02 Release of Documents

Recommendation to approve the following resolution:

"WHEREAS, the Board of Education is currently engaged in litigation bearing the caption, "Board of Education of the Northport-East Northport UFSD, et al. v. the Long Island Power Authority, et al.", venued in Suffolk County Supreme Court, Index No. 15194-2011; and

WHEREAS, the Board of Education has determined to authorize certain action by its general counsel, Ingerman Smith, LLP with respect to the aforesaid litigation;

NOW THEREFORE BE IT RESOLVED, that the Board of Education herewith authorizes its general counsel, Ingerman Smith, LLP, to release certain documents in connection with a demand for

discovery made by the Defendants in the above-referenced action, provided to the Board of Education by its prior special counsel, Certilman Balin Adler & Hyman, LLP, concerning the 1997/1998 LIPA/LILCO acquisition and takeover which documents were sent to the Board of Education and/or Northport-East Northport UFSD during the period of retention of Certilman Balin Adler & Hyman, LLP, by the Board of Education, to wit, in or about December 1995 to in or about 2001."

Motion by David Badanes, second by David Stein.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

Action: 10.03 Davidoff Hutcher & Citron, LLP

Recommendation to approve the following resolution:

"BE IT RESOLVED, that the Board of Education hereby authorizes and approves the Retainer Agreement between the Board of Education and Davidoff Hutcher & Citron, LLP for government relations counsel services;

BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the President of the Board of Education to execute the necessary documents to effectuate said Retainer Agreement on behalf of the Board of Education"

Motion by David Badanes, second by David Stein.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

Action: 10.04 LJM RAD, LLC

Recommendation to approve the following resolution:

"BE IT RESOLVED, that the Board of Education hereby authorizes and approves the retention of LJM RAD, LLC for government relations counsel services, subject to the receipt of a Retainer Agreement for said services;

BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the President of the Board of Education to execute the necessary documents to effectuate said Retainer Agreement on behalf of the Board of Education;

BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the District to enter into an Intermunicipal Agreement with other participating municipalities for purposes of sharing the costs and expenses associated with the services provided by LJM RAD, LLC; and,

BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the President of the Board of Education to execute the necessary documents to effectuate said Intermunicipal Agreement on behalf of the Board of Education."

Motion by David Badanes, second by David Stein.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

President Rapiejko read the following statement:

“The Board of Education has been engaged in complex litigation involving the attempt by the Long Island Power Authority (“LIPA”) to seek drastic reductions to the assessed valuation of the Northport power generating facilities. While the Board of Education has no legal right to participate in the underlying tax challenges which is defended by the Town of Huntington, it has successfully asserted its right to claim in a separate lawsuit against LIPA that LIPA breached its 1997 promise to refrain from filing such challenges.

The District has been able to keep this matter at bay for seven years. After completion of nearly all preliminary litigation matters, it now appears that our claim that LIPA has breached its promise, and the underlying tax challenge case, will be reaching the point of submission of all issues to the Suffolk County Supreme Court during the 2018 calendar year.

In addition to this vigorous assertion of rights, the Board tonight has authorized engaging the services of governmental relations counsel. Two firms with expertise in the Legislative and Executive branches of New York State government have been selected to assist the District in this important matter. It is anticipated that these two firms will diligently assert the interests of the District to our state government in tandem with our aggressive posture in the pending litigation. Of course, the Board has authorized our general counsel to pursue amicable resolution of the pending litigation provided the resolution is in the best interests of the District.”

Action: 10.05 Toby Walker

Recommendation to approve a Supplementary Education Services Agreement between the Northport-East Northport Union Free School District and Toby Walker for a performance for 8th graders in the amount of \$850.00 (ENMS)

Motion by David Badanes, second by David Stein.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

## **12. NEW BUSINESS**

Action: 12.01 Change Board Meeting Date

Recommendation to move the November 30, 2017 Board of Education meeting to Wednesday, November 29, 2017

Motion by Allison C Noonan, second by David Badanes.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

**13. ADJOURNMENT** - Board policy requires adjournment by 10:30 pm, unless meeting is extended by vote.

Action: 13.01 Adjournment

Recommendation to adjourn the meeting

Motion by David Badanes, second by Allison C Noonan.

Final Resolution: Motion Passes

Yes: David Badanes, Lori McCue, Donna McNaughton, Allison C Noonan, Andrew Rapiejko, David Stein, Tammie Topel

At 11:01 p.m., the Chair declared the meeting adjourned.

Respectfully submitted,

Beth M. Nystrom  
District Clerk