

**SMITHTOWN CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR MEETING**

July 27, 2010

Held in Joseph M. Barton Bldg.

Meeting called to order at 7:00 p.m. by Robert Rossi, President of the Board of Education. On motion by Mr. Liguori, seconded by Mr. Martella, the Board voted unanimously to convene in Executive Session to discuss employment and/or appointment of particular persons and negotiations with the STA, SSEA and SSGA.

At 8:10 p.m. Mr. Martella moved, Mrs. Knox seconded, and the Board reconvened the Regular Meeting.

Members present:

Neil S. Carlin
Theresa Knox

Louis Liguori
Scott Martella

Robert Rossi
Joseph T. Saggese

Members absent:

Gladys M. Waldron

Also present:

Edward Ehmann, Superintendent
Mary Cahill, Asst. Supt.
Joan Niles, Asst. Supt.
Karen Ricigliano, Asst. Supt.
Lindsay T. Crocker, Board Counsel
Visitors
Mary Wilson, District Clerk

I. OPENING CEREMONY - conducted by Mr. Rossi.

II. COMMUNICATIONS

A. Section A - Correspondence – The following correspondence presented for the Board's review.

1. Letter to Mr. Louis Liguori and Mr. Robert Rossi from Mr. Thomas J. Novak regarding Audit Committee.
2. Letter to Mr. Robert Rossi from Dr. Brenda Clark regarding invitation.

MOTION by Mrs. Knox, seconded by Mr. Saggese that the correspondence in Section A, as listed above, be received and the recommendations of the administration (where indicated) be accepted.

All aye. Motion carried (6-0).

B. Section B - General Communications – There were no general communications presented for the Board's review.

III. OLD BUSINESS

Self-Insured Dental Plan

Ms. Niles noted that during the July 6th meeting the Board had asked the attorney to review the District's ability to cancel the contract for the Self-Insured Dental Plan with J.J. Stanis. The attorneys have informed us that the Board is required to give 60 days notice of its "intent to terminate" prior to the end of any term. The recommendation from the attorney is to terminate the agreement effective July 1, 2011. The District would notify J.J. Stanis in March 2011 and do

an RFP for Third Party Administrative Services beginning July 1, 2011. After discussion it was decided to add an Item 13 to the Business Agenda regarding this situation. Mr. Ehmann stated that the District will execute an RFP relatively soon so that the BOE can compare the offerings and will have the 60 days well in advance to notify J. J. Stanis that we are making the switch. Ms. Crocker added that if you do not choose another vendor, the District will take that opportunity to change that termination notice.

TAS

Mr. Saggese asked for an update on TAS. Mr. Ehmann responded that he will be sending the Board information in their next packet on a proposal to hire TAS. The cost for such an analysis is eight or nine thousand dollars.

Mr. Carlin noted that the State is proposing that districts be able to run their buses on actual, not on the enrolled, numbers. Mr. Carlin requested that the District stay current on that proposal.

Teacher Center

Mrs. Cahill went over an information packet that she provided the BOE. At this time it is not known if the Federal government will be providing funds for Teacher Centers this coming school year. Mr. Carlin questioned whether the Teacher Center is charged for use of facilities. Ms. Niles responded that organizations (non-profit) are only charged if there are additional costs. After back-and-forth discussion Mr. Carlin asked if the grant is not forthcoming this year, who would bear the costs. Mr. Ehmann responded that if the Teacher Center still exists, it will have to raise the costs for programs to be more self-sustaining. The Stony Brook cohort will probably have to meet somewhere else if there is no access to our facilities because our Teacher Center is no longer a viable center. Mr. Carlin added that he did not want the cost of the Teacher Center to become part of the school district budget. Mr. Ehmann stated that that would only be done by the Board deciding that they wanted to allocate funding through the budget lines. Mr. Ehmann referenced an agreement between the Board and administration regarding expenditures of \$20,000 or more having to be discussed.

Electives

Mrs. Cahill reviewed several charts showing low-enrollment electives. A recommendation regarding each course was presented. Mr. Ehmann explained that we have made a commitment to a total FTE footprint for the District. We will stay within that footprint; we may come lower than that footprint based on our conversations here. Tonight we will say our recommendation is to drop some electives because we don't think they are going to build to the extent that we want. We are going to recommend some stay on the menu and we will make the commitment if they don't build to the level that we expect, which we have done in the past, then we will have to reassess at the opening of school. If you cut too soon, you limit the ability for students to finish their schedule. Mrs. Cahill noted that this is driven by student need. Policy is meant to support students; not to be so rigid that we make commitments in advance that we then find we cannot keep. If the Board were to accept this recommendation, it would be a reduction of .8 FTE. Mr. Rossi, on behalf of the Board, thanked Mrs. Cahill for her presentation. Adding that he would like to see some East and West courses come together. Mr. Ehmann stated that he will send the Board a memo based on tonight's discussion listing the courses that are being recommended as exceptions of the policy. Mr. Carlin requested that the Board receive an update on September 5th on the outcome.

IV. COMMITTEE REPORTS

Negotiations

Mr. Rossi reported that the STA has formally declared impasse; there will be no further updates on the STA contract until further notice. SSGA will have a meeting next Tuesday. The SSEA will have a meeting next Wednesday.

Facilities

Saverio Belifore, of H2M, gave a lengthy report on the progress of all projects in the District. After much discussion about the work to be done at Tackan, Mr. Belifore agreed to take another

look at the project. Discussion was held regarding HS East's gym floor. The Superintendent recommended that the Board accept the contractor's offer of a \$27,000 rebate. The Board came to consensus to accept the contractor's offer of \$27,000.

V. SUPERINTENDENT'S REPORT

A. Updates – The Superintendent brought the Board up-to-date on the following items of interest:

- The Extended School-Year Program is operating in full force and it is another successful year.
- New York State is a finalist in the Race to the Top competition.

Mrs. Knox briefly left the meeting.

B. Committee on Special Education

MOTION by Mr. Saggese, seconded by Mr. Liguori approving Committee on Special Education Items 1-2 on a consent motion.

All aye. Motion carried (5-0).

1. Committee on Special Education – upon recommendation of the Superintendent of Schools, be it RESOLVED that the recommendations of the Committee on Special Education for cases 305773, 307664, 309675, 311162, 174467, 311512, 311377, 308685, 311517, 311433, 311555, 311485, 311556, 160800, 155900, 159190, 309278, 303986, 307332, 306567, 309642, 310767, 310814, 309047, 305483, 306936, 311560, 311539, 311428, 308519, 306582, 304572, 152360, 184959, 307899, 305823, 306771, 309498, 311210, 308554, 311346, 310872, 306517, 303388, 309793, 309624, 308613, 309212, 302494, 308028, 309495, 161420, 189849 and 302689 be approved.
2. Sub-Committee on Special Education – upon recommendation of the Superintendent of Schools, be it RESOLVED that the recommendations of the Sub-Committee on Special Education for cases 310734, 308640, 310432, 175888, 305874, 305068, 307268, 304660, 308621, 306361, 154170, 189139, 197169, 150790, 151760, 159200, 194169, 310731, 162660, 310859, 310842, 300931, 200260, 301803, 309617, 309616, 309614, 177108, 310628, 300266, 302437, 304273, 301760, 308617, 301791, 156450, 310841, 304490, 200713, 188819, 308636, 184439, 150470, 179695, 188339, 180928, 180188, 308604, 306698, 308099, 190799, 200141, 302238, 306110, 302080, 309113, 187529, 300890, 311648, 190649, 308205, 305117, 300993, 307009, 304317, 309690, 306429, 308024, 303569, 200475, 300806 and 303812 be approved.

C. Committee on Preschool Special Education

MOTION by Mr. Saggese, seconded by Mr. Liguori approving Preschool Special Education Items 1-2 on a consent motion.

All aye. Motion carried (5-0).

1. Initial Placement for Preschool Special Education Program/Services – upon recommendation of the Superintendent of Schools, be it RESOLVED, that the recommendations of the Committee on Preschool Special Education for Initial Placement – Program/Services for cases P311569, P311568, P311583, P311595, P311414, P311590, P310546 and P310989 be approved.
2. Special Education Preschool Annual IEP Review/Amended IEP – upon recommendation of the Superintendent of Schools, be it RESOLVED, that the

recommendations of the Committee on Preschool Special Education for Annual IEP Review/Amended IEP for cases P308559, P310475, P309693, P310870, P311524, P311525, P310509 P308570, P311346, P308294, P308554, P308833, P311210, P309379 P311369, P310475, P309892, P310382, P310898 and P308550 be approved.

Mrs. Knox returned to the meeting.

D. Revised Policy 5252 – Student Activities Funds Management – Second Reading – the revised policy 5252 – Student Activities Funds Management – Board of Education Policies was presented for the Board’s discussion.

The Superintendent of Schools will subsequently present the final copy to the Board of Education for its action at the next regularly scheduled meeting in August.

E. Calendar for July and August 2010 – The calendars were reviewed and amended by the Board.

F. Litigation – none.

VI. INSTRUCTIONAL REPORT – none.

VII. AUDIENCE

1. Pam Farino cautioned the Board not to be adding extra burdens on the taxpayers in the form of pension funding. Mrs. Farino questioned how her child, with a 3.37 average, could be classified as a child with an IEP.

VIII. BUSINESS AFFAIRS

A. Finance

MOTION by Mrs. Knox, seconded by Mr. Liguori approving AMENDED Finance Items 1 – 13 on a consent motion.

Discussion

Item # 1 – Mr. Saggese asked for clarification regarding the transfer of funds to cover instructional terminal pay. Ms. Niles explained that this amount covers any teacher or administrator who retires and gets paid for sick or vacation days (administrators).

Item # 2 – Mr. Saggese questioned why Purchasing did not go out for new bids rather than have extensions. Ms. Niles responded some bidders were not bidding on certain items because this particular bidder bids too low and on other items the bid is keeping a low price in place.

Item # 6 – Mrs. Knox asked if the Wellness Committee has seen this contract and is comfortable with it. Ms. Niles responded that two members of the Wellness Committee sat in on the review of this item.

All aye. Motion carried (6-0).

1. Budgetary Transfers – upon recommendation of the Superintendent of Schools, be it RESOLVED, that the following budgetary transfers of funds be approved for the 2009-10 school year:

FROM:	See attached	\$573,622.51	
TO:	See attached		\$573,622.51

2. Bid Recommendations - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the following bid recommendations are approved as submitted herein:

08-31	Ext.	Chiller Service at High School East
09-29	Ext.	Ice Cream
10-34		Portable Irrigation System
10-35		Grounds Keeping Equipment

3. Increase in 2009-2010 Budget and Revenues - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the Board of Education hereby approves that the revenue budget be adjusted and increased effective June 30, 2010 as follows:

1041.01.1 Designated for High School West Emergency 650,000

And be it further RESOLVED, that the expenditure budget be adjusted and increased as follows:

A9950-900-53-0000 Transfer to Capital Projects	\$650,000
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for the failed transformer emergency at High School West.

4. Agreements with Smithtown Landing Golf Course and Indian Head Golf Park - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the President of the Board of Education is hereby authorized to execute an agreement with Smithtown Landing Golf Course, Landing Avenue, Smithtown, for the use of its facilities by High School East and West Boys' and Girls' Varsity and Junior Varsity Golf Teams for practices and matches during the 2010-2011 fall and spring season, for an estimated fee of \$11,000.00; and be it further

RESOLVED that when the driving range at Smithtown Landing is closed, the Indian Head Golf Park, Fore Hundred Old Northport Road, Kings Park, will be used by High School West Girls' Varsity Golf Team for practices, at a cost of \$7.00 per large bucket of range balls.

5. LI Cooperative Bid Awards – Child Nutrition Program - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the attached awards are approved for the 2010-11 school year.

6. Pouring Rights Agreement - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the President of the Board of Education is hereby authorized to enter into a pouring rights agreement with Answer Vending Inc.

7. Business Associate Agreement – ARRA-HITECH Act 2009 - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the President of the Board of Education is hereby authorized to enter into a Business Associate Agreement with J.J. Stanis and Company, Inc. to provide certain administrative and/or services to comply with the standards and regulations with respect to the Protected Health Information, as listed in agreement, effective February 17, 2010.

8. Internal Auditor's Representation Letter – Risk Assessment Update Report - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the President of the Board of Education is hereby authorized to sign the Representation Letter issued by the District's Internal Auditor, Cullen & Danowski, LLP, dated July 16, 2010, in connection with the Risk Assessment Update Report for the Smithtown Central School District.

9. Medicare Part D Reimbursement for 2009 - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the President of the Board of Education is

hereby authorized to accept the Medicare Part D Reimbursement funds for 2009 in the amount of \$444,095.05 to be used to offset future health care costs.

Note: The wording of the resolution is required by the trust agreement of the Suffolk School Employees' Health Plan. The funds are budgeted in the General Fund as a Revenue and fulfill the requirements of offsetting health care costs.

10. SEQRA Recommendation – Smithtown High School West - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the Board of Education of the Smithtown Central School District, after review of the action proposed at Smithtown High School West, hereby determines that the gas piping upgrade and associated work are a Type II Action pursuant to 6NYCRR Part 617.5(c)(2) of the implementing regulations of the State Environmental Quality Review Act, and will, therefore, by definition, have no significant adverse impact on the environment.
11. Disclosure and Consent - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the attached disclosure and consent dated July 23, 2010 from Lamb & Barnosky, LLP, is hereby approved and the President of the Board is hereby authorized to execute same.
12. Agreements with Suffolk County Community College - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the attached license agreements between the Smithtown Central School District and Suffolk County Community College regarding use of its aquatic facilities for Smithtown High School Girls' Swim Team practices, meets, and use of their pool lifeguards, from August 30, 2010 through November 30, 2010, for a total of \$17,880.00, is hereby approved, subject to review by the District's attorneys and final approval by the Superintendent, and the President of the Board of Education is authorized to execute same.
13. Rescinding of 7/6/10 Resolution – Self-Insured Dental Plan – upon recommendation of the Superintendent of Schools, be it RESOLVED, that the July 6, 2010 resolution renewing the self-insured Dental Plan with J.J. Stanis and Company, until September 1, 2010 is hereby rescinded and RESOLVED that the Smithtown Central School District is hereby authorized to renew the self-insured Dental Plan with J.J. Stanis and Company for the 2010-2011 school year.

B. Operations

MOTION by Mrs. Knox, seconded by Mr. Martella approving Operations Items 1-3 on a consent motion.

All aye. Motion carried (6-0).

1. Additions to List of Organizations Approved to Use School Facilities 2010-2011 School Year - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the following organizations, having made formal application, are hereby approved to use school facilities at the Smithtown Central School District during the 2010-2011 school year, subject to all School District policies, rules and regulations, Standard Uniform Practices, and contract provisions:

Cub Scout Pack 57
Great Hollow Middle School PTA
Smithtown Kickers, Inc.
2. Declaration of Obsolete Items - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the following items, due to poor condition and/or obsolescence, are no longer useful to the District, and are hereby declared to be obsolete, and are to be disposed of in a manner that is in the best interest of the Smithtown Central School District.

2 message machines: Radio Shack TAD-510, Southwestern Bell Digital Answering Machine FA970 at New York Avenue

Attached list of computer equipment *

1 office desk (#7005020); 1 two drawer desk; 1 two shelf bookcase; 1 office desk (#7005001), 1 three drawer desk, 1 five drawer desk, 1 one drawer desk; 1 six shelf bookcase all at the Special Education Department

* List available upon request

3. Acceptance of Gift - upon recommendation of the Superintendent of Schools, be it RESOLVED, that the Board of Education authorizes the acceptance of the following gift:

Donated By

\$215.00 for the Kay Reynolds
Memorial Scholarship Fund

See attached list

PERSONNEL

- A. Certified – The following AMENDED Certified Personnel Items were presented for the Board's approval (Attachment IX. A. 1-21):

1. Appointment of Substitute Teachers
2. Appointment of Regular Substitute Teachers
3. Certifications
4. Appointment of Probationary Teachers
5. Certifications
6. Appointment of Instructional Specialist(s)
7. Appointment of Lead Teachers
8. Appointment of Part-time Teachers
9. Certifications
10. Appointment of Marching Band Director
11. Coaching Assignment(s)
12. FMLA, Leave of Absence Without Pay
13. Special Assignment – Music Department Facilitator
14. Appointment of ABA Home Aide Supervisor(s)
15. Appointment of Event Chaperones 2010-2011
16. Appointment of Potential After-School Supervisors
17. Coordinator of Department of Labor Summer Work Program
18. Appointment of Mentor Coordinator
19. Approval for compensation of Athletic Event Trainer Supervision
20. Appointment of Athletic Trainers
21. Appointment of Volunteers

Discussion

Item # 19 & 20 – Mr. Carlin asked for clarification regarding the duties and timeframe worked for the Athletic Trainers. Mr. Ehmann responded that the Athletic Director has worked out a routine whereby there are golf carts and radios for the trainers use to service the students. One trainer covers the east side of town including HS East and Nesaquake. The other trainer covers the west side of town including HS West and Accomsett MS. The salary covers their work from approximately 2:30 to 5:30 p.m. Mrs. Ricigliano noted that the Athletic Trainer salaries were increased a few years ago from approximately \$15 or \$20,000 to the \$25,000 amount. At that same time the number of trainers was reduced from three to two. Mr. Saggese questioned the payment for extra hours. Mrs. Ricigliano explained that the extra compensation covers tournaments, Saturday and night games. Mr. Carlin requested that in the future when changes are made in stipends, or things of that nature, it be somehow notated on the resolution.

MOTION by Mrs. Knox, seconded by Mr. Liguori approving the AMENDED Certified Personnel Items 1-21, as detailed in the attached resolutions.

All aye. Motion carried (6-0).

B. Classified - The following Classified Personnel Items were presented for the Board's approval (Attachment IX. B. 1-6):

1. Establishment of Position of Assistant Plant Facilities Administrator
2. Appointments
3. Change of Status
4. Change of Status – Reason(s)
5. Leave of Absence Unpaid
6. Leave of Absence – Reason(s)

MOTION by Mrs. Knox seconded by Mr. Liguori, approving the Classified Personnel Items 1-6, as detailed in the attached resolutions.

All aye. Motion carried (6-0).

Ms. Ricigliano welcomed the newly appointed staff.

Mr. Rossi, on behalf of the Board of Education, also welcomed the newly appointed staff.

C. Registered Nurses – The following Nursing Personnel Items were presented for the Board's approval (Attachment IX. C. 1):

1. Summer School Program – Nurse

MOTION by Mrs. Knox seconded by Mr. Carlin, approving the Nursing Personnel Item 1, as detailed in the attached resolutions.

All aye. Motion carried (6-0).

X. NEW BUSINESS

Mr. Ehmann announced that Brian Simpson, Accomsett El. AP, has been appointed as an elementary principal in the Commack school district.

XI. ADJOURNMENT

MOTION by Mrs. Knox, seconded by Mr. Martella that the meeting be adjourned at 10:35 p.m. Motion carried.

All aye. Motion carried (6-0).

Respectfully submitted,

Mary Wilson
District Clerk