

**MINUTES
ROCKY POINT PUBLIC SCHOOLS
BOARD OF EDUCATION MEETING
AUGUST 2, 2010**

Mrs. Burke called the meeting to order at 6:15 P.M.

Pledge of Allegiance

Present: Michael Nofi, President (arriving at 7:57 P.M.)
Diane Burke, Vice President
John Lessler, Trustee
Kathleen Hegggers, Trustee
Michael F. Ring, Ed.D., Superintendent of Schools
Deborah DeLuca, Ed.D., Asst. Superintendent
Gregory Hilton, School Business Official
Susan Wilson, Executive Director for Educational Services
Patricia Jones, District Clerk

Also Present: David Pearl, Esq.

Absent: None

Mrs. Burke welcomed those in attendance.

Meeting attendee, Therese King, requested clarification of the newly implemented monthly meeting change of time and procedure.

Both Mrs. Burke and Dr. Ring responded. Acknowledging the new meeting protocol may be temporarily confusing, Dr. Ring assured Mrs. King that it was both the proper and correct meeting protocol to be followed.

There was no further discussion.

Executive Session

Upon a motion made by Kathleen Hegggers and seconded by John Lessler, the Board of Education adjourned to Executive Session in order to discuss particular personnel matters.

All in favor – Motion carried 3-0

The Board returned to Open Session at 7:05 P.M.

SUPERINTENDENT'S REPORT

- **Presentation – Organizational Changes and Goals – Dr. Ring**

During the PowerPoint presentation, “Moving Forward: Goals for 2010-11 and Beyond,” Dr. Ring discussed three core goals for the district. Topics covered in the detailed presentation included Academic Excellence, Organizational Development and Fiscal Sustainability. Following the presentation, Dr. Ring opened the floor to questions.

- Mrs. Noto asked several questions concerning the special education program and related services.
- Mrs. Heely expressed concern upon the addition of instructional coordinators and the elimination of special education coordinators.
- Mrs. Andersson-Fabricatore asked for the number of coordinators that would be included in the new plan.
Dr. Ring responded that there would be two coordinators instead of the previous five.
- Mrs. King shared the district had successfully utilized coordinators in the past.
- Mr. Scott Reh asked if each academic area would have its own chairperson.
Dr. Ring responded that this was not necessarily so and provided examples wherein this may not be the case.
- Mrs. Noto asked if the yet-to-be-appointed athletic director would be responsible for overseeing health services.
Dr. Ring provided a brief overview of past practice for responsibility of health services and indicated the new plan would move the responsibility for health services back to the athletic director.
- Mrs. King mentioned ninth period and student lock-out during 2009-2010 and asked if it would continue in the new school year.
- Mrs. Farley asked if a new athletic director would be in place on or before September 1, 2010.
Dr. Ring responded in detail. Noting that Rocky Point was simultaneously in competition with several other school districts in search of an athletic director, Dr. Ring announced there was a possibility that an interim would be selected until the search for a permanent employee was successfully completed. In response to a follow-up question from another meeting attendee concerning the hiring committee and interview protocol, Dr. Ring explained that three sets of interviews were conducted by committees made up of administrators, Board of Education trustees, Booster Club members, teachers, union representatives, Mrs. Rose Monz, athletic department secretary, and others. Dr. Ring noted that those serving on the interview committees were chosen from various groups in the school community. Dr. Ring further disclosed the final outcomes for those interviews thus far conducted.
Mrs. Monz assured those in attendance that, athletically speaking, everything is presently in place for a successful start of the athletic program for the 2010-2011 school year, including the ordering of uniforms and preparation of schedules.
- A meeting attendee, identifying herself as a parent of a special education student, stated she was very pleased with the district and the progress being made by her child. She praised the staff and indicated her concern with the possible decline in

the level of care and support if the proposed special education changes were implemented. She asked the members of the board to think carefully before implementing these changes.

Mrs. Burke assured the speaker that the proposed changes were designed to enhance the program and would only benefit the program.

Dr. Ring added that the district was committed to enhancing services for special education students and all students of the district.

- Commenting upon the new structure of the organizational chart in Dr. Ring's PowerPoint presentation, a meeting attendee asked if classroom teachers would experience "road bumps" as a result of the proposed changes.
Dr. Ring assured that this would not be the case.

There was no further discussion.

MINUTES

Upon a motion made by John Lessler and seconded by Kathleen Hegggers, the following resolution was offered:

BE IT RESOLVED, that the Minutes of the following Board of Education meetings be accepted as presented: Regular Meeting, June 28, 2010, Annual Organizational Meeting, July 1, 2010, as amended.

All in favor - Motion carried 3-0

INTERNAL CLAIMS AUDIT REPORT – JULY 2010

Upon a motion made by Kathleen Hegggers and seconded by John Lessler, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the July 2010 Internal Claims Audit Report

All in favor – Motion carried 3-0

BUDGET TRANSFER SUMMARY – JUNE 2010

Upon a motion made by John Lessler and seconded by Kathleen Hegggers, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the June 2010 Budget Transfer Summary.

Mrs. Burke asked Mr. Hilton to comment on any highlights concerning this resolution.

Mr. Hilton responded that the large number of transfers was a result of the usual increase in end-of -year special projects.

All in favor – Motion carried 3-0

SURPLUS ITEMS

Upon a motion made by John Lessler and seconded by Kathleen Hegggers, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves for surplus the following attached list.

At Mrs. Burke request for additional information, Mrs. Wilson noted the large number of surplus items included computers, monitors, assorted CRT televisions and laptops that were obsolete and/or beyond repair. Mrs. Wilson disclosed that the items would be recycled at the end of August.

All in favor – Motion carried 3-0

Bond Issue Project Change Order – Phase III Frank J. Carasiti Elementary School, KEM Construction (Contract #2) SED No. 58-02-09-02-0-006-014

Upon a motion made by Kathleen Hegggers and seconded by John Lessler, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts and approves the attached change order with reference to bond issue related project.

All in favor – Motion carried 3-0

Mrs. Burke announced the change represented a reduction in cost of \$271.00.

SCHOOL PHYSICIAN CONTRACT

Upon a motion made by John Lessler and seconded by Kathleen Hegggers, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education appoints Rocky Point Medical Care, P.C. (Dr. John Gil) to serve as School Physician in addition to North Country Family Health & Medicine, P.C., for the 2010-2011 school year.

All in favor – Motion carried 3-0

POWER OF ATTORNEY – INDUSTRIAL U.I. SERVICES

Upon a motion made by Kathleen Hegggers and seconded by John Lessler, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes the President of the Board of Education to grant limited power of attorney for the handling of unemployment insurance matters to Industrial U.I. Services as per the attached.

All in favor – Motion carried 3-0

Mrs. Burke asked Dr. Ring to provide additional information concerning this agenda item. Dr. Ring reported that Industrial U.I. Services would be acting as a claims service

bureau on behalf of the school district and would handle the unemployment insurance paperwork and claims hearings, as necessary.

2010-2011 SPECIAL EDUCATION INSTRUCTIONAL CONTRACTS – AHRC AND LITTLE FLOWER UFSD

Upon a motion made by John Lessler and seconded by Kathleen Hegggers, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes the President of the Board of Education to enter into contracts with Little Flower Union Free School District and NYSARC, Inc. - Suffolk Chapter (AHRC) for special education instructional services for the 2010-2011 school year as required under applicable Individual Educational Programs, applicable law, and/or District Policy.

All in favor – Motion carried 3-0

NORTH SHORE YOUTH COUNCIL 2010-2011 AGREEMENT

Upon a motion made by Kathleen Hegggers and seconded by John Lessler, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes the President of the Board of Education to enter into an agreement with the North Shore Youth Council to provide certain services for the 2010-2011 school, as set forth within the attached Agreement

All in favor – Motion carried 3-0

MAINTENANCE AGREEMENT – ACORN MEDIA

Upon a motion made by John Lessler and seconded by Kathleen Hegggers, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes the Purchasing Agent to enter into an Agreement with Acorn Media for maintenance on the district's folder/sealer machines.

All in favor – Motion carried 4-0

STUDENT ACTIVITY CONTRACTS

Upon a motion made by Kathleen Hegggers and seconded by Michael Nofi, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes the Purchasing Agent to enter into contracts for services to be provided for events and activities of district-sponsored clubs and organizations, as well as those sponsored by the district, in accordance with the attached schedule.

All in favor – Motion carried 4-0

CHASE BANK DONATIONS TO DISTRICT

Upon a motion made by Michael Nofi and seconded by John Lessler, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, that the Board of Education approves and accepts the donations from Chase Bank.

BE IT RESOLVED, that the Rocky Point Union Free School District hereby approves, upon the recommendation of the Superintendent of Schools, to increase the general fund budget by \$226.34 as a result of the donation from Chase Bank.

BE IT FURTHER RESOLVED, that the following budget codes be adjusted to reflect that increase:

A 2110 500 01 0000	\$153.60
A 2110 500 02 0000	\$ 72.74

All in favor – Motion carried 4-0

APPLEBEE’S DONATION – PTA FUNDRAISER

Upon a motion made by John Lessler and seconded by Kathleen Hegggers, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves and accepts the \$261.90 donation from Applebee’s restaurant as a result of a PTA sponsored fundraiser.

BE IT RESOLVED, that the Rocky Point Union Free School District hereby approves, upon the recommendation of the Superintendent of Schools, to increase the general fund budget by \$261.90 as a result of the donation from Applebee’s.

BE IT FURTHER RESOLVED, that the following budget codes be adjusted to reflect that increase:

A 2110 500 01 0000	\$261.90
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All in favor – Motion carried 4-0

DONATION FROM GREAT AMERICAN OPPORTUNITIES

Upon a motion made by Kathleen Hegggers and seconded by Michael Nofi, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves and accepts the donation from Great American Opportunities and the PTA in the amount of \$60.00, as per the attached.

BE IT RESOLVED, that the Rocky Point Union Free School District hereby approves, upon the recommendation of the Superintendent of Schools, to increase the general fund budget by \$60.00 as a result of the donation.

BE IT FURTHER RESOLVED, that the following budget code be adjusted to reflect that increase:

A 2110 500 02 0000 \$60.00

All in favor – Motion carried 4-0

Mrs. Burke announced that these monies would be used to purchase teacher electronic slates to accompany clickers.

A+ BONUS BUCKS DONATION TO THE DISTRICT

Upon a motion made by Michael Nofi and seconded by John Lessler, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves and accepts the donation from Stop & Shop and the A+ Bonus Bucks Program.

BE IT RESOLVED, that the Rocky Point Union Free School District hereby approves, upon the recommendation of the Superintendent of Schools, to increase the general fund budget by \$133.97 as a result of the donation from Stop & Shop and the A+ Bonus Bucks Program.

BE IF FURTHER RESOLVED, that the following budget codes be adjusted to reflect that increase:

A 2110 500 02 0000 \$133.97

All in favor – Motion carried 4-0

DONATED ITEMS

Upon a motion made by John Lessler and seconded by Kathleen Heggers, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the donated items as per the attached list.

All in favor – Motion carried

Mrs. Burke commented that the donated items comprised, in-part, miscellaneous items, i.e., microwaves, coffee makers, etc., donated by faculty and staff from faculty and staff break rooms.

SASBO SCHOLARSHIP

Upon a motion made by Kathleen Heggers and seconded by Michael Nofi, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves and accepts the \$500.00 scholarship donation from the Suffolk Association of School Business Officials.

All in favor – Motion carried 4-0

ADDITIONAL COMMITTEE MEMBER: SPECIAL EDUCATION PARENT MEMBER

Upon a motion made by Michael Nofi and seconded by John Lessler, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the appointment of Wendy Libonati as a Parent Member to the Committee on Special Education. (In accordance with the Commissioner's Regulations, Part 200 and the provisions of the Education Law, Section 4402.)

All in favor – Motion carried 4-0

PERSONNEL

Upon a motion made by John Lessler and seconded by Kathleen Hegggers, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the attached Personnel changes.

All in favor – Motion carried 4-0

Discussion ensued.

- Mrs. King asked why there was no public reading of the personnel changes.
- Dr. Ring responded that in the past, only select personnel agenda items were publically announced and those announced did not constitute the personnel changes in its entirety. Noting that the personnel agenda was, and continues to be, consistently lengthy, Dr. Ring stated it was determined that either all or none of the specific personnel agenda items would be read. In an effort to prevent any confusion related to the personnel agenda, going forward, the personnel agenda will be moved in its entirety and the agenda will continue to be available for on the district's website.
- Mrs. Callahan commented that personnel agendas were not available for review on the website for approximately one month following each Board of Education meeting. Dr. Ring explained that the delay in posting is due to the time lapse between the actual Board of Education meeting and the subsequent formal acceptance of the minutes.

There was no further discussion.

RESOLUTION TO FILL BOARD OF EDUCATION VACANCY

Mr. Nofi announced that the members of the Board of Education would publically discuss two possible options available with reference to filling the vacancy resulting from Mr. Ferrara's resignation. Mr. Nofi stated that two options were currently under consideration, i.e., conducting a special election or appointing an individual to serve until the next regularly scheduled school district budget vote/election in May 2011. Mr. Nofi expressed his opinion that by holding an election and not making an appointment, the community would have the opportunity to democratically choose a board trustee.

- Mr. Lessler stated that the reported/estimated expense of conducting an election, approximately \$8,000.00, was costly, and that the monies would be better spent in support of teachers and students' education.
- Mr. Nofi asked David Pearl, school district attorney, to provide a detailed explanation of the differences between an appointment and an election.
- Meeting attendee, Scott Reh, offered his services to act as an immediate appointee to the position.
- Mrs. Jody Cook asked how the board would go about appointing an individual.
- Mr. Andrew Cooper asked why the first runner-up from the May 2010 election should not be automatically appointed.
- Mrs. Burke shared her opinion that during the May 2010 election, only one seat was vacant and therefore each voter of the district had only one vote. If two seats would have been open, each voter would have had two votes. As a result, the actual votes cast were split between two candidates vying for a seat on the board, thus skewing the final results as far as finishing second or third.
- Several meeting attendees asked if an appointment would include recommendations to the board from teachers, staff and community members. Mr. Pearl responded the law provides that the Board of Education solely appoints an individual, without any input from the community and/or specific groups.
- Mrs. Farley offered her opinion that members of the board should appoint an individual as the community voted in the present board members and therefore they should act on behalf of the community at large.
- Mr. Guinther remarked the \$8,000 expenditure was worth the money in order to democratically elect a new board member to fulfill the unexpired term.
- Mr. Settepani offered it would be fiscally responsible to appoint someone as opposed to spending the monies associated with running a special election.
- Several audience members asked how the board specifically would go about appointing someone to the office.
- Mr. Nofi responded that this was an excellent question and shared that this was not any easy question to answer.
- Mrs. Burke stated she was not comfortable with taking a district resident's vote away which would be the case if someone was to be appointed to fill the vacancy.
- Mr. Nofi remarked Mr. Ferrara's resignation was a loss to the board and the community, and that during the time he served on the board Mr. Ferrara made great contributions in his capacity as a school board trustee.
- Mrs. Andersson-Fabricatore commented that an appointment should be made between Dr. Pinkenburg and Mr. Bernhard, the two other candidates who ran for the one vacancy during the May 2010 budget vote and election. Mrs. Andersson-

Fabricatore stated if a previous non-candidate was appointed, it would be unacceptable to district residents as it would represent the appointment of an individual for whom no one voted.

- Mrs. Burke reiterated her displeasure with spending \$8,000 on another election and expressed her discomfort with taking away a resident's vote by appointing someone. Mrs. Burke stressed the importance of guaranteeing an individual's right to vote and shared that she and the other board members would look into the available options to make the vote more cost-effective.
- Ms. Amoscato asked the board to consider a change in venue for the monthly meetings as it was difficult for meeting attendees to hear and the folding chairs were uncomfortable.
- Dr. Ring explained renovations were being done at the high school and the lack of air conditioning there as two of several reasons for the change in venue. In addition, during executive session, the board was in close proximity to any needed materials. Dr. Ring apologized and assured meeting attendees that a microphone system would be available and set up at the next meeting. Dr. Ring further stated that it would be the decision of the Board of Education if meetings would be continued in the FJC library in this town hall format.
- Ms. Amoscato predicted the turn-out for a special election would be very low and as such, holding an election would be extremely cost-ineffective.
- Mr. Pearl suggested possible remedies to cut the costs of the special election, including shortened voting hours, and a reduction in the number of voting machines and voter registration books utilized.
- Mr. Lessler noted that he, too, did not want to take the vote away from the community, but believed that the cost of holding a special election was taking money away from the students for what would amount to only a temporary solution to the situation.

At 8:37 P.M., Mr. Lessler asked for a brief recess in order to confer with Mr. Pearl, school district counsel.

The Board returned to Open Session at 8:46 P.M.

Mr. Nofi thanked Mr. Pearl for his contributions and advice during the recess and for further clarifying the issues related to both options available to the board.

RESOLUTION TO HOLD A SPECIAL ELECTION TO FILL THE UNEXPIRED TERM OF MICHAEL FERRARA

Upon a motion made by Diane Burke and seconded by John Lessler, the following resolution was offered:

WHEREAS, Board of Education Trustee Michael Ferrara resigned his position, effective July 2, 2010; and

WHEREAS, Mr. Ferrara's term as Board of Education Trustee was due to expire on June 30, 2012; and

WHEREAS, the Board of Education wishes to fill the seat vacated as a result of Mr. Ferrara's resignation; and

WHEREAS, the Board of Education wishes to hold a special election to fill the unexpired term of Mr. Ferrara,

NOW, THEREFORE, BE IT RESOVLED, that in accordance with the New York State Constitution Article XIII, Section 3 and Section 1709 (17) and 2113 (3) of the New York State Education Law, a special election to fill the unexpired term of Board of Education Trustee Michael Ferrara be held on September 27, 2010, for a time period to be determined in compliance with New York State Education Law, and;

BE IT FURTHER RESOLVED, that the district clerk shall take all steps necessary to effect the above-cited special election in accordance with New York State Education Law and all other applicable statutory and regulatory requirements.

Board Members voting in favor of the Resolution:

Michael Nofi
Diane Burke
John Lessler

Board Members voting against the Resolution:

Kathleen Hegggers

Motion carried 3-1

Discussion ensued.

- Mr. Ford asked if volunteers would be permitted to work the special election and if so, if they needed to be trained.
- Mr. Nofi responded he would do his homework regarding this issue. Dr. Ring advised that he would solicit a legal opinion from district counsel in order to determine the legalities involved.
- Mrs. Farley stated she was disappointed with the outcome as she believed making a short-term appointment would be cost-effective.
- Mr. Nofi remarked that it was a difficult decision for the board to arrive at and either way, right or wrong, residents would be upset on both sides of the issue.
- Mr. Lessler stated that past practice indicated a less than large turn-out by voters as far as casting ballots for board members. He thanked Mr. Pearl for his insight and shared one of the reasons for his final decision to vote for a special election

was predicated upon the fact that if the board appointed an individual, three seats would be up for reelection at the same time in 2012.

- An unidentified meeting attendee indicated his approval of the final decision as it removed any view of possible impropriety associated with the appointment of an individual instead of an election.
- Mr. Guinther announced that he applauded the board's decision.
- Mrs. Burke promised she would do her best to hold down the costs of a special election.

There was no further discussion.

TRUSTEE ELECTION

Upon a motion made by John Lessler and seconded by Diane Burke, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Special Election to fill the unexpired term of Board of Education Trustee Michael Ferrara in the Rocky Point School District, Town of Brookhaven, Suffolk County, New York be held on Monday, September 27, 2010 from a time to be determined, and be it further

BE IT RESOLVED, that Legal Notice of the Special Trustee Election, as required by law, be published in the *NORTH SHORE SUN* on August 13, August 27, September 17, and September 24, and in *THE VILLAGE BEACON RECORD* on August 12, August 26, September 16 and September 23, and be it further

BE IT RESOLVED, that the following school is hereby designated as polling place:

Polling and Registration Place: Rocky Point High School Gymnasium

BE IT RESOLVED, that the Board of Education, in addition to the legal publication in four editions of each of the two above-mentioned newspapers, applicable notice will be provided as required pursuant to state election law, and be it further

BE IT RESOLVED, that the residents of the Rocky Point School District may register to vote for School District Elections at the office of the District Clerk between the hours of 9:00 AM and 2:30 PM on any day that the office is open. However, such registration will not take place less than five (5) days preceding any School District Election, and be it further

BE IT RESOLVED, that the District Clerk be authorized to appoint the necessary personnel to function as Election Inspectors, and be it further

BE IT RESOLVED, that the final tally of votes shall be held at the Rocky Point High School, 82 Rocky Point-Yaphank Road, Rocky Point, New York at a time to be determined in compliance with New York State Education Law, on the evening of the

election as soon thereafter as the election inspectors can supply the necessary information.

Motion carried 3-1

ADJOURNMENT

At 9:01 P.M. a motion was made by Diane Burke and seconded by Kathleen Heggers to adjourn the meeting.

All in favor – Motion carried 4-0

Respectfully submitted,

Patricia Jones
District Clerk

DRAFT

DRAFT

DRAFT