

REVISED AS OF 4/19/2021
MALVERNE UNION FREE SCHOOL DISTRICT
Regular Board of Education Meeting
BOCES BUDGET VOTE
Tuesday April 20, 2021
8:00 P.M.

BOARD MEMBERS

Phyllis M. Tinsley, **President**
Laura Avvinti, **1st Vice President**
Josephine Bottitta, **2nd Vice President**
Jeanne D'Esposito, **Trustee**
Danielle Hopkins, **Trustee**

ADMINISTRATION

Dr. Lorna R. Lewis **Superintendent**
Steven Gilhuley, **Assistant Superintendent for Curriculum Instruction**
Christopher Caputo, **Assistant Superintendent for Business**
Dan Balzan, **Assistant Business Administrator**

BOARD OFFICER

Lisa Ridley, **District Clerk**
Alyssa Contarino, **Treasurer**

BOARD COUNSEL

Frazer & Feldman, LLP

AGENDA

- I. **CALL TO ORDER**
- II. **EXECUTIVE SESSION**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MINUTES**
Approval of March 9, 2021 Board Meeting Minutes
- V. **TREASURER'S REPORT**
March 2021

VI. RECEIPTS OF FINANCIAL REPORTS

- A. Claims Audit Reports: March 2021
- B. Trial Balance Reports: March 2021
- C. Revenue Status Reports: March 2021
- D. Appropriation Status Reports: March 2021
- E. Cash Flow Status Report: March 2021
- F. Budget transfers Report: March 2021

VII. SUPERINTENDENT'S REPORT /ANNOUNCEMENT

- 1. End of Year Celebration
- 2. Reopening Committee
- 3. Calendar D
- 4. Academic Leaders Awards
- 5. Bleachers Upgrade
- 6. 2021/2022 Budget Presentation

VIII. PERSONNEL

- A. Terminations
None
- B. Resignations
 - 1. Civil Service (1)
- C. Leaves of Absence
None
- D. Appointments
 - 1. Teachers/ Teacher Assistants (1)
 - 2. Civil Service (2)
 - 3. Co-Curricular Activities -HTH 2020-2021 (1)
 - 4. Interscholastic -Rescission of Coaches 2020/2021 (1)
 - 5. Interscholastic 2020/2021 (2)
 - 6. Malverne Teacher Center -2020/2021 (4)
 - 7. Driver's Education Program – 2021/2022 (1)
 - 8. Translator 2020-2021 (1)
- E. Supplemental
Appoint the following employee of the Malverne School District to supervise athletic events and student activities for the 2020-2021 School Year. (1)

IX. OLD BUSINESS

None

X. NEW BUSINESS

- A.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District **approves and adopts the 2021-2022 school year budget in the amount of \$61,957,097.**
- B.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District adopts the **2021-2022 school Calendar.**
- C.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District **accepts the Donation of \$40.00 from Rochester Institute of Technology.**
- D.** Whereas, the Board of Cooperative Educational Services of Nassau County (hereinafter) BOCES has proposed and presented its Proposed Administrative Operations Budget for the 2021/2022 school year July 1, 2021 through June 30, 2022 now therefore,

BE IT RESOLVED that the Board of Education of Malverne UFSD approves BOCES Proposed **Administrative Operations Budget for the 2021/2022 school year** in the amount of twenty-three million, two hundred thirty-four thousand- two thousand, eight hundred and nine dollars (**\$23,234,809**) be and hereby is (approved) by the Board of Education of the Malverne Union Free School District and,

BE IT FURTHER RESOLVED that the Board of Education of the Malverne Union Free School District each cast one vote for each vacancy for the following to serve on the Nassau BOCES Board for a three-year term, **Susan Bertraum, Martin R. Kaye and Michael Weinick.**

- E.** WHEREAS, the Malverne Union Free School District and WE Transport, Inc. were parties to one or more Transportation Agreement(s) covering the period of July 1, 2019 through June 30, 2020; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic and, in an effort to protect the health and welfare of its students and their families, the Governor of the State of New York issued Executive Orders requiring that schools be closed beginning on March 18, 2020 through June 30, 2020 ("Closure") during which time students were not transported and the District did not pay WE Transport, Inc.; and

WHEREAS, WE Transport, Inc. commenced litigation alleging breach of contract and/or related claims against the District in connection with the Transportation Agreement; and

WHEREAS, the DISTRICT denies any wrongdoing and denies WE Transport Inc.'s right to enforce the Transportation Agreement or to recover any payment thereunder from the District under these circumstances; and

WHEREAS, in recognition of the uncertainties of litigation and other considerations, WE Transport, Inc. and the District desire to resolve the matter amicably and without the necessity of further litigation and without any admission or concession of liability;

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Board of Education approves the Settlement Agreement between the District and WE Transport, Inc., under which WE Transport, Inc. has agreed to accept and the District has agreed to pay the sum of \$47,819.53 in full settlement of WE Transport Inc.'s claims and in exchange for a stipulation discontinuing the pending litigation with prejudice and a release; and be it further

RESOLVED, that the Board hereby authorizes the Board President to execute the Stipulation of Settlement on behalf of the Board.

- F.** WHEREAS, the Malverne Union Free School District and VTC Bus Corp. were parties to one or more Transportation Agreement(s) covering the period of July 1, 2019 through June 30, 2020; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic and, in an effort to protect the health and welfare of its students and their families, the Governor of the State of New York issued Executive Orders requiring that schools be closed beginning on March 18, 2020 through June 30, 2020 ("Closure") during which time students were not transported and the District did not pay VTC Bus Corp.; and

WHEREAS, VTC Bus Corp. commenced litigation alleging breach of contract and/or related claims against the District in connection with the Transportation Agreement; and

WHEREAS, the DISTRICT denies any wrongdoing and denies VTC Bus Corp.'s right to enforce the Transportation Agreement or to recover any payment thereunder from the District under these circumstances; and

WHEREAS, in recognition of the uncertainties of litigation and other considerations, VTC Bus Corp. and the District desire to resolve the matter amicably and without the necessity of further litigation and without any admission or concession of liability;

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Board of Education approves the Stipulation of Settlement between the District and VTC Bus Corp., under which VTC Bus Corp. has agreed to accept and the District has agreed to pay the sum of \$4,363.49 in full settlement of VTC Bus Corp.'s claims and in exchange for a stipulation discontinuing the pending litigation with prejudice and a release; and be it further

RESOLVED, that the Board hereby authorizes the Board President to execute the Stipulation of Settlement on behalf of the Board.

- G.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the following **PAYABLE Health & Welfare Contracts** for the 2020-2021 school year:

-Floral Park-Bellerose UFSD
-Garden City UFSD

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contracts.

- H.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **American Registry for Internet Numbers, Ltd., to provide Internet/Technology Services, from July 1, 2021 through December 31, 2021.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- I.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **Apperson, for Scanner Maintenance Agreement Services, at the Malverne High School, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- J. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **ATC Testing and Screening Services for PCR COVID-19 Swab Testing, from July 1, 2021 through January 11, 2022.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- K. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District accepts the contract renewal from **Bell Auto School, Inc., to provide Driver Education Services, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- L. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the resolution with the **Nassau Board of Cooperative Educational Services, BOCES, for Pupil Transportation Services for the 2021-2022 school year:**

WHEREAS, a number of public-school districts in Nassau County wish to jointly solicit proposals, together with the Nassau Board of Cooperative Educational Services (“BOCES”) for pupil transportation services for the 2021-22 school year (and any renewal period) in accordance with the applicable provisions of General Municipal Law;

WHEREAS, the public-school districts and the BOCES have agreed to form a Cooperative (the “Cooperative”) for this purpose;

WHEREAS, the **Malverne Union Free School District** is desirous of participating in the Cooperative for joint solicitation of proposals for pupil transportation services as authorized by General Municipal Law, Section 119-0 in accordance with the terms and conditions of the Inter-Municipal Cooperative Transportation Agreement attached hereto;

NOW THEREFORE BE IT RESOLVED, that the Board of Education authorizes the School District to participate in the Cooperative; and

BE IT FURTHER RESOLVED, that the Board of Education hereby approves the Inter-Municipal Cooperative Transportation Agreement (Recitals) attached hereto and authorizes the Board President to execute the Agreement on behalf of the Board of Education.

- M.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **Catherine Ciulla, for AIS Services at Grace Lutheran School, for the 2020-2021 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- N.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District accepts the contract renewal with **Cullen & Danowski, LLP for External Accounting Services for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- O.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **Ellen Eckes, for 19A Coordination Services, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- P.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves **New York Cooperative Bid Maintenance Program with Educational Data Services, Inc., to provide cooperative bidding services, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- Q.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the proposal and contract with **Elite Construction Company of NY, LLC for Construction Management Services for the 2020-2021 & 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- R.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **Marie Hanke, to assist the new Account Clerk in the Business Office, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- S. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the Engagement Letter with **Hawkins, Delafield & Wood, LLP, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- T. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **Health Source Group, to provide nursing assistance, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- U. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **Hopkins Audiometer, LLC, to calibrate our Audiometers in the district, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- V. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **Infinite Campus, Inc., for Student Information Software, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- W. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., Goza & Honnold, LLC, Wagstaff & Cartmell, LLP and Gacovino, Lake & Associates, P.C., JOINT FEE AGREEMENT, to pursue potential claims for injuries and damages against JUUL and other manufacturers and/or distributors of e-cigarettes or vaping devices related to losses suffered by MALVERNE UFSD, for the 2020-2021 & 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- X. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District accepts the contract renewal with **Nawrocki Smith LLP for Internal Auditing Services, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- Y. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **Pitney Bowes, for One Stamp Machine at the Administration Building, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- Z. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **Pitney Bowes, for One Stamp Machine at Maurice W. Downing Elementary School, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- AA. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **Pitney Bowes, for One Stamp Machine at Davison Avenue Intermediate School, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- BB. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **Pitney Bowes, for One Stamp Machine at Howard T. Herber Middle School, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- CC. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **Pitney Bowes, for One Stamp Machine at the Malverne High School, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- DD.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **Pitney Bowes, for One Folding Machine at the Malverne High School, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- EE.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District accepts the contract renewal for **External Auditing Services from R. S. Abrams & Co., LLP, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- FF.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the **extension of the RFP's of the Special Education Consultant Service Providers, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- GG.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **SYNTAX for Printing Services for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- HH.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **TALX, for servicing our Unemployment Claims, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- II.** BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **Tel/Logic, Textbook Central, for Centralized Non-Public School Textbook Distribution, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

JJ. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract renewal with **ThyssenKrupp Elevator Corporation for Maintenance Service at Davison Avenue, for the 2021-2022 school year.**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

KK. BE IT RESOLVED that the Board of Education of the Malverne Union Free School District hereby declares the articles of property on the list designated exhibit “A” to be surplus property.

BE IT FURTHER RESOLVED that the Board of Education of the Malverne Union Free School District authorizes the Superintendent to sell or dispose of such property consistent with Board Policy 5250.

LL. BE IT RESOLVED, that the Board of Education accepts the donation of Dreamseat, at an estimated cost of \$21,000 for the Highschool Stadium bleachers.

MM. BE IT RESOLVED that the Board of Education of the Malverne Union Free School District approves the Joint Client Wavier and Engagement Letter with Lewis Brisbois Bisgaard & Smith, LLP for the 2020-2021 and 2021-2022 School years.

BE IT FURTHER RESOLVED that the Board of Education of the Malverne Union Free School District authorizes the Board President to execute said documents.

NN. BE IT RESOLVED that the District Clerk received a duly filed voter-initiated proposition for inclusion on the ballot for the May 18, 2021 annual district election seeking to change the election of Board of Education members from “designated” to “at large”;

BE IT FURTHER RESOLVED, that the Board of Education approves the placement of said proposition seeking to change the election of Board of Education members from “designated” to “at large” on the ballot for the May 18, 2021 annual district election;

BE IT FURHTER RESOLVED, that the following proposition shall be placed on the ballot for the May 18, 2021 election as PROPOSITON NO. 3:

“Resolved, that in all subsequent elections for members of the Board of Education, voting shall be “at large,” rather than for specific vacancies, with the candidate(s) receiving the highest number of votes being elected to the Board.”

OO. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the Property Tax Report Card for the 2021/2022 year based on the following information.

2021-22 Property Tax Report Card

280212 - Malverne Union Free School District	Budgeted 2020-21 (A)	Proposed Budget 2021-22 (B)
Total Budgeted Amount, not Including Separate Propositions	\$59,853,972	\$61,957,097
A. Proposed Tax Levy to Support the Total Budgeted Amount ¹	\$45,232,815	\$45,922,615
B. Tax Levy to Support Library Debt, if Applicable	\$0	\$0
C. Tax Levy for Non-Excludable Propositions, if Applicable ²	\$0	\$0
D. Total Tax Cap Reserve Amount Used to Reduce Current Year Levy, if Applicable	\$0	\$0
E. Total Proposed School Year Tax Levy (A + B + C - D)	\$45,232,815	\$45,922,615
F. Permissible Exclusions to the School Tax Levy Limit	\$1,492,316	\$1,499,894
G. School Tax Levy Limit , <u>Excluding</u> Levy for Permissible Exclusions ³	\$43,741,084	\$44,425,844
H. Total Proposed School Year Tax Levy, <u>Excluding</u> Levy to Support Library Debt and/or Permissible Exclusions (E - B - F + D)	\$43,740,499	\$44,422,721
I. Difference: (G - H); (negative value requires 60.0% voter approval) ²	\$585	\$3,123
Public School Enrollment	1,740	1,745
Consumer Price Index		1.23%

	Actual 2020-21 (D)	Estimated 2021-22 (E)
Adjusted Restricted Fund Balance	\$8,051,440	\$6,774,407
Assigned Appropriated Fund Balance	\$1,232,290	\$620,000
Adjusted Unrestricted Fund Balance	\$2,394,158	\$2,478,283
Adjusted Unrestricted Fund Balance as a Percent of the Total Budget	4.00%	4.00%

Schedule of Reserve Funds

Reserve Type	Reserve Name	Reserve Description *	3/31/21 Actual Balance	6/30/21 Estimated Ending Balance	Intended Use of the Reserve in the 2021-2022 School Year
Capital	Capital Reserve II	To pay the cost of any object or purpose for which bonds may be issued.	\$2,082,867	\$1,079,897	\$2,080,000 to be used for Capital Projects subject to voter approval on May 18, 2021 (Proposition #2)
Repair	Reserve for Repairs	To pay the cost of repairs to capital improvements or equipment.	\$208,326	\$208,326	No intended use
Workers' Compensation		To pay for Workers Compensation and benefits.			
Unemployment Insurance	Reserve for Unemployment Insurance	To pay the cost of reimbursement to the State Unemployment Insurance Fund.	\$52,602	\$102,602	\$25,000 to be used to fund the 2021/22 budget
Reserve for Tax Reduction		For the gradual use of the proceeds of the sale of school district real property.			
Mandatory Reserve for Debt Service	Reserve for Debt	To cover debt service payments on outstanding obligations (bonds, BANS) after the sale of district capital assets or improvements.	\$131,868	\$131,868	\$50,000 to be used to fund the 2021/22 budget
Insurance		To pay liability, casualty, and other types of uninsured losses.			
Property Loss		To establish and maintain a program of reserves to cover property loss.			
Liability	Reserve for Liability	To establish and maintain a program of reserves to cover liability claims incurred.	\$510,018	\$510,018	No intended use
Tax Certiorari		To establish a reserve fund for tax certiorari settlements			
Reserve for Insurance Recoveries		To account for unexpended proceeds of insurance recoveries at the fiscal year end.			
Employee Benefit Accrued Liability	Reserve for Post Employee Benefits	For the payment of accrued 'employee benefits' due to employees upon termination of service.	\$659,150	\$759,150	\$106,125 to be used to fund the 2021/22 budget
Retirement Contribution	Reserve for Retirement Contributions (ERS)	To fund employer retirement contributions to the State and Local Employees' Retirement System	\$2,525,383	\$3,025,383	\$630,000 to be used to fund the 2021/22 budget
Reserve for Uncollected Taxes		For unpaid taxes due certain city school districts not reimbursed by their city/county until the following fiscal year			
Other Reserve	Reserve for Retirement Contributions (TRS)	To fund employer retirement contributions to the New York State Teachers' Retirement System (TRS)	\$513,160	\$957,160	\$440,000 to be used to fund the 2021/22 budget

XII. CURRICULUM MATTERS / STUDENTS SERVICES

BE IT HEREBY RESOLVED that the Board of Education approves the recommendations at the April 20, 2021 Board of Education meeting and

BE IT FURTHER RESOLVED that the Board of Education approves the recommendations made by the committee on Special Education for meetings held on 1/06/2021, 2/09/2021, 2/10/2021, 2/11/2021, 2/24/2021, 2/25/2021, 2/25/2021, 2/26/2021, 3/01/2021, 3/02/2021, 3/03/2021, 3/10/2021, 3/11/2021, 3/16/2021, 3/17/2021, 3/18/2021, 3/19/2021, 3/22/2021, and 3/23/2021 and specific recommendations made by the Subcommittee on Special Education for meetings held on 02/10/2021, 3/04/2021, 3/16/2021 and 3/22/2021 and Specific recommendations made by the Committee on Preschool Special Education for meetings held on 3/09/2021, 03/17/2021 and 3/24/2021 .

XIII. GENERAL DISCUSSION

XIV. PUBLIC PARTICIPATION

XVI. DATES TO REMEMBER

May 11 Board of Education Meeting

May 18 Annual District Budget Vote /Board Election

XVII. ADJOURNMENT