

**MINUTES
ROCKY POINT PUBLIC
SCHOOLS BOARD OF
EDUCATION MEETING
March 27, 2023**

Ms. Ward called the meeting to order at 5:27 p.m. in the auditorium of Rocky Point High School.

Present: Jessica Ward, President
 Michael Lisa, Vice President
 Susan Sullivan, Trustee
 Erin Walsh, Trustee
 Scott O'Brien, Ed.D., Superintendent of Schools
 Susann Crossan, Assistant Superintendent
 Christopher Van Cott, Assistant Superintendent for Business
 Kelly White, District Clerk

Absent: Edward Casswell, Trustee

EXECUTIVE SESSION

At 5:27 p.m. a motion was made by Erin Walsh, and seconded by Susan Sullivan, to adjourn to Executive Session to discuss personnel and legal matters.

All in favor – Motion carried 4-0

At 6:00 p.m. a motion was made by Michael Lisa, and seconded by Erin Walsh, to adjourn Executive Session in order to attend the Budget Workshop presented by Christopher Van Cott.

All in favor – Motion carried 4-0

At 6:23 p.m., upon completion of the Budget Workshop, a motion was made by Michael Lisa, and seconded by Jessica Ward, for the Board to return to Executive Session to continue their discussions regarding confidential legal and personnel matters.

All in favor – Motion carried 4-0

The Board returned to Open Session at 7:04 p.m.

PLEDGE OF ALLEGIANCE

SUPERINTENDENT’S REPORT

Dr. O’Brien thanked Mr. Chris Van Cott for his budget presentation given at 6pm in the auditorium as well as the Board of Education for their hard work on the 2023-24 budget preparation. He added that as the strategic plan is finalized, all are invited to attend the April 19th Board of Education meeting where the Steering Committee members will be presenting the plan to the attendees.

Ms. Ward opened the floor to questions/comments regarding the agenda.

- Ms. Franco inquired as to the new language in Policy 5230. Dr. O’Brien advised that this is recommended language from Erie BOCES, usually as a result of new legislation. Mr. Van Cott added that, for example, any donations that were to be received annually and would affect not only the current Board of Education, but also a new Board could be refused.

There were no further questions/comments.

CONSENT AGENDA

The items listed below are presented as part of the Consent Agenda which can be adopted by the Board of Education under a single motion followed by a second and then a formal vote. On the following page the Consent Agenda items are listed in their regular order within a group. Before an actual vote is taken, any Consent Agenda item may be removed by a Board member without a formal motion or second. If this occurs, the indicated resolution will be discussed during its regular order on the agenda and voted on individually.

III-VII CONSENT AGENDA ITEMS

Upon a motion made by Michael Lisa, and seconded by Susan Sullivan, the following resolution was offered:

BE IT RESOLVED, that the Board of Education accepts the following agenda items as one item.

- III: Minutes** – Regular Meeting March 13, 2023
- IV: Treasurer’s Reports** – February 2023
- V: Extra-Classroom Activity Account Treasurer’s Report** – February 2023
- VI: Financials** - February 2023
- VII: Committees on Special Education Schedules 3-27-23-A** as recommended by the Superintendent of Schools, to arrange for appropriate services, as indicated.

All in favor – Motion carried 4-0

VIII BE A NICER NEIGHBOR CLUB DONATION TO 6TH GRADE FIELD TRIP

Upon a motion made by Susan Sullivan, and seconded by Erin Walsh, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education accept the donation from the Be A Nicer Neighbor Club, for the 6th Grade field trip, in the amount of \$300.00, to be deposited to School Activities-MS account A738C.

All in favor – Motion carried 4-0

Ms. Ward thanked the Be a Nicer Neighbor Club for their donation.

IX BETTY’S CLOSET DONATION TO 8TH GRADE FIELD TRIP

Upon a motion made by Erin Walsh, and seconded by Michael Lisa, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education accept the donation from Betty’s Closet, for the 8th Grade field trip, in the amount of \$505.00, to be deposited to School Activities-MS account A738C.

All in favor – Motion carried 4-0

Ms. Ward thanked Betty’s Closet and Ms. Betty Loughran for the generous donation.

X SURPLUS EQUIPMENT

Upon a motion made by Michael Lisa, and seconded by Susan Sullivan, 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 of equipment.

All in favor – Motion carried 4-0

XI RESOLUTION TO APPROVE THE FINAL 2023-24 PROPERTY TAX CAP FORM

Upon a motion made by Susan Sullivan, and seconded by Erin Walsh, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the Final 2023-2024 Rocky Point Union Free School District Property Tax Cap Form, as attached.

All in favor – Motion carried 4-0

XII REVISION AND RE-ADOPTION OF BOARD OF EDUCATION POLICY NUMBERS 1530, 5130, 5230, 5760, 6140, AND 6160 AND THE REMOVAL/DELETION OF 5150 (SECOND READING)

Upon a motion made by Erin Walsh, and seconded by Michael Lisa, the following resolution was offered:

BE IT RESOLVED, that the Board of Education re-adopts the following revised policies (second reading):

- 1530 Minutes
- 5130 Budget Adoption
- 5230 Acceptance of Gifts, Grants, and Bequests to the District
- 5760 Idling School Buses on School Grounds
- 6140 Employee Medical Examinations
- 6160 Professional Growth/Staff Development

AND BE IT ALSO RESOLVED, that the Board of Education remove/delete the following policy (Second reading):

- 5150 Contingency Budget

All in favor – Motion carried 4-0

XIII CREATION OF CAPITAL RESERVE - 2023

Upon a motion made by Michael Lisa, and seconded by Susan Sullivan, the following resolution was offered:

RESOLVED, that the below Capital Reserve proposition is authorized to be presented to the electorate at the May 16, 2023 Annual District Meeting Vote/Election and that it be published within the Legal Notice advertising such vote/election the requisite number of times by the District Clerk.

Shall the Rocky Point Union Free School District, in the County of Suffolk, New York (the "District") be authorized to establish a Capital Reserve Fund pursuant to Education Law §3651 to be known as the "Buildings and Facilities Capital Reserve Fund 2023" (the "Fund") with the purpose of such fund being to finance district-wide construction, renovation, replacement, alteration, improvement and equipping of school buildings, facilities, sites, grounds, athletic fields, recreation areas and real property; other infrastructure improvements and similar projects; district wide purchases, improvements and/or replacement of technology, security and telecommunications equipment, infrastructure and software, and associated expenses; property, vehicle and equipment acquisition, and the acquisition of original furnishings, equipment, machinery, apparatus and appurtenances, planning costs, site and incidental improvements and expenses in connection therewith; the ultimate amount of such fund shall be not to exceed Ten Million Dollars (\$10,000,000.00) plus interest earnings thereon; the probable term of such fund shall be ten (10) years; and the source of the funding to be fund balances at the end of each fiscal year, State Aid received as reimbursement for expenditures by the District in connection with the projects funded by the Fund and/or other legally available funds that may be placed into the Fund.

All in favor – Motion carried 4-0

**XIV BID AWARD #24-01 IN-CAR DRIVERS EDUCATION-SUFFOLK
AUTO DRIVING SCHOOL**

Upon a motion made by Susan Sullivan, and seconded by Erin Walsh, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, that the Board of Education award Bid #24-01 In-Car Drivers Education to Suffolk Auto Driving School, the overall lowest responsible bidder meeting bid specifications, at a rate of \$495.00 per student, as per the attached.

All in favor – Motion carried 4-0

**XV SETTLEMENT OFFER FOR GOVERNMENT ENTITY CLAIMS
AGAINST JUUL LABS, INC. (“JLI”)**

Upon a motion made by Erin Walsh, and seconded by Michael Lisa, the following resolution was offered:

WHEREAS, the Rocky Point Union Free School District retained the law offices of Napoli Shkolnik PLLC in the prosecution of a legal claim(s) against manufactures and distributors of vaping products arising out of the manufacturers’ and distributors’ fraudulent and negligent marketing and distribution of vaping products via Board resolution on November 16, 2020;

WHEREAS, pursuant to the “Government Entity Settlement Agreement” with JUUL Labs, Inc. (“JLI”) preliminarily approved on January 20, 2023 by Judge Orrick of United States Judicial Panel on Multidistrict Litigation, the Rocky Point Union Free School District is eligible to receive a gross settlement offer in the amount of \$46,620 less attorneys’ fees, case costs, and other court-related assessments;

WHEREAS, the gross settlement offer was determined by an allocation method and group of objective factors approved by the court-appointed Mediator;

WHEREAS, the hearing to finalize the “Government Entity Settlement Agreement” is scheduled for August 9, 2023;

RESOLVED, based upon the recommendation of the Superintendent of Schools, the Board of Education hereby authorizes the President of the Board of Education to execute all “JLI” settlement-related documentation to continue the District’s participation in this class action lawsuit.

All in favor – Motion carried 4-0

XVI SUBMISSION OF THE UPDATED ROCKY POINT ANNUAL PERFORMANCE REVIEW PLAN IN COMPLIANCE WITH EDUCATION LAW SECTION 3012-D AS AMENDED BY THE LAWS OF 2019 AND SUBPART 30-3 OF THE RULES OF THE BOARD OF REGENTS

Upon a motion made by Michael Lisa, and seconded by Susan Sullivan, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education of the Rocky Point Union Free School District hereby approves the updated Annual Professional Performance Review (APPR) Plan in compliance with Education Law Section 3012-d as amended by the Laws of 2019 and Subpart 30-3 of the Rules of the Board of Regents; and

BE IT FURTHER RESOLVED, that the Superintendent of Schools is directed to file the foregoing LEA Certification Form certifying the update to the Rocky Point UFSD APPR Plan.

All in favor – Motion carried 4-0

XVII APPOINT IMPARTIAL HEARING OFFICER

Upon a motion made by Susan Sullivan, and seconded by Erin Walsh, the following resolution was offered:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education appoints Israel Wahrman from the New York State Education Department's Impartial Hearing rotational list to serve as the Impartial Hearing Officer in the matter of a demand hearing for a classified student, initiated by the parent of said student on March 17, 2023.

All in favor – Motion carried 4-0

XVIII PERSONNEL

Upon a motion made by Erin Walsh, and seconded by Michael Lisa, 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, as presented.

All in favor – Motion carried 4-0

Ms. Ward congratulated the following employees on their appointments:

- Ms. Sciulla – School Hall Monitor
- Ms. Calore – School Attendance Aide
- Ms. Riedes – Food Service Worker
- Mrs. Dawn Meyers – MS Principal

XIX NEW BUSINESS

Ms. Ward inquired of the trustees if there was any new business they wished to discuss.

There was no new business at this time.

Ms. Ward once again opened the floor to questions/comments.

- Ms. Ruberto wanted to thank two student liaisons who participated at the Sound Beach Civic Association meeting and asked that they be granted community service credit. She commended Hannah Gundel and Matthew Liselli for their interest in being active members of their community. Ms. Ruberto also thanked Mr. Lisa for his recommendation and Mr. Moeller for making it happen.
- Ms. Kelly inquired as to why some employment opportunities were listed on OLAS and some were solely on the District website. Mrs. Crossan explained that only the certified positions are listed on OLAS. Ms. Kelly asked if unified sports were included in the Strategic Plan. Dr. O'Brien advised that we currently have an Athletes for All program. He added that the Athletic Director was currently working with other schools to see what additional programs we could partner up with to enable our students to participate.
- Ms. Villafane requested an update at the next Board meeting regarding unified sports.

There were no further questions/comments.

XX ADJOURNMENT

At 7:26 p.m. a motion was made by Susan Sullivan, and seconded by Erin Walsh, to adjourn the meeting.

All in favor – Motion carried 4-0

Ms. Ward wished the meeting attendees an enjoyable Spring break and Happy Easter and Passover.

Respectfully submitted,

Kelly White
District Clerk