

School Board Meeting (Tuesday, February 8, 2022)**Members present**

Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

1. OPENING

Information, Procedural: A. Board President, Megan Ryan, called to order 5:38
Tracey Miller and Robert Crowley not present for executive session.

Action, Procedural: B. Executive Session for matters of personnel

Action, Procedural: C. Reconvene to Public to begin the budget meeting 6:30 PM.

Information, Procedural: D. Call to order 7:09 PM

Action, Information, Procedural: E. Pledge of allegiance by Board President.

Board President Megan Ryan thanked the audience for attending the school board meeting. She then reviewed the recent dialogue regarding the state mask mandate in the schools. She noted that North Merrick was quick to act and the first school district in Nassau County to waive the mask mandate when they were legally able to do so, but due to an appeal the next day, the district was required to go back to requiring masks.

Ms. Ryan discussed the process for filing the Amicus Brief and said a special board meeting was called but the motion to participate failed. She pointed to legal advice from counsel but also that the board had only a few hours to make a decision, a parent survey was not sent out, and only eight school districts had joined.

Board Vice President Steve Enella said that due to a scheduling issue, he did not have a chance to vote, but he felt that since it was not costing the district money, North Merrick should have joined the other schools filing the brief. Trustee Kathy Moran stated that there was not enough time to disseminate all the information. Trustee Ed Corona said he did not feel comfortable working with a law firm that the district had no relationship with. Trustee Mary Keene said the district has had 18 months to form an opinion about masking, and since there was no cost to the district, every Board of Education should join. Trustee Tracey Miller stated that the district needs to listen to the advice of counsel to protect the interest of the school district. Trustee Robert Crowley said that no one wants the mask mandate and that's why he voted to join the brief.

2. SUPERINTENDENT'S COMMENTS

Information, Procedural: A. Superintendent's comments

SUPERINTENDENT'S REPORT

Superintendent of Schools, Dr. Cynthia Seniuk, reported on the holiday concerts held at Brookside School and thanked the custodians, maintenance crew, and Director of Facilities, Sam Carder, for handling the cleanup of the big snowstorm. Dr. Seniuk said a variety of events took place in the classrooms during Black History Month, and she announced that the district will offer a Universal Pre-K (UPK) program for the next school year in local preschools through a lottery system.

Action: B. The Board of Education approved adding a public comment for agenda items only (addendum).

Ms. Higgins as a question on Items 4 A & B have anything to do with the district being in distress.

Dr. Seniuk state Mr. McDaid will discuss those items.

The Board of Education approved adding a public comment for agenda items only (addendum).

Motion by Mary Keene, second by Robert Crowley.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

3. ROUTINE APPROVALS

Action, Minutes, Procedural: A. Approval of minutes - January 11, 2022 and Special Meeting January 28, 2022

Action, Information: B. Approval of Warrants, Wires, Budget Transfers
Approval of Warrants, Wires, Budget Transfers

Motion by Robert Crowley, second by Tracey Miller.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

Action, Information: C. Approval of Treasurer's Report

Approval of Treasurer's Report

Motion by Robert Crowley, second by Tracey Miller.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

4. BUSINESS

Action, Procedural: A. The Board of Education approves entering into an agreement with R.S. Abrams & Co., to conduct a single audit of its 2020/21 federal funds accounts, at a cost not to exceed \$3,500.

Assistant Superintendent for Business & Operations, Thomas McDaid, addressed the state comptroller's point system and why our district was put on their stress list. He said the district is not fiscally stressed and was only on the list because the Town of Hempstead gave residents a few more months to pay taxes so the district took out a temporary loan (TANF) to bridge the incoming tax revenue. He said that the district reviews the reserve funds annually and tries to limit the amount of money in the fund balances to be fiscally prudent.

The Board of Education approves entering into an agreement with R.S. Abrams & Co., to conduct a single audit of its 2020/21 federal funds accounts, at a cost not to exceed \$3,500.

Motion by Robert Crowley, second by Steve Enella.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

Action, Procedural: B. The Board of Education approves entering into an agreement with Erie 1 Board of Cooperative Educational Services related to its Education Law 2-d agreements with Boom Learning, Nearpod Inc., Suntex International Inc. (First in Math), and Wakelette Limited.

Dr. Seniuk stated we go through BOCES to make sure our students data is protected.

The Board of Education approves entering into an agreement with Erie 1 Board of Cooperative Educational Services related to its Education Law 2-d agreements with Boom Learning, Nearpod Inc., Suntex International Inc. (First in Math), and Wakelette Limited.

Motion by Tracey Miller, second by Steve Enella.

Action, Procedural: C. The Board of Education approves the district to participate in the bid with Nassau BOCES for: glazing services, supplies, and window repair.

The Board of Education approves the district to participate in the bid with Nassau BOCES for: glazing services, supplies, and window repair.

Motion by Ed Corona, second by Tracey Miller.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

Action, Procedural: D. The Board of Education approves the donation from North Merrick SEPTA for four lifevac kits for district nurses' offices.

Action, Procedural: E. The Board of Education approves the following resolution: WHEREAS, the July 1, 2017 to June 30, 2021 labor agreement between the North Merrick Union Free School District ("District") and the North Merrick CSEA, Local 1000, AFSCME, AFL-CIO ("North Merrick CSEA") expired on June 30, 2021; and WHEREAS, representatives of the respective parties have engaged in negotiations for a successor agreement to the expired labor agreement; and WHEREAS, representatives of the District and the North Merrick CSEA reached an agreement for a successor agreement for the period from July 1, 2021 through June 30, 2025 that has been memorialized in a Memorandum of Agreement that has been reviewed by the Board of Education; and NOW THEREFORE, BE IT RESOLVED, that the Board of Education approves the Memorandum of Agreement hereinabove referenced subject to ratification by the North Merrick CSEA (as detailed in the mailing).

Dr. Seniuk state the Board is approving this resolution pending ratification. She thanked the CSEA for their patience through negotiations.

The Board of Education approves the following resolution:

WHEREAS, the July 1, 2017 to June 30, 2021 labor agreement between the North Merrick Union Free School District ("District") and the North Merrick CSEA, Local 1000, AFSCME, AFL-CIO ("North Merrick CSEA") expired on June 30, 2021; and

WHEREAS, representatives of the respective parties have engaged in negotiations for a successor agreement to the expired labor agreement; and

WHEREAS, representatives of the District and the North Merrick CSEA reached an agreement for a successor agreement for the period from July 1, 2021 through June 30, 2025 that has been memorialized in a Memorandum of Agreement that has been reviewed by the Board of Education; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Education approves the Memorandum of Agreement hereinabove referenced subject to ratification by the North Merrick CSEA (as detailed in the mailing).

Motion by Ed Corona, second by Tracey Miller.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

Action, Procedural: F. The Board of Education approves the 2022/2023 school calendar, as detailed in the mailing.
The Board of Education approves the 2022/2023 school calendar, as detailed in the mailing.

Motion by Tracey Miller, second by Kathy Moran.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

5. PERSONNEL ACTIONS REPORT

Action: A. The Board of Education approves the Personnel Actions Report, as detailed in the mailing.
The Board of Education approves the Personnel Actions Report, as detailed in the mailing.

Motion by Robert Crowley, second by Tracey Miller.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

6. SPECIAL EDUCATION

Action: A. The Board of Education approves the twelve (12) Individualized Education Programs (IEP's) which were developed by the North Merrick Committee on Special Education, as detailed in the mailing.

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Motion by Tracey Miller, second by Mary Keene.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

Action, Procedural: B. The Board of Education approves the eight (8) Individualized Education Programs (IEPs) which were developed by the North Merrick Committee on Pre-School Special Education, as detailed in the mailing.

The Board of Education approves the eight (8) Individualized Education Programs (IEPs) which were developed by the North Merrick Committee on Pre-School Special Education, as detailed in the mailing.

Motion by Tracey Miller, second by Mary Keene.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

7. REPORT OF COMMITTEES

Procedural: A. High School

Ed Corona reported that the high school has 6 Regeneron winners and announced that Eric Gomez, Mephram High School Principal, has been appointed Assistant Superintendent.

Procedural: B. School Community Relations/PTA Council

Mary Keene reported on PTA and SEPTA events, including fundraisers, valentine boosters, Father-Daughter Night, and Family Fun Night.

Procedural: C. Buildings & Grounds

Mr. Carder spoke about the work that took place cleaning the parking lot from the snowstorm. Ms. Ryan stated that an helicopter landed in the HDF parking lot to assist in an emergency.

8. COMMUNICATIONS

Information, Procedural: A. Communication

Joanne Long stated communications: 87 were received

85 - were about masking

1 - UPK program

1 - district component set up

9. UNFINISHED BUSINESS

Discussion, Information, Procedural: A. Unfinished business

None

10. NEW BUSINESS

Discussion, Information, Procedural: A. New business

Robert Crowley questioned what steps the district will take if the mask mandate expires. Dr. Seniuk explained that if the state allows districts to decide to be mask optional, the district will finalize those directives as well as any changes in protocols that may still exist.

Mr. Crowley also asked how or if we can file a lawsuit against the Governor to remove the mask mandate, and District Counsel Neil Block said he would report back to the board with that information.

Mary Keene requested that the budget committee start earlier so that members have more time to ask questions before the start of the regular board meeting.

Ms. Keene also requested two public comment sessions for the March meeting. Conversation ensued about having two public comment sessions added into the agenda, with the first comment session for agenda items only and the second for open comments.

A motion was made to make those changes to public comment SE/MK 7 - 0

Action, Procedural: B. The Board of Education moved to approve adding a public comment section to the beginning and end of school board meeting. First public session will be for agenda items only (addendum).

The Board of Education moved to approve adding a public comment section to the beginning and end of school board meeting. First public session will be for agenda items only (addendum).

Motion by Steve Enella, second by Mary Keene.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

11. PUBLIC COMMENTS

Action, Procedural: A. Guidelines for Public Comments - Any person wishing to make comments or raise questions shall fill out a comment card. After you are called, come forward to the microphone and state your full name. All comments or questions shall be directed to the Board President or Superintendent of Schools. The Board or Administration will do their best to immediately respond to any questions. Out of courtesy and fairness to the rest of the audience, each person will limit his/her remarks to no more than 3 minutes, not to exceed a 30 minute session. Public discussion with respect to confidential matters is prohibited.

Megan Ryan stated person did not want to identify themselves. Questioned infectious rate and when will Camp Avenue allow class mom and parents for in for events?

Dr. Seniuk stated working closing with building principals, and we are going to revisit this

Mike Spataro - Spoke about HDF 3rd grade class size

Dr. Seniuk stated the district plans to add an additional class.

Christine Kim - Thanked the board for not entering litigation without proper information. She asked what it would mean not to follow the state guidelines and unmask our kids without proper authority.

Mr. Block, the state may withhold state funding and they can remove school board member.

Ms. Kim: What would that translate to?

Mr. McDaid: 9.5 million dollars

Jackie Luciani - I have spoken to the teachers myself, I'm asking to teach your staff to be better, this is not a scary thing, these kids be burden with this virus they have been burden long enough.

Christa Hughes - Will incoming k have opportunity to come into the school

Dr. Seniuk - There will be in-person screening, which will take place in the summer.

Also, last week we receive communication they were reevaluation procedure for drop off

Dr. Seniuk we will still have multiple entrances and dismissal which are being reevaluated.

Christ Hughes – asked about story time rugs and would like to see that communal setting table for k and 1st grader
Dr. Seniuk commented we wanted to provide these things back into the classroom.

William Luciani - proud when we went mask optional - thank you for showing mask optional - kind of lead when I tuned into the special education meeting and came back against joining the amicus brief compete opposite of decision that you made on Tuesday. don't be timid advocate to our students. hear excuses giving by this board, I couldn't read the brief, by the time I got it and Friday, the people know who has been fighting for our students we have heard from legal counsel I think Inger man smith represent many districts in long island. Mr. Crowley asked to investigate that. Megan - it wasn't appropriate for the school district, one dad found it unconstitutional do you have confidence in the legal advice you're getting from our counsel, if a client of mine was asking and asking and I gave him negative advice and doing the same thing, have you had those conversation, we have been begging for something to be done, are we going to look into supporting parents of the district that they work.. Megan - there were no excuses made no one said there was not enough time, I pull the boe meeting, the attorney does not - amuic brief it was already made, we did not think appropriate to start litigation, your getting our school district involve in a lawsuit, we have responsible to make our staff be safe, not everyone does not want - I don't think fair and accurate, we were the first district to make mask optional when the law allow it. if we could courtesy politie public - Neil block, his advice was it's not appropriate to have school district start a lawsuit, we are talking budget and classroom and playground we don't have the funds. I will defer that was the consensus of the board. Neil - I provide the board with information and have them decide, right it's int the court of appeal - they had opportunity to join that original lawsuit and that lawsuit was dismissed. we respect to mask optional that a child was able to be mask optional. William Luc - the legal was sound, the one inconsistency initially it was going to be costly litigation we don't have budget, Megan - start long, law firm that is not vetted. we didn't do a parent survey, we are not binding our school in a lawsuit and majority felt the same way, I am not afraid we were the first school district Nassau to provide mask optional that was done unanimously.

Chad Lave glia - these determinations are not valid, fictional, made up, sent email with the law, next partner, I mopped the floor - do a survey you don't need a survey, you don't need survey, we want choice, unlike viewpoint, we are not making kids not wear a mask. you are enforcing unconventional our Inger man and smith, they didn't not the laws, - I did my due diligence for the community our legal counsel will be doing that as well. it's not objective advice, your being pulled, lose funding, this is ridiculous, they don't do anything, that fake n95 mask does nothing, and you're going to hinder our children's development. Megan p we have children please be polite, please be these children are developing, especially one that does not work , both of you are attorney, you can read, that administrative agency doesn't run our lives, how far are you going to push all of us, you will be accountable, members will be held accountable, this not a joke, - Megan we take it very serious you make outrageous comments we are following advice of counsel, -

Tristan Cetto- stated his child have never had a normal day of school and she hate schools. We can't keep going on like this and at what point do we say we are not doing this.

Neil - challenge the constitutionally it's at the ehgiest court right now - thats going to be important when the court makes that decision, there are other, it's very possible will expire the court of appeals could determine, if they say it's proper. at some point we are done with this; we need to go back to normalcy.

Robert Rollins - universal pre-k - thank you. thank you giving us one day of freedom and Chad, newjersy connec torgenon all o sudden we don't mask mandate, unless something covid because thats why all restriction governor wants vaccine - this political battel and using our kids as a political pawn - really this board has a choice I hear have a vote if there is no extension on the 21 we need the vote saying no outs on the 21 we are going mask optional, I hate but how dare Hochuli take away funding from school I don't think I'm asking a lot of kids that don't have kids in district when I was here in sept there were five of us. our heart breaks - make mask optional for our people. people of the community that voted you in.

Kimberly Boyette - Questioned how long it takes to read 20 pages and doesn't understand why a board member didn't have enough time, she commented the board does nothing for our kids.

Guidelines for Public Comments - Any person wishing to make comments or raise questions shall fill out a comment card. After you are called, come forward to the microphone and state your full name. All comments or questions shall be directed to the Board President or Superintendent of Schools. The Board or Administration will do their best to immediately respond to any questions. Out of courtesy and fairness to the rest of the audience, each person will limit his/her remarks to no more than 3 minutes, not to exceed a 30 minute session. Public discussion with respect to confidential matters is prohibited.

Motion by Tracey Miller, second by Steve Enella.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Mary Keene, Kathy Moran

Discussion, Information, Procedural: B. Comments

Megan Ryan stated that person did not want to identify themselves. Questioned when will the schools allow parents to participate in school events? Dr. Seniuk stated that central administration is working closely with the building principals to revisit opening the schools to visitors.

Resident Mike Spataro asked about H.D. Fayette's third grade class size, and Dr. Seniuk stated the district plans to add an additional class.

Resident Christine Kim thanked the board for not entering litigation without the proper back up and asked what it would mean not to follow the state guidelines and unmask staff and students without state authority. Mr. Block responded that the state could withhold funding and remove school board members.

When Ms. Kim requested what would that translate to monetarily, Mr. McDaid responded about \$9.5 million dollars.

Resident Jackie Luciani asked for staff to be more sensitive about the masking protocols with students, who have been burdened long enough.

Resident Christa Hughes asked if incoming kindergarten students will have an opportunity to visit the schools, and Dr. Seniuk confirmed there will be in-person screening, which will take place during the summer.

Dr. Seniuk also reported that the district is re-evaluating the procedure for drop off and dismissal via multiple entrances.

Resident Christa Hughes also inquired about reinstating story time rugs and the communal table for kindergarteners and first graders, and Dr. Seniuk said the district wants to provide these things back into the classroom.

Resident William Luciani stated that the district should have joined the amicus brief since there was no cost involved. He said the board should not be timid in advocating for students and he questioned the legal advice being provided by district counsel. Ms. Ryan reiterated that the majority of the board did not want to bind the district in a lawsuit, especially without a parent survey. She said the board has a responsibility to all staff and students.

Mr. Block stated he provides the board with information so they can make the decisions.

Resident Chad Laveglia said the district does not need a survey, because in speaking to parents, they want choice. He said counsel is not providing objective advice due to the potential loss of state funding, that the reasoning was getting ridiculous, and that the masks being worn are not protective but can hinder children's development. Ms. Ryan said the board takes the issue very seriously and is following the advice of counsel.

Resident Tristan Cetto said his young child has never had a normal day of school and hates schools due to masking. He said the district cannot keep going on like this.

District Counsel Neil Block said the mask mandate is being challenged constitutionally at the highest court right now.

Resident Robert Rollins thanked the district for the Universal Prekindergarten program and for one day of freedom from the mask mandate. He said this has become a political battle with their children being used as political pawns. He said the board has a choice to go mask optional and is obliged to the community who voted for them.

Resident Kimberly Boyette questioned how long it takes to read 20 pages and doesn't understand why a board member didn't have enough time.

12. INFORMATIONAL REPORTS (BOE only)

Information, Procedural: A. Appropriation Status Report; Revenue Status Report; Trial Balance; Cash Flow;

Information, Procedural: B. Enrollment; Health Office Report; Student/Adult Accidents

Information: C. Absences of Five Consecutive Days

Information: D. Building & Grounds Reports

13. ADJOURNMENT

Action: A. Adjournment
Adjournment

Motion by Tracey Miller, second by Kathy Moran.

Final Resolution: Motion Carried

Yes: Tracey Miller, Megan Ryan, Ed Corona, Robert Crowley, Steve Enella, Kathy Moran

No: Mary Keene