

# AGENDA

## BOARD OF EDUCATION VALLEY STREAM SCHOOL DISTRICT 24

---

BUSINESS MEETING

WILLIAM L. BUCK SCHOOL  
OCTOBER 13, 2021

6:45 PM It is anticipated that the Board of Education will immediately consider a motion to enter executive session [for purposes of discussing a personnel matter and contract matters] and reconvene the public portion of the Business Meeting at 7:30 PM.

---

- I. Determination of Quorum & Call to Order, President
- II. Salute to the Flag and Pledge of Allegiance
- III. Approval of Minutes – September 22, 2021, and October 6, 2021
- IV. Welcome to Visitors – At this time the Board of Education welcomes questions or comments relative to the items on tonight’s agenda.
- V. Correspondence Report – District Clerk – Mrs. Jennifer Biscardi
- VI. Superintendent’s Report – Dr. Don Sturz

### PROGRAM:

Board Appreciation Presentations (Student Council Students)

## **VII. LIST OF ITEMS FOR ACTION:**

### **A. PERSONNEL –MR. MARKUS WILSON**

**1. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, the Board of Education appoints the following teacher liaisons for clubs/departments for the 2021-2022 school year at the appropriate Club Rate per the VSTA contract as follows:

#### Teacher Liaisons for Departments:

ENL - Kathleen Murray  
Nurses - Estelle Dempsey

#### Science

WLB - Christine Brenneis  
RWC - Shannon Quinn  
BAS - Jessica Anastasio

#### Robert W. Carbonaro School - Clubs:

Fitness/Sports - Phil Testa  
Student Council - Cathy Haufler/Pam Fowler  
Book Club - Chelsea Cittadino  
Wellness - Michele Knight/Sam Joltin  
Robotics - Julia Sollin  
Spanish - Caitlyn Kempsey  
Challenge - Risa Miller

#### Brooklyn Avenue School- Clubs:

Art/STEAM - Nicole Barci  
Wellness - Kaitlyn Gillespie/Kelly Martin  
Sports - Michael Whelan  
Student Council - Kathleen Carter/Allison Smithwick  
Robotics - Samantha Ponzio  
Spanish - Caitlyn Kempsey  
Challenge - Risa Miller

William L. Buck School – Clubs:

Chess Club - Chris Chroma  
Drama/Theater - Marc Levenson  
Wellness/Fitness - Jeannie Gavigan/Kerriann Pieper-  
Student Council - Marissa Campo/Christine Iadevaio  
Robotics - Kathryn Sileo  
Spanish - Caitlyn Kempsey  
Challenge - Risa Miller

District– Instrumental Music -

Jr. Orchestra-B Club - -Gary Garzetta  
Sr. Orchestra - B Club - -Gary Garzetta  
Jr. Band -B Club - -Nicholas Shmorhun  
Sr. Band -B Club - -Nicholas Shmorhun  
District Instrumental Music- C Club -Nicholas Shmorhun

**2. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, the Board of Education approves the following additions to the per diem substitute list for the 2021-2022 School Year:

**TEACHER:**

Tracie Goldman  
Carl Hawkins  
Nicole Massop

**3. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, the Board approves the appointment of Sultana Baloch as a School Monitor Part-time, effective October 14, 2021. Compensation for this appointment will be at Step 1 in accordance with the agreement between the District and the United Public Service Employees Union (UPSEU).

**4. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, the Board approves the appointment of Maria Paz as a School Monitor Part-time, effective October 18, 2021, pending civil service approval and fingerprint clearance. Compensation for this appointment will be at Step 1 in

accordance with the agreement between the District and the United Public Service Employees Union (UPSEU).

**5. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, the Board approves the appointment of Colette Stroude as a School Monitor Part-time, effective October 18, 2021, pending civil service approval and fingerprint clearance. Compensation for this appointment will be at Step 1 in accordance with the agreement between the District and the United Public Service Employees Union (UPSEU).

**6. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, the Board of Education approves the permanent appointment of Kenneth Martinez as a Custodian, in accordance with Nassau County Civil Service Exam No. 26-536, effective November 2, 2021.

**7. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, and in accordance with Section 5.11 of the negotiated agreement with VSTA, the Board of Education grants a medical leave with 70% salary for a portion of the 2021-2022 school year, upon exhaustion of accumulated sick days, to a certain employee, effective October 19, 2021, subject to the receipt of medical certification.

## **B. EDUCATION – MRS. MELISSA HERRERA**

**1. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, that the Board of Education accepts the confidential recommendations of the Committee on Special Education previously approved by the Committee on Special Education on 2/26/21, 8/31/21, 9/2/21, 9/13/21, 9/15/21, 9/17/21, 9/17/21, 9/20/21, 9/20/21, 9/22/21, 9/22/21, 9/26/21 and 9/27/21 pertaining to students being considered for pre-school special education services as set forth in a schedule provided to the Board of Education and the Board of Education hereby approves and ratifies said recommendations of the Committee on Pre-School Special Education.

**2. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, that the Board of Education accepts the confidential recommendations of the Committee on Pre-School Special Education previously approved by the Committee on Pre-School Special Education 9/14/21, 9/14/21 and 9/27/21

pertaining to students being considered for pre-school special education services as set forth in a schedule provided to the Board of Education and the Board of Education hereby approves and ratifies said recommendations of the Committee on Pre-School Special Education.

**C. FINANCE – MR. JOHN MAIER**

**1. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, the Board hereby accepts the Treasurer’s Report, Collateral Report, Claims Auditor’s Report, Appropriation Status Report, Revenue Status Report, Trial Balance for August 2021.

**VII. OTHER REPORTS:**

**A. VALLEY STREAM CENTRAL HIGH SCHOOL DISTRICT**

There are three delegates from Valley Stream UFSD Twenty-Four on the Central High School Board of Education, Mr. Maier, Mrs. Pellicane and Mr. Hernandez.

**Residency Hotlines:**

|                               |              |
|-------------------------------|--------------|
| Valley Stream School District | 516-872-5677 |
| Village of Valley Stream      | 516-592-5140 |
| Town of Hempstead             | 516-584-5000 |

**A. LEGAL REPORT:** Representative from the law firm, Frazer & Feldman, LLP

**B. LEGISLATION REPORT: MR. ARMANDO HERNANDEZ**

**C. POLICY COMMITTEE: MRS. KIMBERLY WHEELER**

**IX. UNFINISHED BUSINESS, IF ANY:**

**X. NEW BUSINESS:**

**1. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, that the Board of Education approve the following charities for the District for the 2021-2022 school Year:

St. Jude's Children Research Hospital  
American Heart Association

Island Harvest

**2. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, the Board of Education will award the Transportation Cross-Contract to The Valley Stream Central High School District for the period of October 14, 2021, through June 30, 2022 in the amount of \$616.00 ppm for transportation to and from the Kellenberg School in Uniondale.

**BE IT FURTHER RESOLVED** that the Board of Education hereby authorizes the Board President to execute this transportation contract on behalf of the Board of Education.

**3. BE IT RESOLVED** that the Board of Education authorizes the disposal of the following items:

| <b>Valley Stream 24 Tag #</b> | <b>Device</b> |
|-------------------------------|---------------|
| 002384                        | iMac          |
| 002042                        | MacBookAir    |
| 001807                        | iMac          |
| 002253                        | MacBook Pro   |
| 002300 30                     | Printer       |

**4. BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, that the Board of Education hereby authorizes the following Budget Transfer for the 2021-2022 School year:

| <b>BUDGET TRANSFER FOR BOARD APPROVAL</b> |                                       |                     |                     |
|---|---------------------------------------|---------------------|---------------------|
| <b>DATE: October 13, 2021</b>             |                                       |                     |                     |
| <b>CODE</b>                               | <b>DESCRIPTION</b>                    | <b>FROM</b>         | <b>TO</b>           |
| A9010.8                                   | Employee Retirement                   | \$ 32,000.00        |                     |
| A2110.473                                 | Charter School Tuition                |                     | \$ 32,000.00        |
|   | <b>Academy Charter School Tuition</b> |                     |                     |
| A5540.4                                   | Transportation Expenses               | \$ 30,000.00        |                     |
| A1930.4                                   | Claims/Judgement                      |                     | \$ 30,000.00        |
|   | <b>Transportation Settlements</b>     |                     |                     |
|   | <b>TOTALS</b>                         | <b>\$ 62,000.00</b> | <b>\$ 62,000.00</b> |

**5. BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Valley Stream UFSD #24 Board of Education hereby accepts Town of Hempstead (TOH) funds in the amount of \$40,389.55 and increases the 2021-2022 General Fund by that amount. This TOH grant is to be appropriated pursuant to subdivision 2 of Section 1718 of the Education Law as amended by Chapter 82 of the Laws of 1995 for General Purposes. The offsetting revenue shall be A 4289 Revenue Code: Other State Aid

**BE IT FURTHER RESOLVED:** That the total amount of \$40,389.55 is appropriated in the following Budget Codes:

| Budget Code | Amount     | Description        |
|-------------|------------|--------------------|
| 1620.272    | \$29,285   | Cleaning Equipment |
| 1620.407    | \$7,500    | Cleaning Expenses  |
| 1620.457    | \$3,604.55 | Cleaning Supplies  |

**6. WHEREAS**, the Valley Stream Union Free School District No. 24 (“District”) and Baumann Bus Company, 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 Baumann Bus Company, Inc.; and

**WHEREAS**, Baumann Bus Company, Inc. commenced an action against the District entitled *Baumann Bus Company, Inc. v. Valley Stream Union Free School District No. 24*, Eastern District of New York Bankruptcy Court Adv. Pro. No. 20-08222, in the Supreme Court of the State of New York in the County of Nassau by filing a Complaint on December 3, 2020 (the “Action”), alleging breach of contract and/or related claims against the District in connection with the Transportation Agreement(s); and

**WHEREAS**, the District denies any wrongdoing and denies the right of Baumann Bus Company, Inc. to enforce the Transportation Agreement(s) or to recover any payment thereunder from the District under these circumstances; and

**WHEREAS**, a Chapter 11 Bankruptcy Plan Administrator (the “Plan Administrator”) was appointed on behalf of the Post-Confirmation Debtors under the *Third Amended Joint Plan of Liquidation Pursuant to Chapter 11 of the Bankruptcy Code* (Docket No. 495) to administer and prosecute the Adversary Proceedings pending in the Eastern District of New York Bankruptcy Court, including prosecution of the above-referenced Action behalf of Baumann Bus Company, Inc.; and

**WHEREAS**, in recognition of the uncertainties of litigation and other considerations, the Plan Administrator and the District desire to resolve the matter amicably and without the necessity of continued litigation and without any admission or concession of liability;

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that the District’s Board of Education approves the Settlement Agreement between the District and the Plan Administrator, under which the Plan Administrator has agreed to accept and the District has agreed to pay the sum of \$6,402.53, which represents 22 percent of the total amount sought in the Action, in full settlement of Baumann Bus Company, Inc.’s claims for the months of April of 2020 through June of 2020 and in exchange for a release and a discontinuance of the Action; and be it further



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

**7. WHEREAS**, the Valley Stream Union Free School District No. 24 (“District”) and ACME 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 ACME Bus Corp.; and

**WHEREAS**, VTC Bus Corp. commenced an action against the District entitled *ACME Bus Corp. v. Valley Stream Union Free School District No. 24*, Eastern District of New York Bankruptcy Court Adv. Pro. No. 20-08202, in the Supreme Court of the State of New York in the County of Nassau by filing a Complaint on December 3, 2020 (the “Action”), alleging breach of contract and/or related claims against the District in connection with the Transportation Agreement(s); and

**WHEREAS**, the District denies any wrongdoing and denies the right of ACME Bus Corp. to enforce the Transportation Agreement(s) or to recover any payment thereunder from the District under these circumstances; and

**WHEREAS**, a Chapter 11 Bankruptcy Plan Administrator (the “Plan Administrator”) was appointed pursuant to Court Order to administer and prosecute the Adversary Proceedings pending in the Eastern District of New York Bankruptcy Court, including prosecution of the above-referenced Action behalf of ACME Bus Corp.; and

**WHEREAS**, in recognition of the uncertainties of litigation and other considerations, the Plan Administrator and the District desire to resolve the matter amicably and without the necessity of continued litigation and without any admission or concession of liability;

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that the District’s Board of Education approves the Settlement Agreement between the District and the Plan Administrator, under which the Plan Administrator has agreed to accept and the District has agreed to pay the sum of \$10,051.65, which represents 22 percent of

the total amount sought in the Action, in full settlement of ACME Bus Corp.'s claims for the months of April of 2020 through June of 2020 and in exchange for a release and a discontinuance of the Action; and be it further

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

**IX. DISCUSSION**

**X. AUDIENCE TO VISITORS**

**XI. ADJOURNMENT**