

WORK STUDY MEETING (Thursday, May 9, 2019)
Generated by Patricia Wright on Monday, May 13, 2019

**HEMPSTEAD PUBLIC SCHOOLS
BOA D OF EDUCATON
WORK STUDY MEETING
MAY 9, 2019
MINUTES**

The work study meeting of the Hempstead Public Schools Board of Education was held in the high school auditorium, 201 President Street, Hempstead, New York 11550. The meeting was called to order at 7:02 P.M. All of the Board Members were present. The Dual Language Program students presented from Jackson Main, Barack Obama and David Paterson Schools. The Acting Superintendent and the President offered brief remarks. Due this being a work study meeting, there was no public participation entertained.

BOARD MEMBERS PRESENT:

LaMont Johnson, President
Carmen Ayala Vice, President
David B. Gates, Trustee
Patricia Spleen, Trustee
Randy Stith ,Truste
Jack Bierwirth ,Trustee Ex-Officio

STAFF MEMBERS PRESENT:

Regina Armstrong , Acting Superintendent
James Clark Assistant Superintendent for Special Projects
Djuana Wilson, Assistant Superintendent for Special Education
Patricia Wright, District Clerk
John Sheahan, General Counsel
Johnathan Scher, Labor Counsel
Monte Chandler, Special Counsel

A. MEETING OPENING

Procedural: 1. Pledge of Allegiance

Procedural: 2. Moment of Silence

B. PRESIDENT'S REMARKS

C. ACTING SUPERINTENDENT'S REMARKS

D. COMMENDATIONS/PRESENTATIONS

Action: 1. New Agenda Item

Trustee Stith moved,seconded by Trustee Spleen to convene to executive session at 7:32 P.M. for legal counsel and personnel discussion about a particular individual.

MOTION

YES 5

MOTION CARRIED

To convene to
executive session

Trustee Stith moved, seconded by Trustee Spleen to reconvene to open session at 11:25 P.M.

MOTION

Tore convene
to open session

YES 5**MOTION CARRIED****E. OTHER AGENDA ITEMS**

Action (Consent): 1. Minutes

F. BOARD OPERATIONS

Action: 1. New Agenda Item

Trustee Johnson moved, seconded by Trustee Ayala to approve the retirement contribution reserve sub-fund resolution as written.

Retirement Contribution Reserve Sub-Fund Resolution

WHEREAS, the Hempstead Union Free School District participates in the New York State Teachers' Retirement System ("TRS"); and

WHEREAS, the Board of Education of the District has established a Retirement Contribution Reserve Fund that has been in effect since on or before June 30, 2013 in accordance with Section 6-r of the General Municipal Law; and

WHEREAS, the Board of Education has determined it is also appropriate to establish a sub-fund within said Retirement Contribution Reserve Fund pursuant to Section 6-r of the General Municipal Law.

NOW THEREFORE, BE IT RESOLVED, by the Board of Education of the District, pursuant to Section 6-r of the General Municipal Law, as follows:

1. The Board hereby establishes a sub-fund within the current Retirement Contribution Reserve Fund to be known as the Hempstead District Retirement Contribution Reserve Sub-Fund;
2. The source of funds for this Reserve Sub-Fund shall be:
 1. such amounts as may be provided therefore by budgetary appropriation or raised by tax therefore;
 2. such revenues as are not required by law to be paid into any other fund or account;
 3. such other funds as may be legally appropriated; and
 4. notwithstanding any law to the contrary, such amounts as may be transferred from a reserve fund established pursuant to Section 6-c, 6-d, 6-e, 6-f or 6-g of Article 2 of the General Municipal Law, comprised of moneys raised from the same tax base as the moneys in the retirement contribution reserve fund, or a reserve fund established pursuant to Education Law Section 3651, provided that any such transfer shall only be made by Board resolution adopted after a public hearing held on at least 15 days prior notice published in at least one newspaper having general circulation in the District.
3. By resolution, the Board of Education may authorize expenditures from this Reserve Sub-Fund. Except as otherwise provided by law, moneys in this Reserve Sub-Fund may only be appropriated to finance retirement contributions to the New York State Teachers' Retirement System, and/or to offset all or a portion of the amount deducted from the moneys apportioned to the District from the State for the support of schools pursuant to Section 521 of the Education Law.

4. No member of the Board of Education or employee of the District shall:
1. authorize a withdrawal from this Reserve Sub-Fund for any purpose except as provided in Section 6-r of the General Municipal Law; or
 2. expend any money withdrawn from this Reserve Sub-Fund for a purpose other than as provided in Section 6-r of the General Municipal Law.
5. The moneys contributed annually to the Reserve Sub-Fund shall not exceed 2% of the total compensation or salaries of all teachers employed by the District who are members of TRS paid during the immediately preceding fiscal year.
6. The balance of the Reserve Sub-Fund shall not exceed 10% of the total compensation or salaries of all teachers employed by the District who are members of TRS paid during the immediately preceding fiscal year.
7. The moneys in this Reserve Sub-Fund shall be deposited and secured in the manner provided by Section 10 of the General Municipal Law. The Board of Education or its authorized designee may invest the moneys in this Reserve Sub-Fund in the manner provided by Section 11 of the General Municipal Law. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of this Reserve Sub-Fund.
8. The chief fiscal officer shall account for this Reserve Sub-Fund separate and apart from all other funds of the District. Such accounting shall show: the source, date and amount of each sum paid into the sub-fund; the interest earned by such sub-fund; capital gains or losses resulting from the sale of investments of this sub-fund; the order, purpose thereof, date and amount of each payment from this sub-fund; the assets of the sub-fund, indicating cash balance and a schedule of investments. The chief fiscal officer, within sixty (60) days of the end of each fiscal year, shall furnish a detailed report of the operation and condition of this sub-fund to the Board of Education.
9. This Resolution shall take effect immediately.

MOTION

To approve retirement contribution sub-fund resolution as written

YES 4**MOTION CARRIED****NO 1 (Trustee Stith)**

Action (Consent): 1. Register of Bills

H. REVENUE REPORTS

Action (Consent): 1. Revenue report

I. APPROPRIATION REPORT

Action: 1. New Agenda Item

J. TREASURER'S REPORTS

Action (Consent): 1. Monthly treasurer's report

K. DONATION

Action: 1. New Agenda Item

L. BUDGET TRANSFER

Action: 1. New Agenda Item

M. BUSINESS & OPERATIONS

Action: 1. New Agenda Item

N. DISPOSAL OF EQUIPMENT

O. CONTRACTS/STIPULATION OF SETTLEMENT

Trustee Johnson moved, seconded by Trustee Ayala to approve the energy performance contract resolution.

RESOLUTION

Energy Systems Group, LLC – Energy Performance Contract

WHEREAS, the Hempstead Union Free School District has solicited proposals for an Energy Performance Contract for building upgrades and installation of equipment to improve energy efficiency of the District's building; and

WHEREAS, the District received two proposals in response to the request for proposals, which were opened by the District on December 20, 2018; and

WHEREAS, Energy Systems Group, LLC ("ESG") responded to the District's Request for Proposals ("RFP") and performed a comprehensive energy audit of the District's buildings; and

WHEREAS, the parties have established a scope of work for an Energy Performance Project including, but not limited to, lighting replacements, lighting upgrades, boiler replacement, unit ventilator upgrades, building envelope weatherization upgrades, pipe insulation, cooling tower replacement, steam trap replacement, installation of solar photovoltaic system, which is contingent upon approval of the Commissioner of Education and the District's procurement of financing;

WHEREAS, based upon Energy Systems Group, LLC's guarantee such energy performance project will be implemented in a manner that results in all of the District's costs associated with this project, being completely offset by the resulting energy savings;

WHEREAS, the project will be implemented, and the parties will proceed with their duties and obligations under the energy performance contract, contingent upon the District receiving approval from the New York State Education Department and the parties executing such contract, which shall be reviewed and approved by District counsel and the District Architect; and

NOW THEREFORE BE IT RESOLVED, upon the recommendation of BBS Architects, Landscape Architects and Engineers, P.C. and the Superintendent of Business, the Board of Education determined that acceptance of the response submitted by ESG is in the best interests of the District and awards the energy performance contract to Energy Systems Group, LLC;

BE IT FURTHER RESOLVED, that ESG shall be appointed as the Energy Service Company ("ESCO") for the coordination and implementation of the project for a fee not to exceed Eleven Million, One Hundred Twenty-Four Thousand, One Hundred Seventy-Six Dollars 00/100 (\$11,124,176.00), pursuant to a contract to be entered into between the parties;

BE IT FURTHER RESOLVED, that the President of the Board of Education is authorized to sign such contract on behalf of the District subject to prior review and approval by District counsel and the District Architect; and

BE IT FURTHER RESOLVED, the Board of Education hereby authorizes administration to take all necessary steps to obtain approval of the Energy Performance Contract by the Commissioner of Education and to procure financing and implement the Energy Performance Contract on behalf of the Board.

MOTION **YES 5** **MOTION CARRIED**
To approve energy
performance contract

P. INTERNSHIPS

Q. FACILITIES

R. CURRICULUM & INSTRUCTION

S. SPECIAL EDUCATION

T. PUPIL PERSONNEL SERVICES

U. MISCELLANEOUS- TRIPS

V. PERSONNEL

W. CIVIL SERVICE PERSONNEL

Procedural: 2. CHANGE BOARD ACTION

X. ADJOURNMENT

Trustee Stith moved, seconded by Trustee Spleen to adjourn the meeting at 11:28 P.M.

Action: 1. Adjourn

MOTION **YES 5** **MOTION CARRIED**
Meeting adjourned

Respectfully submitted by:

Patricia Wright
District Clerk