

**BETHLEHEM AREA SCHOOL DISTRICT
BOARD HUMAN RESOURCES COMMITTEE MEETING
MINUTES
MONDAY, OCTOBER 19, 2009**

Members of the Board Human Resources Committee met on Monday, October 19, 2009, in the Dining Room, at the Education Center. Present were the following school board members: Michele Cann, Judith Dexter, Irene Follweiler, Dr. Craig Haytmanek, Loretta Leeson, Eugene McKeon, Benjamin Tenaglia. Also in attendance were BEA President Jolene Vitalos, Solicitor Don Spry, Assistant Superintendent for Human Resources Thomas K. Washington, and Interim Superintendent of Schools Dr. Thomas E. Persing.

The meeting of the Board Human Resources Committee was called to order by Mrs. Irene Follweiler at 9:20 p.m.

COURTESY OF THE FLOOR – Mrs. Follweiler announced that she could not start Courtesy of the Floor because she did not have a quorum. When Courtesy of the Floor began, Steve Antalics, Ridge Street, Bethlehem, asked to finish the interim conversation he had started with the solicitor.

Mrs. Antalics said, I would strongly urge as I mentioned earlier that... well I was told by the solicitor that these tax exemptions are under study right now. Is this correct sir? Mr. Spry replied that there was a hearing last week on the four dioceses properties in South Bethlehem before the assessment board. We are waiting for a decision on that. There are three that are not used for house of worship. One is under an agreement of sale and the other three are used for storage, so we have challenged all those and we are waiting to see the outcome.

Mr. Antalics asked Mr. Spry, you as solicitor is it in your prevue to review all the tax exempt agencies within the BASD to see which might not be eligible and have the district then appeal to the tax exempt agency at the county to have them removed from the tax exempt rolls? Mr. Antalics stated, I was told by the person in charge of assessments that there (I'll be careful here) I have heard rather that there are a number of people getting a free ride under tax exempt status, and if an agency saw the questionable of their status they could then challenge by... Mrs. Follweiler interceded and said, since our policy is just to take information, I will guarantee that this subject will come up in open forum. Mrs. Follweiler asked if there were any other courtesy of the floor.

DISTRICT GOALS – Dr. Persing distributed the list of goals to the board members. He said, it is a condensed list of all the goals we talked about and if you have any additions, modifications, or any other information would you please let me know and then we will put them on to discuss them further. That is what we have now after Mrs. Leeson had a discussion with a lot of people and the board; I also had a discussion with the administration and other people and this is what we have condensed the goals down to.

Mrs. Follweiler asked if there were any questions or comments. Mrs. Leeson had one comment and said maybe Dr. Persing can clarify this, but some of the more specific items will come under the objectives is that correct? Dr. Persing replied correct. Mrs. Leeson said, so this is an overall goal and then there will be objectives below. Dr. Persing commented that this is a very good point because what I should have also added is that each of the buildings are going to have, as you remember, their action plans and under there they have specific objectives for each year and then there is also a district action plan which will be given to the board for their review and see if the board agrees on the district plan. Some must be submitted to PDE if they are on corrective action; we do all any ways simply because we think it is a good practice.

Mrs. Follweiler stated that goals need a metric. A metric that you can measure the goal, for example, in the second goal of student performance, number three is Expand Gifted and Talented. How would we measure this goal? What is our goal to expand it to what? Dr. Persing stated that is correct and that would

come under your action plan where you will have your objectives and open metrics. Mrs. Follweiler would like to see each goal listed with a measurement. In the past, some goals had measurement as “ongoing.” As you are aware, a measurement is a numeric value, it is a percentage, it is a chartable type of thing, so what I would like to see for example: on number 1 in Financial Goals to reduce budget deficit to zero is very easy to track because you have a number. So something that is a little more tangible, I would like to see how we plan to measure it and ongoing is not particularly a measure.

Mrs. Follweiler asked if there were any other comments.

COURTESY OF THE FLOOR – None

OPEN FORUM – Mrs. Leeson had a couple of things under open forum. In the review of the Auditor General’s report of the missing laptops, there was also recommendation that we tighten some of our policies, so I reviewed a couple of our policies and if it is all right with the board, plus some of them are just like a one sentence change. If you agree with these, I will read them tonight, copy them, and get them to you in your packet, and we could put it on the agenda next week. I believe that would be a first read on the agenda.

The first one is under Property Records and I have added under guidelines, I will read first what is there – *...major items of equipment shall be subject to annual physical spot check, inventory to determine loss, mislocation, or depreciation. Major losses shall be reported to the board.* I added one sentence, *losses shall be promptly reported to the board, law enforcement, insurance, and/or relevant bodies.*

Mrs. Follweiler suggested that the changes be given to someone who can type it and then it becomes our first read versus reading it and then adding it to the agenda. Mrs. Leeson replied that this will not be a first read, but wanted to make sure that everyone agrees to put this on the agenda. Mrs. Follweiler said, I understand, but isn’t that the purpose of the first read. I am fine with adding it to the agenda for the first read, and think that a consensus is needed to add to the agenda. She said I do not know that we necessarily need to know the content of the change. Mrs. Leeson said, if you want to make any changes to it, it is easy enough to do it now – it is not that much. Mrs. Follweiler said I just know that for me listening to a sentence verbally or seeing it as first read and then having a discussion is a better way to go. I mean I am perfectly happy and glad that you did this, but I think that if we have it typed and done... Mrs. Leeson asked to be allowed to read through it because it is only two sentences, and then put it on the agenda. The policy for Fiscal Objectives – under that I added, *the superintendent director of business affairs will keep the board continuously and accurately informed of the current fiscal status.* Finances – under finances we have a line that says, *the prompt payment of items that will accrue to the district’s advantage could be paid without prior board approval.* I would like to just omit that because currently with so many means of communication it would be really easy to get a board approval quickly without it.

Mrs. Cann had a question regarding the first one about the inventory and tracking. Our audit report had something in there. Didn’t the auditor make a suggestion for a method on tracking our inventory and equipment? Is this the same? Mrs. Leeson answered yes, but no. She stated this is the district policy and this is saying in our policy if we have a loss that it needs to be reported immediately. This is not the recommendations – I think Dr. Persing and Mr. Arbushites are working on the rest of those recommendations. This is just a change in our policies. Mrs. Cann commented, I guess I would have to see it to kind of get it. I am not kind of getting it.

Mrs. Dexter commented the district has a policy that requires us to obtain property insurance, but we are unable to find any specific policy that requires our district to report losses and that is why we are trying to clean that up.

Mrs. Leeson would like to make a recommendation that we change one other item in our committee meetings. We have 006 – *committee meetings will contain a preempt post courtesy of the floor of ten minutes each*. I would like to add, *pertaining to agenda items*.

Mrs. Follweiler confirmed with Mrs. Leeson that she would like to recommend those four policy changes and would like us to take a consensus to see if there is a problem with putting the first read on the agenda for Monday night. Mrs. Leeson replied that is correct.

Mrs. Follweiler polled the board and there were no objections. Mrs. Follweiler asked if Mrs. Leeson could give Mr. Washington her notes so that the policies can be added to the agenda for the first read.

Mr. Tenaglia asked Mr. Washington if he wanted to share the telephone conversation they had regarding the memorandum. Mr. Tenaglia informed the board that in the packets on Friday, there was a memorandum of agreement for Liberty and in the recommendation they talk about block 5 as well as block 0; however, in the memorandum itself there is no reference to block 5 and Mr. Washington felt that the easiest way to remedy that was to eliminate block 5 from the recommendation. He is not aware of any initiative to institute a block 5. Mr. Washington stated, I believe what I explained to you, Ben, that was always open in case they wanted to go either a period before or a period after; however, I do not have anything. You can do that but the actual memorandum itself says block 5. There is not a reference to block 5 at all. Mr. Washington said we could fix that.

Mrs. Dexter said, I actually remember when that was being discussed whether we would have the early morning and the end of block 5. The block 5 was thought to be possible for a gym class. There were a lot of students who had trouble working in a gym class, but I would like to see us amend this not by taking out the block 5 on first basis, but rather by just simply adding, if this sounds agreeable to the teachers' union I supposes. The one says that they will teach the zero to three or they would be one to five. Ms. Vitalos added, when I asked Mr. LaPorta if there was a need for that MOU this year, he said they are not doing anything at Freedom that would require that MOU. While Mrs. Durante responded that they only have two periods right now specific to that MOU, and they are zero block periods. One this semester and one next semester that is why the block 5 language was removed from the MOU. Mrs. Dexter also commented that just because they do not have it this semester does not mean they will not have it next semester or next year. Mr. Washington stated we already know that they do not need it next semester and every year it is reviewed, so if there is a need for it next year, we discuss the MOU. Mr. Washington agreed with Mr. Tenaglia that it should be removed from the MOU.

Mrs. Follweiler directed this concern to Mr. Spry – a member of the public brought up the question on the tax-exempt properties. What would be involved in finding a list of all tax-exempt properties in the district? Do you know? Is that something you can go to the county and say give me a list. Mr. Spry replied, I think we can get a list from the county assessment office. It is really the board's call as to whether or not the board has an interest in checking these exempt properties out. They certainly have the right to challenge any exemptions on the log. Mrs. Follweiler asked, who would be the appropriate person or people to go through the list and determine who is tax exempt or not because I am sure we can challenge the list? Mr. Spry answered, you would need somebody, probably designate someone in the administration. Mrs. Follweiler commented, so there would be some cost to the district to do the research. Mr. Spry confirmed that is why I think the board would have to make a decision as to how far you want to go with something like this. Mrs. Cann commented to determine whether tax-exempt status is warranted is very complicated and very fact specific. It could take enormous resources to look into this, and I do not even know how many properties we are talking about if there are hundreds or there are five. I mean I have no idea. Mr. Spry said I am sure there is a lot. Mrs. Cann referred to St. Lukes' and stated that could take

years to figure that out, seriously it really could, so I do not know that it is worth the effort. Mr. McKeon stated the other part that I was not unaware of is the legal ramifications, but I do not know that we have the ability to question their nonprofit status as much as the IRS requirement. If they were to lose their nonprofit status with the IRS and they own property in the district that had been exempt from tax, then I think we have the ability then to go after the property tax in that, but I mean I do not know of anybody here who is qualified to say that (as Mr. Antalics used the words) there are people in the district in the city or wherever getting a free ride. I do not know we have the professional ability to access whether Dr. Haytmanek is running a nonprofit organization. If somebody is coming in and it is a nonprofit organization, and they rent, it is a mute point. Unless the landlord is somehow, interconnected to the legal process.

Mrs. Follweiler said, I think the question posed by the public was merely as something to look into. Dr. Haytmanek commented that St. Lukes' went through this about ten years ago. The whole thing was months and months of legal hassling to prove they were nonprofit. It was a year or two where they showed a significant profit, they had to go back and go through all their clinic records and their emergency room records and show how much they were doing for the general public and how it was an offset from what they had made. I mean this is not a simple matter to prove that somebody is a tax-exempt entity or not. You are biting off a lot here. It really is a big deal.

Mrs. Follweiler confirmed that the answer to the courtesy of the floor question was that it is very labor intensive to do this type of research.

Mr. McKeon asked if we could still get a list.

Mrs. Cann stated, I say unless we have a specific reason to check into one particular entity to not do anything just like we did with the churches. There was a reason. There was a sale. Unless there is a reason, that something or somebody is suspicious, just do not do anything it is not worth it.

Mrs. Dexter stated that the board received an inquiry from a member of the public – a woman who wanted to know if we could provide more information on our websites about the incidents of flu in schools. Dr. Persing commented that there is a meeting coming up with Scott Gilliland, and they are putting that information on the website.

Mr. McKeon asked Mrs. Leeson if they were meeting Wednesday evening. Mrs. Leeson replied yes we are meeting Wednesday evening. We have a superintendent search meeting, and I would like to ask the board members to keep that little bit of time open as well for executive session if we do not conclude everything we need to conclude this evening in executive session. I believe we need to make that announcement to put that time aside in case we need it. Mrs. Follweiler asked what time that meeting starts. Mrs. Leeson answered 6:00 p.m. Mrs. Follweiler asked if the meeting had been fully advertised on the web? Mrs. Leeson confirmed it has been put on the web, it has been advertised.

Mrs. Dexter asked if we could have our board secretary notify the members that are absent about the executive session.

Irene Follweiler adjourned the meeting at 9:55 p.m.

Minutes prepared by: _____
Nitza S. Yerger, Confidential Secretary to the Assistant Superintendent for Human Resources