

Eastport-South Manor Central School District

Building Safety

JUNE 2020



OFFICE OF THE NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli, State Comptroller

Contents

- Report Highlights 1**

- Building Safety 2**
 - How Should a District Ensure Building Safety? 2

 - Officials Did Not Effectively Remedy Pipe Leakage at the Junior-Senior High School Building 3

 - Officials Generally Did Not Complete Required Plans and Inspections. 6

 - What Do We Recommend? 7

- Appendix A – Response From District Officials 9**

- Appendix B – OSC Comment on the District’s Response. 13**

- Appendix C – Audit Methodology and Standards 14**

- Appendix D – Resources and Services. 16**

Report Highlights

Eastport-South Manor Central School District

Audit Objective

Determine whether District officials provided effective oversight to ensure compliance with required building safety at the junior-senior high school (JSHS).

Key Findings

District officials did not:

- Fix leaks in the HVAC system requiring buckets in the halls to collect leaked water.
- Create a corrective action plan to address the deficiency found in the 2015 building condition survey.

Key Recommendations

- Implement a detailed plan to address the current leaks in the HVAC system and the ongoing system deterioration.
- Institute a comprehensive maintenance plan for all major building systems.
- Ensure that a visual building inspection is performed in any years deemed necessary by the New York State Commissioner of Education (Commissioner) and needed repairs are completed or scheduled in the capital plan.

District officials generally agreed with our recommendations and have initiated or indicated they planned to initiate corrective action. Appendix B includes our comment on an issue that was raised in the District's response letter.

Background

The Eastport-South Manor Central School District (District) serves the Towns of Brookhaven and Southampton in Suffolk County. The seven member Board of Education (Board) is responsible for financial and educational affairs.

The Superintendent of Schools (Superintendent) is the District's chief executive officer and responsible, along with other administrative staff, for day-to-day management under the Board's direction. The Assistant Superintendent for Business (Assistant Superintendent) is responsible for overseeing business operations, including developing and administering the budget. The Facilities Director serves as head of the maintenance department under the Superintendent's direction.

The current Superintendent was appointed in July 2019 after serving three months as acting Superintendent.

Quick Facts

Employees	549
Enrollment	3,257
Year the JSHS Building Opened	2002

Audit Period

July 1, 2015 – June 30, 2019. We extended our audit period back to August 1, 2010 to review prior building repair documentation and compliance with certain building safety requirements.

Building Safety

How Should a District Ensure Building Safety?

School districts are required to comply with the regulations adopted by the Commissioner to ensure the health and safety of students and staff in relation to proper heating, lighting, ventilation, sanitation and health, fire and accident protection.¹ To maintain the safety of school buildings and the welfare of their occupants, a school district board should assess district facilities to ensure they are properly preserved and provide a suitable education setting in accordance with New York State Education Law (Education Law).²

To ensure that all occupied buildings are properly maintained and preserved, the board should comply with the following Commissioner's regulations:³

- A comprehensive maintenance plan for all major building systems to be instituted to ensure the building is maintained in a state of good repair.
- A five-year capital facilities plan updated annually.
- A comprehensive long-range plan re-evaluated and made current at least annually.
- Each occupied District building will be assessed every five years by a building condition survey conducted by at least one licensed architect or engineer. Building condition survey reports will be submitted to the Commissioner by January 15, 2001 and January 15th of every fifth year thereafter.
- A visual inspection of building system components in each occupied District building will take place annually except for years in which a building condition survey is performed. The inspection will be conducted by a team including a local code enforcement official, the Facilities Director or his/her designee and a member of the Health and Safety Committee. The inspection will be completed by November 15 each year and will be made available to the public.⁴
- A corrective action plan will be developed by a licensed architect or engineer if a deficiency exists in the building.
- An annual inspection for fire and safety hazards will be conducted in accordance with a schedule established by the Commissioner. The inspection will be conducted by a qualified fire inspector and the report will be kept in the district office.

1 New York State Education Law, Section 409

2 Commissioner of the State Education Department Regulations, Section 155.4

3 Commissioner of the State Education Department Regulations, Sections 155.1, 155.4 and 155.8

4 Pursuant to Education Law, Sections 409-d and 3641 as amended in 2019, visual observations need only be conducted as deemed necessary by the Commissioner.

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- A safety rating keyed to the structural integrity and overall safety of each occupied school building will be provided on an annual basis in consultation with the Health and Safety Committee. Safety ratings will be based on the safety rating system developed by the Commissioner and will comply with all statutory and regulatory requirements.

To meet these requirements, the Board adopted a maintenance and inspection policy⁵, a facilities planning policy and a school building safety policy.

The facilities planning policy indicates that the Superintendent is responsible for formulating and implementing a comprehensive long-range facilities development plan and a five-year capital facilities plan.⁶ Both plans should be kept current and re-evaluated at least annually. The comprehensive plan should include an appraisal of the priority of need for maintenance, repair or modernization of existing facilities, including consideration of obsolescence and retirement of certain facilities. The five-year capital facilities plan should include a yearly breakdown of the estimated expenses for construction, additions, alterations, major repairs, system replacement and repairs, and maintenance and energy consumption.

The District's building safety policy, consistent with the requirements of Education Law and the Commissioner's regulations, requires the Board to review and approve all annual building inspections and building condition surveys, take immediate action to remedy serious conditions in school buildings affecting health and safety and report such conditions to the Commissioner.⁷

Officials Did Not Effectively Remedy Pipe Leakage at the Junior-Senior High School Building

The JSHS building was constructed in 2002 and since then has had deficiencies with piping of the heating, cooling and ventilation (HVAC) system. District officials were aware of these deficiencies since 2010. The building HVAC system received a satisfactory rating in the 2010 building condition survey. However, the survey indicated pipe leakage at joints in the HVAC system with an estimated replacement cost of \$500,000.

District officials paid two vendors \$648,933 for HVAC pipe fitting and insulation replacement from 2010-11 through 2012-13. Although the 2015 building condition survey rated some sections of the HVAC system as satisfactory, the overall condition of the piped heating and cooling distribution system was rated as

5 Board of Education Policy 8220 – Buildings and Grounds Maintenance and Inspection

6 Board of Education Policy 7100 – Facilities Planning

7 Board of Education Policy 8110 – School Building Safety

unsatisfactory and included comments stating that there were multiple pipe leaks at joints, valves and from condensation.

The District architect created a five-year capital plan for the District in 2016 that estimated the cost to repair the issues found with the HVAC system (as listed on the 2015 building condition survey) to be approximately \$1 million. However, the plan did not itemize the years that the costs were to be expended or the financing source for the repairs.

At the November 2017 Board meeting, the Assistant Superintendent informed the Board that, based on the walkthrough of the building performed with the District architect, the estimated cost to repair the HVAC system was approximately \$3.9 million. A Board member told us that they could not ask taxpayers to fund \$4 million in repairs.

Additionally, the Assistant Superintendent told us that they could fix the problems internally by using District maintenance staff at a cost of several hundred thousand dollars. However, the District did not fund a capital reserve or have a financing source to cover these costs. Included in the Assistant Superintendent's presentation to the Board were photographs showing the condition of certain locations within the JSHS building (Figure 1). Pictures 1 and 2 of Figure 1 show pipes used to collect water from leaks and drain the water into buckets in the halls. Picture 3 shows a badly corroded pipe that officials told us was caused by faulty installation during construction.

FIGURE 1

Assistant Superintendent's Photographs of Conditions at Locations Within the JSHS Building – Presented in November 2017 (Pictures 1 and 2) Presented in November 2018 (Pictures 1, 2 and 3)



Picture 1 – Hose and bucket to catch leaks in JSHS hallway



Picture 2 – Hose and bucket to catch leaks in JSHS hallway



Picture 3 – Rusted pipe joint at JSHS building

Although the public school building fire safety reports conducted from 2014-15 through 2017-18 did not list any violation of fire safety regulations at the JSBS building, the conditions of the HVAC were not safe for the students and staff. The November 2018 Board minutes, included an HVAC repairs report that stated that updated estimates call for repairs to be performed by on-staff personnel for \$40,000. However, District officials were unable to show how they arrived at this estimate, the location of joints and valves they had already repaired, future scheduled repairs and a projected completion date for the repairs. Given the wide variation of projected costs from \$4 million to several hundred thousand to \$40,000 it does not appear that officials have a firm estimate of costs or a definitive plan to address the leaks.

During our audit fieldwork, staff and officials told us that pipes were leaking at the JSBS building. Officials provided us with a map showing all the valves and leaks at the building.

In December 2018, a leak on the second floor flooded a hallway and several classrooms causing the delay of classes for more than an hour. The December 2018 Board minutes stated that the problem was caused by a deteriorating fitting clamp and not a burst water pipe. However, no additional work was completed to rectify the problems.

In March 2019, we were given a tour of the JSBS building with the Facilities Director to view the condition of the HVAC system. We found that none of the issues noted in the 2015 building condition survey, the 2017 walkthrough conducted by the District's architect or the 2018 HVAC report to the Board had been remedied. We observed hoses in the ceilings of hallways to drain leaks, rusted pipe joints and stained ceiling tiles.

FIGURE 2

Photographs of Conditions at Locations Within the JSHS Building During Our Building Tour – March 2019



Picture 4 – Hose to catch leaks in JSHS hallway



Picture 5 – Rusted pipe in the JSHS building



Picture 6 – Rusted pipe joint at JSHS building

Although the Board minutes contained various mentions of HVAC issues, the October 10, 2018 Board minutes stated that the first repair of the pipe joints at the JSHS had been successful and the work was completed by District staff mechanics. However, it appeared that District officials did not take immediate action to remedy the HVAC issues and no corrective action plan was prepared to address the leaks and prevent or minimize the effects that resulted in water damage to the building.

As a result, the condition of the HVAC at the JSHS was unsafe for students and staff as they occupied an unmaintained building that had hoses and buckets in the halls to collect water leaks. As can be seen in the pictures in Figure 2, in addition to the current leaks in the system being collected in buckets in the hall, there are pipes and valves that continue to rust and further deteriorate the system.

Officials Generally Did Not Complete Required Plans and Inspections

The Board-adopted maintenance and inspection policy directs the Superintendent to ensure that proper maintenance and inspection procedures are developed for every school building. District officials did not monitor compliance with these required plans and inspections to determine how many and which requirements were outstanding at any particular time and initiate follow-up actions.

We reviewed the District’s facilities records for 2015 through 2018 and found that officials did not always ensure that the required inspections and plan were completed (Figure 3).

Figure 3: Required Plans and Inspections Not Completed

	2015	2016	2017	2018
Comprehensive Maintenance Plan	x	x	x	x
Visual Inspection		x	x	x
Safety Rating	x	x	x	x
Corrective Action Plan	x			
Comprehensive Long-Range Facilities Development Plan	x	x	x	x
Five-Year Capital Plan	x		x	x

District officials completed the building condition survey in 2015. However, they did not create a corrective action plan to address the deficiencies noted in the survey. In addition, while officials prepared a five-year capital facilities plan in 2016 they did not include the yearly breakdown of costs and financing sources or prepare plans in 2015, 2017 and 2018. We found that officials had no plans and inspections completed for 2019 as of the last day of our audit fieldwork in December 2019.

Although District policy requires the Board to review and approve all annual building inspections and building condition surveys and take immediate action to remedy serious conditions in school buildings affecting health and safety and report such conditions to the Commissioner, District officials did not generally follow the policy, which requires annual inspections, and did not create the required plans to ensure the building is maintained in a state of good repair.

District Officials have been aware of the leaks already existing in the HVAC system and the additional ongoing deterioration and rusting of the system for at least four years. However, Officials have not developed a detailed plan to fix the system or established a capital plan to fund the badly needed repairs. As a result, officials failed to ensure that the building is safe or properly maintained leaving students and faculty in a building with buckets collecting leaks from the HVAC system and the potential for additional leaks to develop requiring closures and additional damage to the building.

What Do We Recommend?

The Board and Superintendent should:

1. Develop a detailed plan, including a timeline, to repair the leaks in the system as well as to replace the rusted and damaged pipes and fittings.

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2. Institute a comprehensive maintenance plan for all major building systems.
 3. Ensure that a visual inspection is performed in any years deemed necessary by the Commissioner. This inspection should include a local code enforcement official.
 4. Ensure that a corrective action plan will be developed by a licensed architect or engineer and implemented immediately if a deficiency exists in a building.
 5. Ensure that a safety rating keyed to the structural integrity and overall safety of each occupied school building will be prepared on an annual basis in consultation with the Health and Safety Committee.

The Superintendent should:

6. Create a comprehensive long-range facilities development plan. This plan should be kept current and re-evaluated at least annually.
7. Update the five-year capital facilities plan annually and ensure it includes yearly breakdown of costs and financing sources.

Appendix A: Response From District Officials

Eastport-South Manor Central School District

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JOSEPH A. STEIMEL
Superintendent of Schools



TIM LAUBE
Assistant Superintendent for Business & Operations
(631) 801-3001; Fax: (631) 874-6743

April 30, 2020

Office of the State Comptroller
Ira McCracken, Chief Examiner
NYS Office Building, Room 3a10
250 Veterans Memorial Highway
Hauppauge, NY 11788-5533

Dear Mr. McCracken

The Eastport-South Manor Central School District has received your report entitled, "Building Safety Report of Examination 2020M-18." Please note this letter serves as our District response as well as the District's Corrective Action Plan.

NYS Comptroller Recommendation #1:

The Board and Superintendent should develop a detailed plan, including a timeline, to repair the leaks in the system as well as to replace the rusted and damaged pipes and fittings.

District Response:

The District agrees with this recommendation. Since the Comptroller's initial review of the HVAC system at its High School in March of 2019, all leaks have been repaired as of March 15, 2020. Twenty-eight leaks were repaired over an 18-month period dating back to September of 2018. The District has begun weekly inspections of the HVAC pipes and fittings to proactively search out and replace or repair any parts of the system that are in need of service.

Implementation Plan:

The District has begun weekly inspections of the HVAC pipes and fittings to proactively search out and replace or repair any parts of the system that are in need of service.

NYS Comptroller Recommendation #2:

The Board and the Superintendent should institute a comprehensive maintenance plan for all major building systems.

District Response:

The District agrees with this recommendation. The district will work with its architect and acting Facilities Director to develop a comprehensive maintenance plan for all major building systems to ensure the buildings are maintained in a good state of repair in accordance with Board Policy #8220, Building and Grounds Maintenance and Inspection

Implementation Plan:

The comprehensive maintenance plan is projected to be completed by September 2020 after completion of BCS and 5-year plan.

See
Note 1
Page 13

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NYS Comptroller Recommendation #3:

The Board and the Superintendent should ensure that a visual inspection is performed in any years deemed necessary by the Commissioner. This inspection should include a local code enforcement official.

District Response:

The District agrees with this recommendation. The district will ensure that the annual visual inspection is conducted by a team which will include a local code enforcement officer, the Facilities Director or his designee, and a member of the Board of Education, except for the years in which a Building Condition Survey is performed.

Implementation Plan:

The inspection will be completed by November 15th of each year and made available to the public in accordance with Board Policy # 8220, Building and Grounds Maintenance and Inspection.

NYS Comptroller Recommendation #4:

The Board and the Superintendent should ensure that a corrective action plan will be developed by a licensed architect or engineer and implemented immediately if a deficiency exists in a building.

District Response:

The District agrees with this recommendation. The district will seek assistance from its architect in developing a written corrective action plan if a deficiency exists in a building or on the grounds in accordance with Board Policy #8220, Building and Grounds Maintenance and Inspection.

Implementation Plan:

The District will immediately act to write a formal corrective action plan if a deficiency exists in a building or on the grounds.

NYS Comptroller Recommendation #5:

The Board and the Superintendent should ensure that a safety rating keyed to the structural integrity and overall safety of each occupied school building will be prepared on an annual basis in consultation with the Health and Safety Committee.

District Response:

The District agrees with this recommendation. The district will request that its architect provide an annual Facility Report Card for each building. Among the information to be provided in this report card is each building's safety rating. This will be reported in a public meeting in accordance with Board Policy #8110, School Building Safety.

Implementation Plan:

The District and its architect will produce its annual Facility Report Card in September/October.

NYS Comptroller Recommendation #6:

The Superintendent should create a comprehensive long-range facilities development plan. This plan should be kept current and re-evaluated at least annually.

District Response:

The District agrees with this recommendation. The district will work with its architect to formulate and implement a five year comprehensive long-range facilities development plan, as well as update and re-evaluate the plan annually in accordance with Board Policy # 7100, Facilities Planning.

Implementation Plan:

A draft of the five-year comprehensive long-range facilities development plan will be completed by June/July with final version completed by September / October.

NYS Comptroller Recommendation #7:

The Superintendent should update the five-year capital facilities plan annually and ensure it includes yearly breakdown of costs and financing sources.

District Response:

The District agrees with this recommendation. The district will work with its architect to develop a five year capital facilities plan, re-evaluate and update this plan on an annual basis, and ensure it includes a yearly breakdown of costs and funding sources, in accordance with Board Policy #7100, Facilities Planning.

District Response:

This will be completed at the end of the year every year so that Capital planning for upcoming budget can be established.

Person Responsible for Implementation:

The Assistant Superintendent for Business and Operations and the Facility Director.

The District appreciates the opportunity to work with your staff. We found your audit team to be highly professional, courteous and skilled.

Best,

Joseph Steimel
Superintendent of Schools

Eastport-South Manor HVAC Repair photos March 2020

Mechanical Room over Main Office after repairs



Repairs made to pipes adjacent to air handler AHU #13



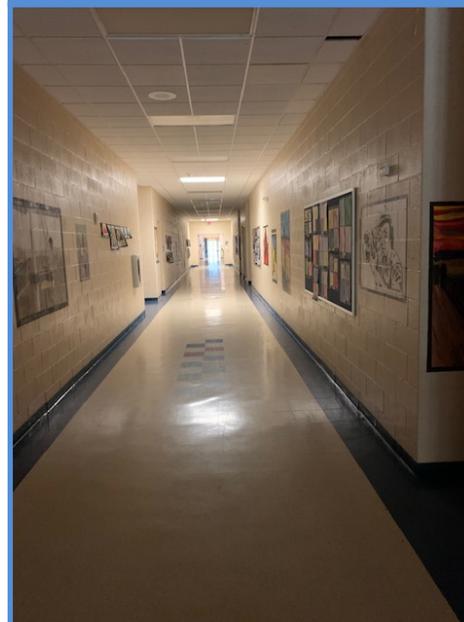
Repairs made to pipes adjacent to air handler AHU #13



Hallway outside of Girls Locker room (room 1364) where leak was repaired-bucket removed



Leak repaired and bucket removed outside room 1210.



Appendix B: OSC Comment on the District's Response

Note 1

While the District response states that repairs to leaks began in September 2018, District officials were unable to provide us with documentation of any repairs completed to date or a schedule of future repairs as of our end of fieldwork meeting in December 2019.

Appendix C: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. To achieve the audit objective and obtain valid audit evidence, our audit procedures included the following:

- We interviewed District officials to gain an understanding of the internal controls over the monitoring of facility safety and maintenance.
- We reviewed relevant laws and Board policies to familiarize ourselves with the statutes and procedures that affect facility safety and inspection requirements.
- We reviewed building condition surveys for the JSHS building for the audit period.
- We reviewed five-year capital facilities plans for the audit period.
- We reviewed payments to the two vendors who performed repair and installation work on the JSHS HVAC system from 2010-11 through 2012-13.
- We conducted a walkthrough with the Facilities Director to visually observe issues at the JSHS building.
- We reviewed Board minutes from August 1, 2010 through June 30, 2019 to determine whether District officials complied with all required plans and reports (including building condition surveys) and to gain an understanding of the monitoring of issues with the HVAC system at the JSHS building.
- We reviewed a map prepared by District officials showing all the valves and leaks at the JSHS building.

We conducted this performance audit in accordance with GAGAS (generally accepted government auditing standards). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

The Board has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and provided to our office within 90 days, pursuant to Section 35 of General Municipal Law, Section 2116-1(3)(c) of New York State Education Law and Section 170.12 of the Regulations of the Commissioner of Education. To

the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The CAP should be posted to the District's website for public review.

Appendix D: Resources and Services

Regional Office Directory

www.osc.state.ny.us/sites/default/files/local-government/documents/pdf/2018-12/regional_directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas

www.osc.state.ny.us/local-government/publications?title=&body_value=&field_topics_target_id=263196&issued=All

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems

www.osc.state.ny.us/local-government/fiscal-monitoring

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management

www.osc.state.ny.us/local-government/publications?title=&body_value=&field_topics_target_id=263206&issued=All

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.state.ny.us/local-government/resources/planning-resources

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.state.ny.us/sites/default/files/local-government/documents/pdf/2020-05/cyber-security-guide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.state.ny.us/local-government/required-reporting

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

www.osc.state.ny.us/local-government/publications?title=&body_value=&field_topics_target_id=263211&issued=All

Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

www.osc.state.ny.us/local-government/academy

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