

BOARD OF COOPERATIVE EDUCATIONAL
SERVICES SECOND SUPERVISORY DISTRICT
COUNTIES OF MONROE AND ORLEANS

Minutes of the Regular Meeting of the Board of Cooperative Educational Services, Second Supervisory District of Monroe and Orleans Counties, held on March 15, 2023, at 6:00 p.m. at the Richard E. Ten Haken Educational Services Center, Spencerport, New York 14559.

Members Present:

John Abbott	Gerald Maar
Kathy Dillon	Michael May
Trina Lorentz	Heather Pyke

Members Absent: Dennis Laba, R. Charles Phillips, Cindy Dawson

Staff Present:

Jo Anne Antonacci	Marijo Pearson
Stephen Dawe	Steve Roland
Ian Hildreth	Thomas Schulte
Kelly Mutschler	Melissa Trau
Mark Chase	

1. Call the Meeting to Order
The meeting was called to order by John Abbott at 6:00 p.m.
2. Pledge of Allegiance
3. Agenda Modifications - A walk-in resolution was added at Item 8.2
4. Approval of Minutes
Resolved: To Approve the Minutes of the February 15, 2023, Meeting Minutes as presented.
Moved by G. Maar, seconded by K. Dillon; passed unanimously
5. Public Interaction – There was no public interaction.
6. Financial Reports
 1. Resolved: To Accept the Treasurer’s Report as presented
Moved by M. May, seconded by K. Dillon; passed unanimously.
 2. Resolved: To Accept the WinCap Report as presented
Moved by M. May, seconded by K. Dillon; passed unanimously
7. Board Presentation –New York State Center for School Health Director Melissa Trau provided a program overview to the board. Board members asked questions and thanked Ms. Trau who left the meeting at 6:15 p.m.

8. Old Business

1. Updates were shared from the March 13 Space Committee meeting. Several different options for CTE, PreK and O&M were discussed. Board members ask questions and provided feedback. The next Space Committee meeting is scheduled for April 17, 2023.

2. Whereas, on or about October 20, 2021, the Board passed a resolution authorizing litigation against JUUL LABS, INC.; and

Whereas, the parties have reached a settlement of this litigation in the amount of \$53,147.00 (less disbursements and fees).

Now therefore be it resolved, that the Board approves the settlement of the JUUL LABS, INC. litigation in the amount of \$53,147.00 (less disbursements and fees) and authorizes the District Superintendent to execute any settlement documents on behalf of the Board.

Moved by K. Dillon, seconded by M. May; passed unanimously

9. New Business

1. Resolved: To Approve the Monroe 2-Orleans BOCES Classified Staff and Teacher Calendars for 2023-2024 School Year

Moved by K. Dillon, seconded by H. Pyke; passed unanimously

2. Resolved: To Approve the 2023-2024 Board Meeting Dates

Moved by H. Pyke, seconded by G. Maar; passed unanimously

10. Personnel and Staffing

1. Resolved: To Approve the Personnel and Staffing Agenda as presented

Moved by K. Dillon; seconded by T. Lorentz passed unanimously

2. WHEREAS, the BOCES Board has been provided evidence that the following individuals have completed training which meets the requirements of 8 NYCRR 30-2.10 and the Monroe 2-Orleans BOCES 2022-2023 State-approved Annual Professional Performance Review Plan for certification as a Lead Evaluator of teachers, therefore

BE IT RESOLVED, that, upon recommendation of the District Superintendent, the following individuals be certified as a Lead Evaluator of teachers:

- Adrienne Loftus
- Lisa Zeznick

Moved by K. Dillon, seconded by H. Pyke; passed unanimously

11. Bids/Lease Purchases

Resolved: To accept the bid recommendations and awarding of the following bids and lease purchases as presented:

1. Cooperative Art Supplies Bid - Bid# RFB-2021-23

School Specialty	\$291.80
Pyramid School Products	\$255.24
WB Mason	\$154.40
Cascade School Supplies	\$104.58
National Art & School Supplies	\$27.00

2. Whereas, Board of Cooperative Educational Services, Second Supervisory District of Monroe County (“BOCES 2”), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of New York, is authorized by the laws of the State of New York to purchase, acquire and lease personal property and to enter into contracts with respect thereto; and

Whereas, pursuant to New York State Education Regulations contained at 8 NYCRR Part 170.3(f), and in furtherance of BOCES 2’s mission and essential functions, BOCES 2 desires to purchase, acquire and lease certain equipment constituting personal property in connection BOCES’s ongoing service programs; to wit, the Lessor anticipates entering into a contract with Gates Chili Central School District (the “District”) relating to same; and

Whereas, in order to acquire such equipment, the BOCES 2 proposes to enter into with Toshiba (the “Lessor”), the form of which has been presented to the governing body of the BOCES 2 at this meeting; and

Whereas, the governing body of the BOCES 2 deems it for the benefit of the BOCES 2 and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment therein described on the terms and conditions therein provided;

Now, Therefore, Be It And It Is Hereby Resolved;

Section 1. Approval of Documents. The form, terms and provisions of the Agreement and cross-contracts with the District (collectively, the “Agreements”) are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel to BOCES 2 or other authorized representatives of BOCES 2 executing the same, the execution of such documents being conclusive evidence of such approval; and the BOCES 2 Board President is hereby authorized and directed to execute, and the BOCES 2 District Superintendent is hereby authorized and directed to attest and countersign the Agreements and any related exhibits attached thereto, and the BOCES 2 District Clerk is hereby authorized to affix the seal of BOCES 2 to such documents.

Section 2. Findings - Financial. The BOCES 2 Board finds and determines that it is in BOCES 2’s best financial interest to acquire the Equipment for the benefit of the District because:

- (i) it provides an opportunity to use the equipment without committing to the full costs of purchase; and
- (ii) after seeking competitive quotes, Lessor provides the most financially advantageous lease terms; and

Section 3. Findings - Ordinary Contingent Expense. The BOCES 2 Board finds and determines that the Equipment is necessary to maintain BOCES 2's educational program, preserve property or assure the health and safety of students and staff and thus payments under the Agreements constitute ordinary contingent expenses.

Section 4. Other Actions Authorized. The officers and employees of BOCES 2 shall take all action necessary or reasonably required by the parties to the Agreements to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreements.

Section 5. No General Liability. Nothing contained in this Resolution, the Agreements nor any other instrument shall be construed with respect to BOCES 2 as incurring a pecuniary liability or charge upon the general credit of BOCES 2 or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreements or any other instrument or document executed in connection therewith impose any pecuniary liability upon BOCES 2 or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreements are special limited obligations of BOCES 2 as provided in the Agreements.

Section 6. Section 265(b)(3) Designation. BOCES 2 hereby designates the Agreements as a "qualified tax-exempt obligation" for the purposes and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. BOCES 2 further represents that BOCES 2 reasonably anticipates that BOCES 2 and other entities that BOCES 2 controls will not issue tax-exempt obligations (including the Agreement) that exceed the aggregate principal amount of \$10,000,000 during the calendar year in which the Agreement is executed and delivered.

Section 7. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

3. Whereas, Board of Cooperative Educational Services, Second Supervisory District

of Monroe County (“BOCES 2”), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of New York, is authorized by the laws of the State of New York to purchase, acquire and lease personal property and to enter into contracts with respect thereto; and

Whereas, pursuant to New York State Education Regulations contained at 8 NYCRR Part 170.3(f), and in furtherance of BOCES 2’s mission and essential functions, BOCES 2 desires to purchase, acquire and lease certain equipment constituting personal property in connection BOCES’s ongoing service programs; to wit, the Lessor anticipates entering into a contract with Gates Chili Central School District (the “District”) relating to same; and

Whereas, in order to acquire such equipment, the BOCES 2 proposes to enter into with Toshiba (the “Lessor”), the form of which has been presented to the governing body of the BOCES 2 at this meeting; and

Whereas, the governing body of the BOCES 2 deems it for the benefit of the BOCES 2 and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment therein described on the terms and conditions therein provided;

Now, Therefore, Be It And It Is Hereby Resolved;

Section 1. Approval of Documents. The form, terms and provisions of the Agreement and cross-contracts with the District (collectively, the “Agreements”) are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel to BOCES 2 or other authorized representatives of BOCES 2 executing the same, the execution of such documents being conclusive evidence of such approval; and the BOCES 2 Board President is hereby authorized and directed to execute, and the BOCES 2 District Superintendent is hereby authorized and directed to attest and countersign the Agreements and any related exhibits attached thereto, and the BOCES 2 District Clerk is hereby authorized to affix the seal of BOCES 2 to such documents.

Section 2. Findings - Financial. The BOCES 2 Board finds and determines that it is in BOCES 2’s best financial interest to acquire the Equipment for the benefit of the District because:

- (i) it provides an opportunity to use the equipment without committing to the full costs of purchase; and
- (ii) after seeking competitive quotes, Lessor provides the most financially advantageous lease terms; and

Section 3. Findings - Ordinary Contingent Expense. The BOCES 2 Board finds and determines that the Equipment is necessary to maintain BOCES 2's educational program, preserve property or assure the health and safety of students and staff and thus payments under the Agreements constitute ordinary contingent expenses.

Section 4. Other Actions Authorized. The officers and employees of BOCES 2 shall take all action necessary or reasonably required by the parties to the Agreements to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreements.

Section 5. No General Liability. Nothing contained in this Resolution, the Agreements nor any other instrument shall be construed with respect to BOCES 2 as incurring a pecuniary liability or charge upon the general credit of BOCES 2 or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreements or any other instrument or document executed in connection therewith impose any pecuniary liability upon BOCES 2 or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreements are special limited obligations of BOCES 2 as provided in the Agreements.

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Section 7. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

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4. Whereas, Board of Cooperative Educational Services, Second Supervisory District of Monroe County ("BOCES 2"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of New York, is authorized by the laws of the State of New York to purchase, acquire and lease personal property and to enter into contracts with respect thereto; and

Whereas, pursuant to New York State Education Regulations contained at 8

NYCRR Part 170.3(f), and in furtherance of BOCES 2's mission and essential functions, BOCES 2 desires to purchase, acquire and lease certain equipment constituting personal property in connection BOCES's ongoing service programs; to wit, the Lessor anticipates entering into a contract with Churchville-Chili Central School District (the "District") relating to same; and

Whereas, in order to acquire such equipment, the BOCES 2 proposes to enter into with Xerox (the "*Lessor*"), the form of which has been presented to the governing body of the BOCES 2 at this meeting; and

Whereas, the governing body of the BOCES 2 deems it for the benefit of the BOCES 2 and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment therein described on the terms and conditions therein provided;

Now, Therefore, Be It And It Is Hereby Resolved;

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Section 2. Findings - Financial. The BOCES 2 Board finds and determines that it is in BOCES 2's best financial interest to acquire the Equipment for the benefit of the District because:

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the execution and delivery of any closing and other documents required to be delivered in connection with the Agreements.

Section 5. No General Liability. Nothing contained in this Resolution, the Agreements nor any other instrument shall be construed with respect to BOCES 2 as incurring a pecuniary liability or charge upon the general credit of BOCES 2 or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreements or any other instrument or document executed in connection therewith impose any pecuniary liability upon BOCES 2 or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreements are special limited obligations of BOCES 2 as provided in the Agreements.

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5. Whereas, Board of Cooperative Educational Services, Second Supervisory District of Monroe County (“BOCES 2”), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of New York, is authorized by the laws of the State of New York to purchase, acquire and lease personal property and to enter into contracts with respect thereto; and

Whereas, pursuant to New York State Education Regulations contained at 8 NYCRR Part 170.3(f), and in furtherance of BOCES 2’s mission and essential functions, BOCES 2 desires to purchase, acquire and lease certain equipment constituting personal property in connection BOCES’s ongoing service programs; to wit, the Lessor anticipates entering into a contract with Churchville-Chili Central School District (the “District”) relating to same; and

Whereas, in order to acquire such equipment, the BOCES 2 proposes to enter into with Toshiba (the “Lessor”), the form of which has been presented to the governing body of the BOCES 2 at this meeting; and

Whereas, the governing body of the BOCES 2 deems it for the benefit of the BOCES 2 and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment therein described on the terms and conditions therein provided;

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Section 5. No General Liability. Nothing contained in this Resolution, the Agreements nor any other instrument shall be construed with respect to BOCES 2 as incurring a pecuniary liability or charge upon the general credit of BOCES 2 or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreements or any other instrument or document executed in connection therewith impose any pecuniary liability upon BOCES 2 or any charge upon its general credit or against its taxing power, except to the extent that the

Rental Payments payable under the Agreements are special limited obligations of BOCES 2 as provided in the Agreements.

Section 6. Section 265(b)(3) Designation. BOCES 2 hereby designates the Agreements as a “qualified tax exempt obligation” for the purposes and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. BOCES 2 further represents that BOCES 2 reasonably anticipates that BOCES 2 and other entities that BOCES 2 controls will not issue tax exempt obligations (including the Agreement) that exceed the aggregate principal amount of \$10,000,000 during the calendar year in which the Agreement is executed and delivered.

Section 7. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

6. WHEREAS, various educational and municipal corporations located within the State of New York desire to bid jointly for generally needed services and standardized supply and equipment items; and

WHEREAS, the Monroe 2 – Orleans BOCES, an educational/municipal corporation (hereinafter the “Participant”) is desirous of selectively participating with other educational and/or municipal corporations in the State of New York in joint bidding in the areas mentioned above pursuant to General Municipal Law § 119-o and Education Law Section 1950; and

WHEREAS, the Participant is a municipality within the meaning of General Municipal Law § 119-n and is eligible to participate in the Board of Cooperative Educational Services, First Supervisory District of Suffolk County (hereinafter Eastern Suffolk BOCES) Joint Municipal Cooperative Bidding Program (hereinafter the “Program”) in the areas mentioned above; and

WHEREAS, the Participant acknowledges receipt of the Program description inclusive of Eastern Suffolk BOCES’ standard bid packet and the general conditions relating to said Program; and

WHEREAS, with respect to all activities conducted by the Program, the Participant wishes to delegate to Eastern Suffolk BOCES the responsibility for drafting of bid specifications, advertising for bids, accepting and opening bids, evaluating bids, awarding via Eastern Suffolk BOCES Board approval, and reporting the results to the Participant.

BE IT RESOLVED that the Participant hereby appoints Eastern Suffolk BOCES to

represent it and to act as the lead agent in all matters related to the Program as described above; and

BE IT FURTHER RESOLVED that the Participant hereby authorizes Eastern Suffolk BOCES to place all legal advertisements for any required cooperative bidding in Newsday, which is designated as the official newspaper for the Program; and

BE IT FURTHER RESOLVED that a Participant Meeting shall be held annually consisting of a representative from each Program Participant. Notice of the meeting shall be given to each representative at least five (5) days prior to such meeting; and

BE IT FURTHER RESOLVED that an Advisory Committee will be formed consisting of five to ten representatives of Program Participants for a term of three (3) years as authorized by General Municipal Law §119-o.2.j.

BE IT FURTHER RESOLVED that this Agreement with the Participant shall be for a term of one (1) year as authorized by General Municipal Law §119-o.2.j.

BE IT FURTHER RESOLVED that the Participant agrees to pay Eastern Suffolk BOCES an annual fee as determined annually by Eastern Suffolk BOCES to act as the lead agent for the Program.

This Resolution solely applies to the Cross Contact for Bid: Network Copier.

7. WHEREAS, A number of Boards of Cooperative Educational Services (BOCES) and School Library Systems (SLS) require software and database access

WHEREAS, The BOCES or SLS named below is desirous of participating with other BOCES and SLS in New York State in cooperatively procuring the software and database access, as authorized by General Municipal Law, Section 119-o, and

WHEREAS, The BOCES named below wishes to appoint the Albany-Schoharie-Schenectady-Saratoga BOCES (Capital Region BOCES) to advertise for, receive competitive proposals, and award contracts on their behalf; therefore

BE IT RESOLVED, That the BOCES listed below hereby appoints the Capital Region BOCES to represent it in all matters relating above, and designates the Daily Gazette Newspaper as the legal publication for all related legal notifications, and,

BE IT FURTHER RESOLVED, That the BOCES listed below authorizes Capital Region BOCES to represent it in all matters leading up to and including the entering into a contracts for the purchase of the above mentioned software and database access, and,

BE IT FURTHER RESOLVED, That the BOCES listed below agrees to (1) abide by majority decisions of the participating districts; (2) abide by the award of the

Capital Region BOCES Board; (3) and that after the award of contracts it will conduct all negotiations directly with the awarded contractors

Moved by M. May, seconded by G. Maar; passed unanimously

12. Executive Officer's Report

District Superintendent Jo Anne Antonacci attended the DS meeting February 27, 2023. Due to severe weather in Albany, the Advocacy Day meetings with legislators planned for March 1 were canceled. BOCES Board President Dennis Laba and BOCES Board member Kathy Dillon attended advocacy meetings the following week with a Monroe County School Boards Association delegation.

District Superintendents of the Midwest JMT (Jo Anne Antonacci, Daniel White, Vicma Ramos and Kevin MacDonald) have connected with newly elected Board of Regents member, Regent Adrian Hale. Regent Hale and Regent Norwood will be meeting with the JMT in April and May. Regent Hale has agreed to be the guest speaker at the Dr. Michael C. O'Laughlin Outstanding Senior Recognition Dinner in May where he will have the opportunity to meet the Monroe County Council of Superintendents and seniors from our region.

Monroe 2-Orleans BOCES will be hosting a hiring event on March 23, 2023. The event has been advertised in component communities, three Pennysaver papers, and a broad social media campaign.

Adrian Loftus was featured on Good Day Rochester this month highlighting our Teacher Immersion Fellowship program. Participants in this program receive high level professional development and coaching; 62% of the fellows have been hired by the districts they work in.

Finger Lakes Youth apprenticeship signing day took place at Monroe Community College. Eleven students from our component districts and one of our adult students attended the event.

Twelve BOCES 2 CTE students from the following districts earned medals at the SkillsUSA Area 1 Regional Competition on March 7: Brockport, Churchville-Chili, Gates Chili, Greece, Hilton, and Spencerport. These students and many more will head to the New York State SkillsUSA Competition held in Syracuse at the end of April.

13. Committee Reports –

1. Labor Relations - Crisis Management was the topic covered.
2. Legislative Committee - Debrief from the Advocacy Day visits, next meeting will be attended by the Regents.
3. Information Exchange Committee – no report


14. Upcoming Meetings/Calendar Events: The various meetings for the month were

listed in the agenda.

15. Other items –

16. At 7:08 p.m. a motion was made by M. May to adjourn the meeting to Executive Session, seconded by K.Dillon; passed unanimously.

Respectfully Submitted,



Kelly Mutschler
Board Clerk

Members Present

John Abbott

Gerald Maar

Kathleen Dillon

Michael May

Trina Lorentz


Heather Pyke

At 7:32 p.m. a motion was made by G. Maar , seconded by M. May to come out of Executive Session; passed unanimously.

17. Adjournment

At 7:32 p.m. a motion was made by K. Dillon to adjourn the meeting, seconded by G. Maar; passed unanimously.

Respectfully Submitted,



Jo Anne L. Antonacci
Clerk Pro Tem