

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 18, 2020 at 5:00 p.m. at the Richard E. Ten Haken Educational Services Center, Spencerport, New York 14559.

Members Present:

Dennis Laba, President
John Abbott
Kathleen Dillon

George Howard
Gerald Maar
Michael May

Members Absent:

R. Charles Phillips, Vice President
John Heise

Constance Rockow

Staff Present:

Jo Anne Antonacci
Karen Brown, Esq.
Ginger Critchley
Stephen Dawe

Tim Dobbertin
Dr. Marijo Pearson
Steve Roland
Dr. Michelle Ryan

1. Call the Meeting to Order
The meeting was called to order by President Laba at 5:00 p.m.
2. Pledge of Allegiance
3. Agenda/Items(s) Modifications
The Agenda was modified by cancelling the Board Presentation.

Moved by K. Dillon, seconded by M. May; passed unanimously.
4. Approval of Minutes
Resolved: To approve the February 12, 2020, Regular Meeting Minutes as presented.

Moved by J. Abbott, seconded by K. Dillon; passed unanimously.
5. Public Interaction
There was no public interaction.
6. Financial Reports
S. Roland reported on the Treasurer's Report, WINCAP Report, and the Internal Claims Exception Log.

Resolved: To approve the Treasurer's and WINCAP Reports as presented.

Motion by K. Dillon, seconded by J. Abbott; passed unanimously.
7. Board Presentation: The Work-Based Learning/Hospitality and Applied Skills (HaAS) presentation by Barbara Martorana and Nicole Littlewood was cancelled.

8. Old Business

1. Resolved: To approve Loan Agreement Between Monroe 2-Orleans BOCES Career and Technical Education and Monroe Community College to Place a CNC Milling Machine in Engineering and Metal Fabrication Program as presented.

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

9. New Business

1. There was discussion on the potential land purchase of property which borders the Big Ridge Road Campus by Steve Roland. The Board gave their approval for Steve to investigate further.
2. Resolved: To approve Patricia Nesbitt as the backup for the Exceptional Children Petty Cash Fund as presented.

Motion by J. Abbott, seconded by K. Dillon; passed unanimously.

3. There was discussion regarding the April 1, 2020 Annual Meeting. Due to the current circumstances with the Novel Coronavirus (COVID-19), the Monroe 2-Orleans BOCES Annual Meeting has been cancelled. An alternative method for disseminating information and answering questions on the proposed Monroe 2-Orleans BOCES Administrative Budget (in addition to the BOCES 2 Annual Meeting Informational Booklet) is in the works.

10. Personnel and Staffing

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

Motion by J. Abbott, seconded by G. Maar; passed unanimously.

11. Bids/Lease Purchases

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

1. Resolution to Accept the Capital Project Site Work Bid
2. Resolution to Accept the Capital Project General Trades Bid
3. Resolution to Accept the Capital Project Mechanical Bid
4. Resolution to Accept the Capital Project Electrical Bid
5. Resolution to Accept the Capital Project Plumbing Work Bid

Motion by M. May, seconded by J. Abbott; passed unanimously.

6. Resolution to Accept Cooperative Art Supplies Bid

| | |
|--------------------------------|------------|
| WB Mason | \$1,102.06 |
| School Specialty | \$338.05 |
| National Art & School Supplies | \$335.89 |
| Pyramid School Products | \$140.40 |
| Metco Supplies | \$15.60 |

7. Resolution to Accept Wheatland Chili CSD Lease Purchase of Copier Equipment #1

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 Greece 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.

DESCRIPTION OF EQUIPMENT:

| | |
|-------------------------|---------------------|
| Toshiba e-Studio 3518A | Wheatland-Chili CSD |
| Toshiba e-Studio 3515AC | Wheatland-Chili CSD |

| | |
|------------------------|-------------|
| Cost of the Equipment: | \$29,019.60 |
| Finance Cost: | \$0.00 |
| Monthly Cost | \$483.66 |

DISTRICT INSTALLMENT PAYMENT SCHEDULE

| | |
|----------------|---|
| <u>Payment</u> | <u>Amount</u> |
| FY 19/20 | \$ 1,450.98 (billed annually) (Pro-rated) |
| FY 20/21 | \$ 5,803.92 (billed annually) |
| FY 21/22 | \$ 5,803.92 (billed annually) |
| FY 22/23 | \$ 5,803.92 (billed annually) |
| FY 23/24 | \$ 5,803.92 (billed annually) |
| FY 24/25 | \$ 4,352.94 (billed annually) (Pro-rated) |

8. Resolution to Accept Wheatland Chili CSD Lease Purchase of Copier Equipment #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 Greece 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.

DESCRIPTION OF EQUIPMENT:

| | |
|-------------------------|---------------------|
| Toshiba e-Studio 3518A | Wheatland-Chili CSD |
| Toshiba e-Studio 3515AC | Wheatland-Chili CSD |

| | |
|------------------------|-------------|
| Cost of the Equipment: | \$10,166.40 |
| Finance Cost: | \$0.00 |
| Monthly Cost: | \$169.44 |

DISTRICT INSTALLMENT PAYMENT SCHEDULE

| <u>Payment</u> | <u>Amount</u> |
|----------------|---|
| FY 19/20 | \$ 169.44 (billed annually) (Pro-rated) |
| FY 20/21 | \$ 2,033.28 (billed annually) |
| FY 21/22 | \$ 2,033.28 (billed annually) |
| FY 22/23 | \$ 2,033.28 (billed annually) |
| FY 23/24 | \$ 2,033.28 (billed annually) |
| FY 24/25 | \$ 1,863.84 (billed annually) (Pro-rated) |

Motion by J. Abbott, seconded by M. May; passed unanimously.

12. Executive Officer's Reports

The Brockport and Wheatland-Chili Superintendent Searches are both progressing.

District Superintendent Jo Anne Antonacci gave an update on the Novel Coronavirus (COVID-19) and the status of Monroe 2-Orleans BOCES.

Mrs. Antonacci recognized BOCES staff for their due diligence in working through this unprecedented challenge.

13. Committee Reports

Labor Relations Committee (J. Abbott/J. Heise) – The meeting was cancelled.

Legislation Committee (D. Laba/K. Dillon) – There were no updates.

Information Exchange Committee (R. Charles Phillips/J. Heise) – The topic was Taking the Unconscious Out of Bias: Raising consciousness of our own biases in order to create change by freelance speaker Sady Fischer.

14. Upcoming Meetings/Events

The various meetings for the upcoming month were listed on the agenda.

15. Other Items

There were no other items.

At 5:39 p.m., a motion was made by M. May, seconded by J. Abbott, passed unanimously to enter into Executive Session to discuss the employment history of a particular person(s) and collective negotiations pursuant to Article 14 of the Civil Service Law.

Respectfully submitted,

Virginia M. Critchley
Clerk of the Board

16. The Board entered into Executive Session at 5:40 p.m.

Members Present:

Dennis Laba, President
John Abbott
Kathleen Dillon

George Howard
Gerald Maar
Michael May

Members Absent:

R. Charles Phillips, Vice President
John Heise

Constance Rockow

Staff Present:

Jo Anne Antonacci
Karen Brown, Esq.
Tim Dobbartin (left at 5:54 p.m.)

Dr. Marijo Pearson (left at 5:54 p.m.)
Steve Roland
Dr. Michelle Ryan (left at 5:54 p.m.)

At 6:22 p.m. a motion was made by K. Dillon, seconded by G. Maar to come out of executive session; passed unanimously.

Resolution to Approve Agreement between District Superintendent and District Treasurer Manager,

That the Board approves the Agreement between the District Superintendent of Monroe 2-Orleans BOCES and the District Treasurer Manager for the period of July 1, 2020 – June 30, 2021, as presented.

Motion by K. Dillon, seconded by J. Abbott; passed unanimously.

17. Adjournment

At 6:23 p.m., a motion was made by G. Maar to adjourn the meeting, seconded by M. May; passed unanimously.

Respectfully submitted,

Jo Anne L. Antonacci
Clerk Pro-Tem