



December 13, 2022

Meeting Type: Regular Meeting

Date: Tuesday, December 13, 2022

Start Time: 5:30 p.m. Eastern Standard Time

Location: Central Administrative Office

Roll Call – (Attendees Noted by District Clerk)

Present were:

Board Members

- Ilene Herz, Esq. (President)
- Brian J. Sales (Vice President)
- Mary Ellen Cunningham
- James Kaden
- Jeannette Santos
- Peter Wunsch

BOCES Staff

- Michael Flynn (Chief Operating Officer)
- Warren Taylor (Chief Financial Officer)
- Dr. Hugh Gigante (Exec. Dir. – Personnel)
- Joanne Klein (District Clerk)
- Nancy Kelsey (Exec. Dir. Career and Tech. Education)
- Nancy Wilson (Exec. Dir. - Special Education)
- Lorraine Hein (Director of Business)
- Paula Klingelhofer (Interim Director – DISS)

- Staff Members

Absent

- Mr. David Wicks

Call to Order (Board President)

The Regular Meeting was called to order at 5:30 p.m. by Board President, Mrs. Herz.

EXECUTIVE SESSION

At this time a motion to move into Executive Session to discuss ongoing negotiations, a potential litigation and the performance of several particular employees was made by Mrs. Santos, seconded by Mr. Sales. At 7:05 p.m. the Board unanimously agreed to adjourn Executive Session and move into the Regular Meeting on motion made by Mrs. Santos, seconded by Mr. Sales.

REGULAR MEETING/Pledge of Allegiance

The Regular meeting of the Board resumed at 7:06 p.m. Mrs. Herz led the audience in the Pledge of Allegiance.

Visitors: ACKNOWLEDGMENT OF VISITORS BY PRESIDING OFFICER

Mrs. Herz invited anyone present in the audience who wished to address the Board to please step forward and state their name and address.

Staff member, Veronica Angelo-Heizman stepped forward to address the Board regarding the impact COVID-19 had on instruction. In addition, Ms. Angelo-Heizman spoke regarding recent contract negotiations.

Mrs. Herz thanked Ms. Angelo-Heizman and mentioned her comments would be noted.

Approval of Minutes Regular Meeting – November 8, 2022

The minutes of the Regular Meeting of November 8, 2022 were approved unanimously on motion of Mr. Kaden and seconded by Mr. Sales.

Program Presentation

Independent Auditors' Report and Financial Statement to the Board

Mr. Taylor, Chief Financial Officer introduced Ms. Heather Briggs of Bonadio & Co., LLP. Ms. Briggs reported to the Board regarding the “Financial Statements and Required Reports as of June 30, 2022”. Ms. Briggs discussed the report and the unmodified opinion, which is the highest a school district can receive.

Mr. Wunsch and Ms. Briggs briefly discussed management letters. Ms. Briggs stated management letters are only for correcting something that is wrong. Ms. Briggs clarified a management letter requires a Corrective Action Plan.

Treasurer's Report

The Board acknowledged receipt of the Treasurer’s Report indicating balances in the various financial accounts as of October 31, 2022. (Copies incorporated with the official minutes of this meeting.)

Claims Auditor's Report

The Board acknowledged receipt of the Report of the Claims Auditor from November 1, 2022 to December 1, 2022 for expenditures totaling \$23,555,441.34. (Copies incorporated with the official minutes of this meeting.)

EXECUTIVE OFFICER’S REPORTS

Interim District Superintendent – Comments/Events

Mr. Wicks was unable to attend this meeting.

Chief Operating Officer Report – Comments/Events

NYSED Updates – Mr. Flynn discussed the recent memorandum from NYSED regarding Native American mascots.

Annual Board Dinner – Mr. Flynn discussed with the Board the Annual Board Dinner held on December 1, 2022. Mr. Flynn thanked Mrs. Kelsey, staff and students for their hard work. It was great to be together again. The dinner was sumptuous as always. Mr. Flynn mentioned a component school district Board member reached out asking for recipes from the Annual Board Dinner.

Award of Grants – Mr. Flynn noted the Award of Grants relating to My Brother’s Keeper and adult literacy. There are five grants in total.

Chief Financial Officer – Update of Capital Projects

Mr. Taylor updated the Board concerning the Capital Projects report. The report includes the status of all the projects. Currently there are 66 projects in total, nine projects in design, eight projects submitted to NYSED, 16

projects in quote process, 11 projects will begin next soon, 20 projects are work in progress and two projects almost completed. Mr. Taylor mentioned the back log on the ventilation project still exists due to supply chain issues.

ITEMS FOR BOARD ACTION

Business Administration Matters

Approval of Budget Adjustments December 2022-23

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for approval of the 2022-23 budget adjustments/transfers for December 2022 in the following programs:

Center for Learning Technology	School Improvement for Standards Implementation
Services Other BOCES	Continuing Occupational Education
Supplemental Services	Instructional Support
Internal Computer Services	WIOA, Title II-ESOL/Civics
WIOA, Title II-Adult Education & Lit 1401	WIOA, Title II-Adult Education & Lit 1402
WIOA, Title II-Adult Education & Lit 1104	My Brother's Keeper & Community/FCEP

(Listing referred to is designated as Encl. 9.1.1 and is incorporated with the official minutes of this meeting.)

Approval of Bid Awards

The members of the Board reviewed the bid analysis presented by the Chief Operating Officer. Mr. Wunsch moved, Mrs. Santos seconded, and the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated December 13, 2022.

(Listing referred to is designated as Encl. 9.1.2 and is incorporated with the official minutes of this meeting.)

Approval of Equipment Lease Purchase Financing Agreement - TD Bank [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously to Approval of Equipment Lease Purchase Financing Agreement - TD Bank as follows:

WHEREAS, the Board of Cooperative Educational Services Second Supervisory District of Suffolk County (the "BOCES") desires to undertake project (the "Project") consisting of the acquisition of certain computer equipment, and

WHEREAS, the cost of the Harborfields Technology Project is \$214,356 with \$215,500 to be financed through TD Bank, the interest rate of the financing will be 4.29% for fifty-five (55) months, and

WHEREAS the BOCES further desires to take certain preliminary actions to provide such financing, including, but not limited to, the making of certain findings and evaluations of financing alternatives required pursuant to 2 NYCRR Section 39.2, and to execute the Lease Purchase Agreements, subject to the prior review and approval of the BOCES' counsel, Van Nostrand & Martin.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the BOCES as follows:

Section 1. The BOCES has evaluated the financing alternatives available to it and hereby determined that it is in the best interest of the BOCES to finance the project pursuant to the Lease Purchase Agreement for the following reasons:

a) As provided by law and regulation, in accordance with 8 NYCRR 170.3, the project may not be financed by the BOCES under the New York Local Finance Law, but may be financed through an equipment lease purchase agreement. The use of an equipment lease purchase agreement pursuant to 109-b of the General Municipal Law provides the BOCES with a means to directly finance the Project.

b) The only other financing alternative available to the BOCES involves the financing of the Project through certain joint action of the component school districts of the BOCES. This alternative would be costly and not meet the time schedule of the BOCES.

c) The use of an equipment lease purchase agreement provides the BOCES with greater flexibility of structuring the financing, including, but not limited to, the timing of the closing of the financing and the establishment of principal repayment schedules.

Section 2. The President of the Board of Education is hereby authorized, on behalf of the BOCES, to execute and deliver the Lease Purchase Agreement, the Escrow Agreement and related documents, the Chief Financial Officer is authorized to execute payment request notices and, where appropriate, the District Clerk is hereby authorized to affix the seal of the BOCES, thereto and to attest the same, with such changes, variations, omissions and insertions as the President of the Board of Education shall approve, the execution thereof by the

President of the Board of Education to constitute conclusive evidence of such approval. The President shall not execute the aforesaid documents nor shall the District Clerk affix the seal of the BOCES to said documents as aforesaid until the review and approval of the documents by counsel to the BOCES, Van Nostrand & Martin.

Section 3. The officers, employees and agents of the BOCES are hereby authorized and directed for and in the name and on behalf of the BOCES to do all acts and things required or provided for by the provisions of the Lease Purchase Agreement, including all acts and things necessary to ensure the interest component of the rental payments due under the Equipment Lease Purchase Agreement is excludable from gross income tax pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), and to designate the Equipment Lease Purchase Agreement as a "qualified tax-exempt obligation" under Section 265 of the Code, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officers, employee or agent acting, desirable and proper to effect the purpose of the foregoing resolution and to cause compliance by the BOCES with all of the terms, covenants and provisions of the Lease Purchase Agreement, binding upon the BOCES.

Section 4. The execution of the aforesaid documents, and the subsequent delivery of the same to TD Bank is herewith made subject to the prior approval of the Commissioner of Education as required by 8 NYCRR 170.3 (f)(6).

Section 5. Subject to the review and approval of the counsel to the BOCES, it is hereby found and determined that the terms of the subject Lease Purchase Agreement is in the best interests of the BOCES for the acquisition of the equipment.

Section 6. This resolution shall take effect immediately.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the within Equipment Lease/Purchase agreement is the same as presented at said meeting of the governing body of Lessee.

(Listing referred to is designated as Encl. 9.1.3 and is incorporated with the official minutes of this meeting.)

Approval of Equipment Lease Purchase Financing Agreement - Chase Bank [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously to Approval of Equipment

Lease Purchase Financing Agreement - Chase Bank as follows:

WHEREAS, the Board of Cooperative Educational Services Second Supervisory District of Suffolk County (the "BOCES") desires to undertake project (the "Project") consisting of the acquisition of certain computer equipment, and

WHEREAS, the cost of the Northport-E Northport Technology Project is \$609,507 with \$609,600 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 4.07% for forty-three (43) months, and

WHEREAS the BOCES further desires to take certain preliminary actions to provide such financing, including, but not limited to, the making of certain findings and evaluations of financing alternatives required pursuant to 2 NYCRR Section 39.2, and to execute the Lease Purchase Agreements, subject to the prior review and approval of the BOCES' counsel, Van Nostrand & Martin.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the BOCES as follows:

Section 1. The BOCES has evaluated the financing alternatives available to it and hereby determined that it is in the best interest of the BOCES to finance the project pursuant to the Lease Purchase Agreement for the following reasons:

a) As provided by law and regulation, in accordance with 8 NYCRR 170.3, the project may not be financed by the BOCES under the New York Local Finance Law, but may be financed through an equipment lease purchase agreement. The use of an equipment lease purchase agreement pursuant to 109-b of the General Municipal Law provides the BOCES with a means to directly finance the Project.

b) The only other financing alternative available to the BOCES involves the financing of the Project through certain joint action of the component school districts of the BOCES. This alternative would be costly and not meet the time schedule of the BOCES.

c) The use of an equipment lease purchase agreement provides the BOCES with greater flexibility of structuring the financing, including, but not limited to, the timing of the closing of the financing and the establishment of principal repayment schedules.

Section 2. The President of the Board of Education is hereby authorized, on behalf of the BOCES, to execute and deliver the Lease Purchase Agreement, the Escrow Agreement and related documents, the Chief Financial Officer is authorized to execute payment request notices and, where appropriate, the District Clerk is hereby authorized to affix the seal of the BOCES, thereto and to attest the same, with such changes, variations, omissions and insertions as the President of the Board of Education shall approve, the execution thereof by the President of the Board of Education to constitute conclusive evidence of such approval. The President shall not execute the aforesaid documents nor shall the District Clerk affix the seal of the BOCES to said documents as aforesaid until the review and approval of the documents by counsel to the BOCES, Van Nostrand & Martin.

Section 3. The officers, employees and agents of the BOCES are hereby authorized and directed for and in the name and on behalf of the BOCES to do all acts and things required or provided for by the provisions of the Lease Purchase Agreement, including all acts and things necessary to ensure the interest component of the rental payments due under the Equipment Lease Purchase Agreement is excludable from gross income tax pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), and to designate the Equipment Lease Purchase Agreement as a "qualified tax-exempt obligation" under Section 265 of the Code, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officers, employee or agent acting, desirable and proper to effect the purpose of the foregoing resolution and to cause compliance by the BOCES with all of the terms, covenants and provisions of the Lease Purchase Agreement, binding upon the BOCES.

Section 4. The execution of the aforesaid documents, and the subsequent delivery of the same to JP Morgan Chase Bank is herewith made subject to the prior approval of the Commissioner of Education as required by 8 NYCRR 170.3 (f)(6).

Section 5. Subject to the review and approval of the counsel to the BOCES, it is hereby found and determined that the terms of the subject Lease Purchase Agreement is in the best interests of the BOCES for the acquisition of the equipment.

Section 6. This resolution shall take effect immediately.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the within Equipment Lease/Purchase agreement is the same as presented at said meeting of the governing body of Lessee.

(Listing referred to is designated as Encl. 9.1.4 and is incorporated with the official minutes of this meeting.)

Acceptance of the 2021-22 Independent Auditors' Report [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Acceptance of the 2021-22 Independent Auditors' Report as follows:

RESOLVED, that the independent audit report prepared by Bonadio and Co. LLP, covering the school year 2021-2022 has been reviewed by the Board of Western Suffolk BOCES and is hereby accepted, as required by Commissioner's Regulations.

Mr. Wunsch noted for the record, "The BOCES Board of Trustees is aware of the fact there is a reserve for Workers' Compensation."

(Listing referred to is designated as Encl. 9.1.5 and is incorporated with the official minutes of this meeting.)

Resolution to Participate in Sourcewell Contract for Technology Catalog Solutions [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Resolution to Participate in Sourcewell Contract for Technology Catalog Solutions as follows:

WHEREAS, Section 103 of the General Municipal Law permits Western Suffolk BOCES to purchase apparatus, materials, equipment or supplies or contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies through the use of a contract let by the United States or any agency thereof, any state or any other county, political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities; and

WHEREAS, Western Suffolk BOCES, based on the authority granted in General Municipal Law, Article 5A (Public Contracts), Section 103, desires to participate in Sourcewell Contract #081419-CDW, Technology Catalog Solutions, for the purpose of procuring WhatsUp Gold products and executing its public governmental purposes, goals, objectives, programs and functions; and

WHEREAS, Western Suffolk BOCES has reviewed the benefits of participating in this program and an analysis

is performed, and based on this review which is in accordance with the General Municipal Law, has concluded that participation in the program could result in savings to Western Suffolk BOCES;

THEREFORE, BE IT RESOLVED, that Western Suffolk BOCES is authorized to participate in Sourcewell Contract #081419-CDW, Technology Catalog Solutions for WhatsUp Gold products and that the Board President and/or the Chief Operating Officer or his designee is hereby authorized to execute any and all necessary documents to effectuate participation in Sourcewell Contract #081419-CDW, Technology Catalog Solutions.

(Listing referred to is designated as Encl. 9.1.6 and is incorporated with the official minutes of this meeting.)

Resolution to participate in Locust Valley Central School District Contract for Plumbing Fixture, Parts and Supplies Bid [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Resolution to participate in Locust Valley Central School District Contract for Plumbing Fixture, Parts and Supplies Bid as follows:

WHEREAS, Section 103 of the General Municipal Law permits Western Suffolk BOCES to purchase apparatus, materials, equipment or supplies or contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies through the use of a contract let by the United States or any agency thereof, any state or any other county, political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities; and

WHEREAS, Western Suffolk BOCES, based on the authority granted in General Municipal Law, Article 5A (Public Contracts), Section 103, desires to participate Locust Valley Central School District Contract for Plumbing Fixture, Parts and Supplies Bid for the purpose of fulfilling and executing its public governmental purposes, goals, objectives, programs and functions; and

WHEREAS, Western Suffolk BOCES has reviewed the benefits of participating in this program and an analysis is performed, and based on this review which is in accordance with the General Municipal Law, has concluded that participation in the program could result in savings to Western Suffolk BOCES;

THEREFORE, BE IT RESOLVED, that Western Suffolk BOCES is authorized to participate in Locust Valley

Central School District Contract for Plumbing Fixture, Parts and Supplies Bid and that the Board President and/or the Chief Operating Officer or his designee is hereby authorized to execute any and all necessary documents to effectuate participation in Locust Valley Central School District Contract for Plumbing Fixture, Parts and Supplies Bid.

(Listing referred to is designated as Encl. 9.1.7 and is incorporated with the official minutes of this meeting.)

Resolution to participate in Town of Huntington Bid for General Construction Requirements Contract #ES 2022-04/O-E [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Resolution to participate in Town of Huntington Bid for General Construction Requirements Contract #ES 2022-04/O-E as follows:

WHEREAS, Section 103 of the General Municipal Law permits Western Suffolk BOCES to purchase apparatus, materials, equipment or supplies or contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies through the use of a contract let by the United States or any agency thereof, any state or any other county, political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities; and

WHEREAS, Western Suffolk BOCES, based on the authority granted in General Municipal Law, Article 5A (Public Contracts), Section 103, desires to participate in Town of Huntington Bid for General Construction Requirements Contract #ES 2022-04/O-E for the purpose of fulfilling and executing its public governmental purposes, goals, objectives, programs and functions; and

WHEREAS, Western Suffolk BOCES has reviewed the benefits of participating in this program and an analysis is performed, and based on this review which is in accordance with the General Municipal Law, has concluded that participation in the program could result in savings to Western Suffolk BOCES;

THEREFORE, BE IT RESOLVED, that Western Suffolk BOCES is authorized to participate in Town of Huntington Bid for General Construction Requirements Contract #ES 2022-04/O-E and that the Board President and/or the Chief Operating Officer or his designee is hereby authorized to execute any and all necessary documents to effectuate participation in Town of Huntington Bid for General Construction Requirements Contract #ES 2022-04/O-E.

(Listing referred to is designated as Encl. 9.1.8 and is incorporated with the official minutes of this meeting.)

Personnel

Instructional Personnel

Mr. Wunsch moved and Mrs. Cunningham seconded, and the Board voted unanimously to approve Instructional Personnel matters, agenda items 9.2.1 as follows:

All Instructional personnel matters listed on the 3-page Instructional Report dated December 13, 2022 (Encl. 9.2.1) is incorporated with the official minutes of this meeting.

Supplementary Services

Mr. Wunsch moved and Mrs. Cunningham seconded, and the Board voted unanimously to approve Supplementary Services, agenda items 9.2.2 as follows:

All items listed on the 9-page Supplementary Services Report dated December 13, 2022 (Encl. 9.2.2) is incorporated with the official minutes of this meeting.

Non-Instructional Personnel

Mr. Wunsch moved and Mrs. Cunningham seconded, and the Board voted unanimously to approve Non-Instructional Personnel matters, agenda items 9.2.3 as follows:

All Non-Instructional Personnel matters listed on the 3-page Non-Instructional Report dated December 13, 2022 (Encl. 9.2.3) is incorporated with the official minutes of this meeting.

Resolution Authorizing Retiree Health Waiver Payments [R]

On motion by Mr. Wunsch, seconded by Mrs. Cunningham, the Board voted unanimously for Resolution Authorizing Retiree Health Waiver Payments as follows:

WHEREAS, pursuant to the applicable collective bargaining agreements and/or other authority approved by the Board, for approximately the past 32 years, BOCES has a policy of providing eligible active employees with the option of receiving annual health insurance waiver payments (“the Active Employee Waiver Payments”) if the employees decline health insurance through BOCES; and

WHEREAS, pursuant to the applicable collective bargaining agreements and/or other authority approved by the Board, BOCES has a policy of annually increasing the amount of the Active Employee Waiver Payments by 50% of the change in the cost of individual health insurance above a specified base amount; and

WHEREAS, for approximately the past 32 years, consistent with its policy with respect to active employees, BOCES has had a practice of providing retirees with the option of receiving annual health insurance waiver payments (“the Retiree Waiver Payments”) if they decline health insurance through BOCES; and

WHEREAS, the Board has been informed that, when the practice of making the Retiree Waiver Payments began, it was the result of an open, intentional, and sound policy judgment that doing so would result in financial savings for BOCES in the same manner as do the Active Employee Waiver Payments; and

WHEREAS, the Board has been informed that, in addition, when BOCES began the practice of making Retiree Waiver Payments, it was viewed as being an additional option by which BOCES would provide retirees with health insurance; and

WHEREAS, for approximately the last 32 years, BOCES has increased or decreased the amount of the Retiree Waiver Payments in the same manner as it has increased or decreased the amount of the Active Employee Waiver Payments; and

WHEREAS, prior to May 2, 2022, the Board is not aware of a resolution, collective bargaining agreement or other agreement expressly authorizing the practice of making the Retiree Waiver Payments and/or increasing the amount of the Retiree Waiver Payments; and

WHEREAS, BOCES’ May 2, 2022 agreement with Unit 4 (Clerical Personnel) setting forth the terms of the July 1, 2021 through June 30, 2025 collective bargaining agreement provides that active employees hired prior to the complete ratification and approval of that agreement will have the option of receiving a Retiree Waiver Payment of \$6,800, while active employees hired thereafter will have the option of receiving a Retiree Waiver Payment of \$2,500; and

WHEREAS, BOCES’ June 16, 2022 agreement with Unit 12 (Paraprofessional and Food Services) setting forth the terms of the July 1, 2021 through June 30, 2025 collective bargaining agreement provides that active employees

hired prior to the complete ratification and approval of that agreement will have the option of receiving a Retiree Waiver Payment of \$6,800, while active employees hired thereafter will have the option of receiving a Retiree Waiver Payment of \$2,500; and

WHEREAS, BOCES' October 31, 2022 agreement with Unit 7 (Health Alliance) setting forth the terms of the July 1, 2020 through June 30, 2026 collective bargaining agreement provides that active employees hired prior to the complete ratification and approval of that agreement will have the option of receiving a Retiree Waiver Payment of \$6,800, while active employees hired thereafter will have the option of receiving a Retiree Waiver Payment of \$2,500; and

WHEREAS, BOCES' November 15, 2022 agreement with Unit 5 (Custodial and Maintenance Personnel) setting forth the terms of the July 1, 2022 through June 30, 2023 collective bargaining agreement provides that active employees hired prior to the complete ratification and approval of that agreement will have the option of receiving a Retiree Waiver Payment of \$6,800, while active employees hired thereafter will have the option of receiving a Retiree Waiver Payment of \$2,500; and

WHEREAS, BOCES' December 13, 2022 agreement with Unit 1 (Teacher's Association) setting forth the terms of the July 1, 2021 through June 30, 2025 collective bargaining agreement provides that active employees hired prior to the complete ratification and approval of that agreement will have the option of receiving a Retiree Waiver Payment of \$6,800, while active employees hired thereafter will have the option of receiving a Retiree Waiver Payment of \$2,500; and

WHEREAS, the amount of the Active Employee Waiver Payment and Retiree Waiver Payment is currently \$6,800 per individual per year.

NOW, THEREFORE, BE IT RESOLVED that, in accordance with BOCES' best financial interests, the Board hereby ratifies, approves and authorizes all Retiree Waiver Payments that have been made through the date of this Resolution.

BE IT FURTHER RESOLVED that, the Board hereby ratifies, approves and authorizes BOCES to continue to make Retiree Waiver Payments to any individuals who retired on or before the date of this Resolution in the amount of no more than \$6,800 per individual per year, unless they retired pursuant to the terms of a collective bargaining agreement that provided a different amount.

BE IT FURTHER RESOLVED that unless and until any changes to the applicable collective bargaining agreements with those units whose collective bargaining agreements do not have a provision for Retiree Waiver Payments (i.e., other than Units 1, 4, 5, 7 and 12) are made, the Board hereby ratifies, approves and authorizes BOCES to continue to make Retiree Waiver Payments to any active employee who retires after the date of this resolution in the amount of no more than \$6,800 per individual per year.

(Listing referred to is designated as Encl. 9.2.4 and is incorporated with the official minutes of this meeting.)

Approval of Agreement with Unit I - Medicaid Speech/Language Coordinator [R]

On motion by Mr. Wunsch, seconded by Mrs. Cunningham, the Board voted unanimously for Approval of Agreement with Unit I - Medicaid Speech/Language Coordinator as follows:

RESOLUTION authorizing the Chief Operating Officer to execute an agreement between the Unit I (Western Suffolk BOCES Faculty Association) and the Board of Cooperative Educational Services, Second Supervisory District, Suffolk County;

WHEREAS, the Chief Operating Officer is designated as a representative of the Board of Cooperative Educational Services of the Second Supervisory District;

THEREFORE, BE IT RESOLVED that the Chief Operating Officer be authorized to execute the agreement between the Board of Cooperative Education Services and Unit I (Western Suffolk BOCES Faculty Association) regarding the Medicaid Speech/Language Coordinator stipend annual rate effective September 1, 2022 and to be added to the Unit I contract.

(Listing referred to is designated as Encl. 9.2.5 and is incorporated with the official minutes of this meeting.)

Authorization for Chief Operating Officer to Execute Revised Agreement between the Board of Cooperative Educational Services of the Second Supervisory District, Suffolk County, New York and Western Suffolk BOCES Faculty Association Unit I [R]

On motion by Mr. Wunsch, seconded by Mrs. Cunningham, the Board voted unanimously for Authorization for Chief Operating Officer to Execute Revised Agreement between the Board of Cooperative Educational Services of the Second Supervisory District, Suffolk County, New York and Western Suffolk BOCES Faculty Association Unit I

as follows:

WHEREAS, the Unit I, Western Suffolk BOCES Faculty Association and the Board of Cooperative Educational Services, Secondary Supervisory District of Suffolk County have completed collective bargaining pursuant to the requirements of the Taylor Law and,

WHEREAS, this agreement is consistent with the Guidelines established by the Board of Cooperative Educational Services, and

WHEREAS, the Chief Operating Officer is designated as a representative of the Board of Cooperative Educational Services of the Second Supervisory District, and

THEREFORE, BE IT RESOLVED that the Chief Operating Officer be authorized to execute the revised agreement between the Board of Cooperative Educational Services and Unit I, Western Suffolk BOCES Faculty Association from July 1, 2021 to June 30, 2025.

(Listing referred to is designated as Encl. 9.2.6 and is incorporated with the official minutes of this meeting.)

Approval of Agreement with Unit IX Adult Instructors [R]

On motion by Mr. Wunsch, seconded by Mrs. Cunningham, the Board voted unanimously for Approval of Agreement with Unit IX Adult Instructors as follows:

WHEREAS, the Unit IX, Western Suffolk BOCES Faculty Association representing Adult Instructors and Alternate High School Staff and the Board of Cooperative Educational Services, Secondary Supervisory District of Suffolk County have completed collective bargaining pursuant to the requirements of the Taylor Law and,

WHEREAS, in anticipation of the Unit IX members ratifying said agreement, and

WHEREAS, this agreement is consistent with the Guidelines established by the Board of Cooperative Educational Services, and

WHEREAS, the Chief Operating Officer is designated as a representative of the Board of Cooperative Educational Services of the Second Supervisory District, and

THEREFORE, BE IT RESOLVED that the Chief Operating Officer be authorized to execute the agreement between the Board of Cooperative Educational Services and Unit IX, Western Suffolk BOCES Faculty Association representing Adult Instructors and Alternate High School Staff from July 1, 2022 to June 30, 2023.

(Listing referred to is designated as Encl. 9.2.7 and is incorporated with the official minutes of this meeting.)

Authorization to Approve Resolution - Education Law Section 913 [R]

On motion by Mr. Wunsch, seconded by Mrs. Cunningham, the Board voted unanimously for Authorization to Approve Resolution - Education Law Section 913 as follows:

BE IT RESOLVED that pursuant to Education Law Section 913, Employee No. 00357 is hereby directed to submit to a medical/psychiatric examination before a physician of BOCES' choosing; and

BE IT FURTHER RESOLVED that the Board of Education hereby directs that Employee No. 00357 submit, at or before the examination/evaluation, all relevant records from all health care providers with whom the employee has consulted or received treatment during the last three years, or such other time period as is deemed appropriate by BOCES' designated physician(s).

(Listing referred to is designated as Encl. 9.2.8 and is incorporated with the official minutes of this meeting.)

Approval of Agreement with Unit II Administrative and Supervisory Personnel [R]

On motion by Mr. Wunsch, seconded by Mrs. Cunningham, the Board voted unanimously for Approval of Agreement with Unit II Administrative and Supervisory Personnel as follows:

WHEREAS, the Unit II, Administrative & Supervisory Association and the Board of Cooperative Educational Services, Second Supervisory District of Suffolk County have completed collective bargaining pursuant to the requirements of the Taylor Law regarding to an amendment to the existing C.B.A. for the period July 1, 2019 – June 30, 2023, and

WHEREAS, in anticipation of the Unit II members ratifying said agreement, and

WHEREAS, this agreement is consistent with the Guidelines established by the Board of Cooperative Educational Services,

THEREFORE, BE IT RESOLVED that the Board of Cooperative Educational Services hereby ratifies and adopts the agreement subject to the full and complete ratification by the unit and authorizes the Chief Operating Officer to execute the agreement.

(Listing referred to is designated as Encl. 9.2.9 and is incorporated with the official minutes of this meeting.)

Other Action Items

Approval of Disposition of Surplus Property [R]

The Board voted unanimously to approve the Disposition of Surplus Property on motion of Mr. Kaden, seconded by Mr. Wunsch as follows:

WHEREAS, Western Suffolk BOCES has certain equipment and materials which have been deemed surplus or obsolete and are of no use to Western Suffolk BOCES; and

WHEREAS, these items have also been deemed to have no resale value and have been declared valueless; and

WHEREAS, according to Policy #4420, no surplus property may be disposed of without the recommendation and authorization of the District Superintendent, or his designee, and the approval of the Board;

THEREFORE, BE IT RESOLVED, that the Board hereby approves the disposition of this surplus property as listed on the attached.

(Listing referred to is designated as Encl. 9.3.1 and is incorporated with the official minutes of this meeting.)

Approval for Participation in Cooperative Bidding of Databases, Research Tool, E-Books, Automation and Media for Use in School Library Systems Dream Consortium - SCHOOL YEAR 2023-2024 [R]

On motion of Mr. Kaden, seconded by Mr. Wunsch, the Board voted unanimously for Approval for Participation in

Cooperative Bidding of Databases, Research Tool, E-Books, Automation and Media for Use in School Library Systems Dream Consortium - SCHOOL YEAR 2023-2024 as follows:

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, following a competitive Request for Proposals (RFP) process, the Albany-Schoharie-Schenectady-Saratoga BOCES (Capital Region BOCES) Board of Education has approved awards to the vendors listed below:

RFP #23-018

Benchmark Education Company LLC, Capstone (Coughlan Companies LLC dba Capstone); Cavendish Square Publishing LLC; COMPAnion Corporation; Digital Theatre; EBSCO Industries, Inc. dba EBSCO Information Services; Edpuzzle; Eduporium Inc.; Encyclopaedia Britannica; Exploring Nature Educational Resource; Follett; Gale, a Cengage Company; Gumdrop Books; iCEV Multimedia; InfoBase; Insignia; Ithaka Harbors dba Jstor; Kids Discover LLC; Learning A-Z; Lincoln Library Press Inc; Mackin Educational Resources; Mandarin; Maps 101; MediaFlex; Mitinet; New Dimension Media/CCC; Newsbank, Inc.; Noodle Tools; Overdrive; PBS Learning Media; Press4Kids Inc. (Newsomatic); ProQuest LLC; Reference Point Press; Rosen; Safari Montage; Sage Publications, Inc.; Scholastic Inc.; Springshare; Swank K12 Streaming; Swank Motion Pictures, Inc.; TeachingBooks.net LLC; TechRow; TLC (The Library Corp); Tumbleweed Press Inc; Turnitin; World Book; Xello Inc.; YuJa

WHEREAS, the list above is not exhaustive and is anticipated to grow as additional RFPs are let and awarded by the Board,

WHEREAS, the BOCES named below wishes to appoint the 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 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; and (4) to authorize any and all future products that may be approved by the majority recommendations through the approval of this resolution.

(Listing referred to is designated as Encl. 9.3.2 and is incorporated with the official minutes of this meeting.)

OLD BUSINESS

NEW BUSINESS

Review & Adopt Policy #5152.1 – Attachment B – Unit VI - Unrepresented Staff Summary of Benefits

On motion of Mr. Wunsch, seconded by Mrs. Cunningham, the Board voted unanimously to Review & Adopt Policy #5152.1 – Attachment B – Unit VI - Unrepresented Staff Summary of Benefits.

(Listing referred to is designated as Encl. 11.1 and is incorporated with the official minutes of this meeting.)

Review & Adopt Policy #3321 - Professional Staff Fringe Benefits - Central Office Administration Unit III

On motion of Mr. Wunsch, seconded by Mrs. Cunningham, the Board voted unanimously to Review and Adopt Policy #3321 - Professional Staff Fringe Benefits - Central Office Administration Unit III

(Listing referred to is designated as Encl. 11.2 and is incorporated with the official minutes of this meeting.)

ADJOURNMENT

At 7:33 p.m. there being no further business items for discussion, the meeting was adjourned on motion by Mr. Kaden and seconded by Mr. Sales.

UPCOMING EVENTS

DATE	EVENT	ATTENDEES
1/26/23	N-SSBA/NCCSS/SCSSA Joint Conference, Thursday, 6:30 pm, Huntington Hilton	J. Santos
4/1/23 - 4/3/23	National School Boards Association Convention, Sat. – Mon., Orlando, FL	B. Sales, P. Wunsch
5/22/23	SCOPE's 22 nd Annual School District Awards Dinner, Monday, 4:30 pm, Villa Lombardi's, Holbrook, NY	

Enclosures:

- Dear Colleague Letter to Staff, *November 22, 2022*
- NYSSBA Update, *November 13, 2022*
- NYSSBA Update, *November 20, 2022*
- NYSSBA Update, *November 27, 2022*
- NYSSBA Update, *December 4, 2022*
- NYSSBA Area Director Update, *November 14, 2022*
- Separation and Vacation Notices
- N-SSBA/NCCSS/SCSSA Joint Conference Save the Date, *January 23, 2023*
- EAP Pathways, *December 2022*
- EAP Pathways for Supervisors, *December 2022*
- Thank You Card



Joanne Klein
District Clerk