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

MINUTES

of the Regular Meeting held on Wednesday, March 19, 2025, at 6:00 p.m. at the Richard E. Ten Haken Educational Services Center, 3599 Big Ridge Road, Spencerport, New York 14559

Members Present
R. Charles Phillips, Vice-President
John Abbott
Kathleen Dillon
Christa Bowling
Trina Lorentz
Gerald Maar
Michael May
James Musshafen
Absent: Dennis Laba, John Abbott

Staff Present
Thomas K. Putnam
Karen Brown
Steve Dawe
Ian Hildreth
Kelly Mutschler
Steve Roland
Jill Slavny

1. The meeting was called to order by Vice-President Phillips at 6:00 pm.

2. Pledge of Allegiance

3. Agenda Modification None

4. Public Interaction: Members of the Wheatland Chili Board of Education expressed gratitude to the BOCES board for supporting Dr. Putnam in this role of Search Consultant. Wheatland-Chili Board President and BOCES Board member, Jim Musshafen remarked on the very positive experience they had working with Dr. Putnam on the search for their next superintendent. Dr. Putnam, in turn, thanked the staff that assisted with the process. Dr. Stephen Kenny has been appointed to the position effective July 1, 2025, when current Wheatland-Chili superintendent Lynda Quick retires.

5. Approval of Minutes
   Resolved: To Approve the Minutes of the February 12, 2025, Regular Meeting
   Moved by K. Dillon, seconded by G. Maar; passed unanimously

6. Financial Reports
   1. Resolved: To Accept the Treasurer's Report as presented
      Moved by K. Dillon, seconded by M. May; passed unanimously
   2. Resolved: To Accept the Win Cap Reports as presented
      Moved by G. Maar, seconded by J. Musshafen; passed unanimously

7. Audit Committee
   1. Resolved: To Approve the Minutes of the February 12, 2025 Audit Committee Meeting
      Moved by K. Dillon, seconded by M. May; passed unanimously
   2. Resolved: To Accept the Risk Assessment for the Year Ending June 30, 2025
      Moved by M. May, seconded by T. Lorentz; passed unanimously

8. Old Business – There was no old business

9. New Business
   1. Resolved: To Approve the Monroe 2-Orleans BOCES Classified Staff and Teacher Calendars for the 2025-2026 School Year.
      Moved by K. Dillon, seconded by J. Musshafen; passed unanimously

   2. Resolved: To Approve the 2025-2026 BOCES Board Meeting Dates.
      Moved by G, Maar, seconded by M. May; passed unanimously

   3. Resolved: To Accept Donation of a Vehicle Alignment Machine from Camelot Automobile Services
      Moved by K. Dillon, seconded by M. May; passed unanimously

10. Personnel and Staffing
    1. Resolved: To Approve the Personnel and Staffing Agenda as presented
       Moved by K. Dillon, seconded by M. May ; passed unanimously

11. Bids/Lease Purchases
    Items 11.1-11.3 were moved at once by M. May, seconded by K. Dillon; passed unanimously
    1. **Equipment Lease-Purchase For the benefit of Gates-Chili CSD District Board of Cooperative Educational Services Second Supervisory District of Monroe County**

       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.

2. **<u>Equipment Lease-Purchase For the benefit of Wheatland-Chili CS District Board of Cooperative Educational Services Second Supervisory District of Monroe County</u>**

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 Wheatland-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. **JOINT MUNICIPAL COOPERATIVE BIDDING PROGRAM**

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.

WHEREAS, the Participant acknowledges that "additional insured" status shall be secured by signing a risk transfer/Indemnification Agreement when engaging services through the Cooperative Bidding Program with each awarded vendor when Services are requested. Said agreement must be signed by both parties and will remain in effect for the current term of the Bid. In the event the Bid is extended, and a Participant requires Service, a new risk transfer/Indemnification Agreement must be executed.

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.

12. Executive Officer's Report
    1. **Albany DS Report**
        - All 9 component districts have submitted their Needs Assessment surveys via the NYSED Portal
        - We are waiting for this data to be reviewed and sent to us for next steps

    2. **Local Updates**
        - Wheatland-Chili Superintendent Search is complete Dr. Stephen Kenny was appointed as Wheatland-Chili's new superintendent at their March 10th BOE meeting. Dr. Kenny's start date is July 1, 2025.
        - Kendall Board tour of CTE (3/21)
        - Criminal Justice CTE Program Teachers requested use of training guns, aka blue guns to enhance learning opportunities.
            - NYS Dept of Education allows the use of training guns in select educational programs (such as criminal justice)
            - No BOCES policy change needed
            - Both instructors are certified firearm trainers
            - GV BOCES (and others) allow students to train with these items

- Training guns will be locked and will not leave the classroom
- Use of training guns will be for 12th grade students
- Space Update
  - Rochester Tech Park may accommodate future space needs including
    - O&M
    - Some CTE programs
    - Some center-based programs (a transition to center-based structure)
    - Other programs/services

13. Committee Reports
    1. District Operations Committee – John Abbott, Kathleen Dillon
       Topic – New Voting Machines
    2. Legislative Committee – Kathleen Dillon, Dennis Laba
       Topic – Prepared for Albany Trip
    3. Information Exchange Committee – Jim Musshafen, Trina Lorentz
       Topic – Presentation on Board Member Rules/Regulations
14. Upcoming Meetings/Calendar Events – the various meetings for the month were listed in the agenda
15. Other Items – Christa Bowling gave kudos to SEPTO for a great event – Family Bingo Night.
16. At 6:57 pm, M. May made a motion to adjourn the meeting to executive session to discuss the employment history of a particular person; seconded by K. Dillon passed unanimously

Respectfully Submitted

Kelly Mutschler

Kelly Mutschler
Clerk of the Board

Members Present

R. Charles Phillips, Vice- President	Trina Lorentz
Christa Bowling	Gerald Maar
Kathleen Dillon	Michael May
	James Musshafen

Others present: Karen Brown

At 7:20 pm, a motion was made by M. May, seconded by G. Maar to come out of Executive Session; passed unanimously.

17. Adjournment
At 7:21 pm, a motion was made by G. Maar, to adjourn the meeting, seconded by K. Dillon, passed unanimously.

Respectfully submitted,

Thomas K. Putnam

Thomas K. Putnam, Ed.D., Clerk Pro Tem