



February 13, 2024

Meeting Type: Regular Meeting

Date: Tuesday, February 13, 2024

Start Time: 5:00 p.m.

Location: Central Administrative Office and via Videoconference

Roll Call – (Attendees Noted by District Clerk)

Present were:

Board Members

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

BOCES Staff

- Michael Flynn (Chief Operating Officer)
- April Poprilo (District Superintendent)
- Warren Taylor (Chief Financial Officer)
- Joanne Klein (District Clerk)

Call to Order (Board President)

The Regular Meeting was called to order at 5:00 p.m. by Board President, Mrs. Herz.

EXECUTIVE SESSION

At this time, a motion to move into Executive Session to discuss matters leading to the appointment of a particular corporation, the performance of two particular employees and several ongoing litigations was made by Mr. Sales, seconded by Mr. Wunsch. At 8:15 p.m. the Board unanimously agreed to adjourn Executive Session and move into the Regular Meeting on motion made by Mr. Sales, seconded by Mr. Wunsch.

REGULAR MEETING/Pledge of Allegiance (Board President)

The Regular meeting of the Board resumed at 8:15 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. No one present wished to address the Board.

Approval of Minutes Regular Meeting – January 9, 2024

The minutes of the Regular Meeting of January 9, 2024 were approved unanimously on motion of Mr. Wunsch and seconded by Mrs. Santos.

Program Presentation

Wilson Tech Guidance Advisory Committee – The report to the Board was postponed due to inclement weather.

2024/25 Proposed Administrative and Capital Charges

Mr. Flynn discussed the proposed Administrative, Capital Charges and Program Tuition rates for the 2024/25 school year.

Treasurer's Report

The Board acknowledged receipt of the Treasurer's Report indicating balances in the various financial accounts as of December 31, 2023. (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 December 26, 2023 to February 1, 2024 for expenditures totaling \$14,102,393.30. (Copies incorporated with the official minutes of this meeting.)

EXECUTIVE OFFICER'S REPORTS

District Superintendent – Comments/Events

Mrs. Poprilo discussed the following topics with the Board:

- Statewide Literacy Conference – January 10, 2024
- Joint BOCES Curriculum Council Professional Development – February 2, 2024
- Regional Technical Assistance Center Pre-K Roundtable Discussion for Superintendents and Administrators– February 7, 2024
- Student Forum – Elevating Student Voice – February 29, 2024

Chief Operating Officer Report – Comments/Events

Mr. Flynn updated and discussed with the Board on the following topics:

- Discussion of the 2024/25 Proposed Administrative and Capital Charges and Program Tuition Rates
- 2024/25 Proposed Board Meeting Dates and Administrative Budget/Election Vote Date
- Appointment of April E. Poprilo, Interim District Superintendent, Eastern Suffolk BOCES

BOCES Annual Election – Mr. Flynn noted there will be two Board of Education trustees seeking reelection this year. Mrs. Debbie Adams-Kaden and Mrs. Mary Ellen Cunningham have indicated their willingness to seek reelection to the BOCES Board of Education. Mr. Flynn mentioned there is a vacancy to be filled. This vacancy was the result of a resignation of a Board trustee. Nominations may be made by every school district. Nominations will close on Friday, March 15, 2024 and elections will be held in component school districts on Tuesday, April 16, 2024.

Chief Financial Officer – Update of Capital Projects

Mr. Taylor updated the Board on the Report of Capital Projects. Mr. Taylor discussed the status of the 65 projects included in the report to the Board.

ITEMS FOR BOARD ACTION

Business Administration Matters

Approval of Budget Adjustments – February 2023/24

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Approval of Budget Adjustments – February 2023/24 in the following programs:

Occupational Education
Law Related Education
School Improvement for Stds. Implementation
My Brother's Keeper Family and Community

Special Education
Center for Learning Technology
Outdoor Learning Lab

(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. On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated February 13, 2024.

(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 [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Approval of Equipment Lease Purchase Financing Agreement 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 \$575,360 with \$575,500 to be financed through JP Morgan Chase Bank, the interest rate of the financing will be 4.36% for forty-one (41) 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. 9.1.3 and is incorporated with the official minutes of this meeting.)

Resolution to Participate in Southampton Public Schools Bid for Library Supplies, Furnishings and Equipment Bid #SPS24-001 [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Resolution to Participate in Southampton Public Schools Bid for Library Supplies, Furnishings and Equipment Bid #SPS24-001 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 Southampton Public Schools Bid for Library Supplies, Furnishings and Equipment, Bid #SPS24-001, effective term 1/1/2024 – 12/31/2024 with three one-year renewals and anticipated duration 12/31/2027, 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 Southampton Public Schools Bid for Library Supplies, Furnishings and Equipment, Bid #SPS24-001 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 Southampton Public Schools Bid #SPS24-001 for Library Supplies, Furnishings and Equipment.

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

Resolution to Participate in Bay Shore Union Free School District General Building Maintenance Involving New Construction, Reconstruction and Demolition Bid [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Resolution to Participate in Bay Shore Union Free School District General Building Maintenance Involving New Construction, Reconstruction and Demolition 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 in Bay Shore Union Free School District General Building Maintenance Involving New Construction, Reconstruction, and Demolition Services 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 Bay Shore Union Free School District General Building Maintenance Involving New Construction, Reconstruction, and Demolition Services 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 Bay Shore Union Free School District General Building Maintenance Involving New Construction, Reconstruction, and Demolition Services.

(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 Vehicle Lifts, Garage and Fleet Maintenance Equipment Contract #013020-SNP [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Resolution to Participate in Sourcewell Vehicle Lifts, Garage and Fleet Maintenance Equipment Contract #013020-SNP 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 Vehicle Lifts, Garage and Fleet Maintenance Equipment For: Snap-On Tools Contract #013020-SNP 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 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 Vehicle Lifts, Garage and Fleet Maintenance Equipment For: Snap-On Tools Contract #013020-SNP 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 Vehicle Lifts, Garage and Fleet Maintenance Equipment For: Snap-On Tools Contract #013020-SNP.

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

Approval of Capital Projects 2023-24 [R]

On motion by Mr. Wunsch, seconded by Mrs. Santos, the Board voted unanimously for Approval of Capital Projects 2023-24 as follows:

WHEREAS, Western Suffolk BOCES has identified specific capital projects needs that have been developed in conjunction with the capital plan as required by the state; and

WHEREAS, funding for these projects is available, without additional assessment to the districts, from various funds; and

WHEREAS, this transfer of funds will not jeopardize the soundness of any programs; and

WHEREAS, the following projects in the total amount of \$272,500 should be funded in the Capital Projects Fund:

<u>Project Name</u>	<u>Location</u>	<u>Estimated Cost</u>
Window Replacement (H962)	WTDH	272,500
Total		\$ 272,500

*additional funding for projects previously approved

THEREFORE, BE IT RESOLVED that the amount of \$272,500 hereby transferred to the Capital Fund from the following sources:

<u>Source of Funds</u>	<u>Amount</u>
Window Replacement (H982)	272,500
Total	\$ 272,500

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

Personnel

Instructional Personnel

Mrs. Santos moved, 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 4-page Instructional Report dated February 13, 2024 (Encl. 9.2.1) are incorporated with the official minutes of this meeting.

Supplementary Services

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

All items listed on the 19-page Supplementary Services Report dated February 13, 2024 (Encl. 9.2.2) are incorporated with the official minutes of this meeting.

Non-Instructional Personnel

Mrs. Santos moved, 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 5-page Non-Instructional Report dated February 13, 2024 are incorporated with the official minutes of this meeting.

Recommended Resolution to Acknowledge Appointment of Mrs. April E. Poprilo as Interim District Superintendent for Eastern Suffolk BOCES [R]

On motion by Mrs. Santos, seconded by Mrs. Cunningham, the Board voted unanimously for Resolution to

Acknowledge Appointment of Mrs. April E. Poprilo as Interim District Superintendent for Eastern Suffolk BOCES as follows:

WHEREAS, on January 22, 2024, Mrs. Ilene Herz, Board President, received a letter from the Commissioner of Education Betty Rosa appointing Mrs. April E. Poprilo to serve as the Interim District Superintendent of Schools for Eastern Suffolk BOCES; and,

WHEREAS, authority is granted to the Commissioner of Education to appoint a District Superintendent to an Interim District Superintendent position pursuant to Education Law Section 2204;

THEREFORE, BE IT RESOLVED, that the Board of Cooperative Educational Services, Second Supervisory District of Suffolk County, acknowledges the appointment of Mrs. April E. Poprilo as Interim District Superintendent of Eastern Suffolk BOCES by Commissioner of Education Betty Rosa, effective January 25, 2024.

(Listing referred to is designated as Encl. 9.2.4 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. Sales, seconded by Mrs. Santos 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 of Agreement with 3D Aviation, Inc. D.B.A. Nassau Flyers [R]

On motion by Mr. Sales, seconded by Mrs. Santos, the Board voted unanimously for Approval of Agreement with 3D Aviation, Inc. D.B.A. Nassau Flyers as follows:

WHEREAS, Western Suffolk BOCES desires to provide Flight Instruction to students in the Aviation Science/Flight Program offering; and

WHEREAS, Western Suffolk BOCES insists that flight instruction contractor maintains appropriate levels of insurance as determined by the BOCES insurance contractor and NYSIR;

THEREFORE, BE IT RESOLVED that Western Suffolk BOCES Board of Education authorizes the Chief Operating Officer to sign a Memorandum of Understanding and Agreement with 3D Aviation, Inc. D.B.A. Nassau Flyers, Inc. for the provision of flight instruction to students in the Aviation Science/Flight Program for the period September 2024 – June 2025.

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

Adoption WS BOCES 2024/25 School Calendar [R]

On motion of Mr. Sales, seconded by Mrs. Santos, the Board voted unanimously for Adoption WS BOCES 2024/25 School Calendar as follows:

WHEREAS, the Western Suffolk BOCES School Calendar for 2024/25 has been reviewed with the component school district Superintendents of Schools; and

WHEREAS, the Superintendents of Schools have accepted this BOCES calendar;

THEREFORE, BE IT RESOLVED that the Western Suffolk BOCES School Calendar for 2024/25 as presented to the Board is hereby approved for adoption.

(Listing referred to is designated as Encl. 9.3.3 and is incorporated with the official minutes of this meeting.)

OLD BUSINESS

NEW BUSINESS

Review Proposed WS BOCES Board of Education Meeting Dates for 2024/25

The members of the Board of Education agreed to review the Proposed WS BOCES Board of Education Meeting Dates for 2024/25.

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

ADJOURNMENT

At 8:33 p.m. there being no further business items for discussion, the meeting was adjourned on motion by Mr. Sales and seconded by Mrs. Santos.

UPCOMING EVENTS

DATE	EVENT	ATTENDEES
2/16/24	Western Suffolk BOCES Legislative Program, Fri., WS BOCES Conference Center, Wheatley Heights, 8:30 am Registration, 9:00 am Program	P. Wunsch
3/8/24	REFIT Legislative Breakfast, Fri., WS BOCES Conference Center, Wheatley Heights 9:00 am to 11:00 am	
3/18/24	SCOPE's 23 rd Annual School District Awards Dinner, Monday, 4:30 pm, Villa Lombardi's, Holbrook, NY	J. Santos
4/6/24 - 4/8/24	National School Boards Association Convention, Sat. – Mon., New Orleans, LA	B. Sales

Enclosures:

- Updated 2023-24 WS BOCES Board Members
- Memo from Eastern Suffolk BOCES, *January 25, 2024*
- NYSSBA Area Director Update, *February 6, 2024*
- NYSSBA Update, *January 15, 2024*

NYSSBA Update, *January 21, 2024*
NYSSBA Update, *January 28, 2024*
NYSSBA Update, *February 4, 2024*
NYSSBA Advocacy Alert, *January 16, 2024*
NYSSBA Advocacy Alert, *January 30, 2024*
NYSSBA Advocacy Update, *February 2024*
NYSSBA Advocacy Update, *February 6, 2024*
EAP Pathways, *January 2024, February 2024*
EAP Pathways for Supervisors, *January 2024, February 2024*



Joanne Klein
District Clerk