



June 25, 2024

Meeting Type: Regular Meeting

Date: Tuesday, June 25, 2024

Start Time: 4:00 p.m.

Location: Central Administrative Office

Roll Call – (Attendees Noted by Deputy 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)
- Joanne Klein (District Clerk)

Call to Order/Pledge of Allegiance (Board President)

The Regular Meeting was called to order at 4:00 p.m. by Mrs. Herz.

EXECUTIVE SESSION

At this time a motion to move into Executive Session to discuss an ongoing litigation, ongoing negotiations with Units V and XII and the performance of three particular employees was made by Mrs. Adams-Kaden, seconded by Mrs. Santos. At 5:02 p.m. the Board unanimously agreed to adjourn Executive Session and move into the Regular Meeting on motion made by Mrs. Adams-Kaden, seconded by Mrs. Santos.

REGULAR MEETING

The Regular Meeting of the Board resumed at 5:02 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.

ITEMS FOR BOARD ACTION

Personnel

Instructional Personnel

Mr. Wunsch moved and Mr. Sales seconded, and the Board voted unanimously to approve Instructional Personnel matters, agenda items 4.1.1 as follows:

All Instructional personnel matters listed on the 10-page Instructional Report dated June 25, 2024 (Encl. 4.1.1) is incorporated with the official minutes of this meeting.

Supplementary Services

Mr. Wunsch moved and Mr. Sales seconded, and the Board voted unanimously to approve Supplementary Services, agenda items 4.1.2 as follows:

All items listed on the 9-page Supplementary Services Report dated June 25, 2024 (Encl. 4.1.2) is incorporated with the official minutes of this meeting.

Non-Instructional Personnel

Mr. Wunsch moved and Mr. Sales seconded, and the Board voted unanimously to approve Non-Instructional Personnel matters, agenda items 4.1.3 as follows:

All Non-Instructional Personnel matters listed on the 4-page Non-Instructional Report dated June 25, 2024 (Encl. 4.1.3) is incorporated with the official minutes of this meeting.

Approval of Agreement with Unit V Custodial Personnel [R]

On motion by Mr. Wunsch, seconded by Mr. Sales, the Board voted unanimously Approval of Agreement with Unit V Custodial Personnel as follows:

WHEREAS, the Unit V, Western Suffolk BOCES Custodians and Maintenance Personnel 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, Unit V members have ratified 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 V, Western Suffolk BOCES Custodians and Maintenance Personnel from July 1, 2022 to June 30, 2028.

(Listing referred to is designated as Encl. 4.1.4 and is incorporated with the official minutes of this meeting.)

Business Administration Matters

Approval to Extend Various Software Licenses, Support Agreements and Hardware Support - Revised [R]

On motion by Mr. Sales, seconded by Mrs. Cunningham, the Board voted unanimously for Approval to Extend Various Software Licenses, Support Agreements and Hardware Support - Revised as follows:

WHEREAS, Western Suffolk BOCES requires various software licenses, support agreements, and hardware support in order to provide student instruction and various administrative requirements; and

WHEREAS, due to the disruption to instructional or administrative functions that would result should the items covered by this resolution be no longer available to Western Suffolk BOCES; and

WHEREAS, these items were previously obtained through processes consistent with then current Board policy; and

WHEREAS, after careful review by Western Suffolk BOCES staff, the companies listed below provide the resources most suitable to the needs of the agency;

IT IS THEREFORE RESOLVED, that Western Suffolk BOCES is hereby authorized to extend the agreements for the 2024-25 fiscal year for the vendors listed below and at the estimated amounts indicated:

Vendor	Amount	Vendor	Amount
Aceware Systems, Inc.	\$9,350	Govenda (formerly Boardbookit)	\$13,000
Active Internet Technologies dba Finalsight (formerly Blackboard Connect)	\$7,200	Heartland School Solutions	\$4,900
BenefitFocus.com, Inc.	\$58,000	Intellishift (formerly Vehicle Tracking Solutions, Inc.)	\$4,900
Blackboard, Inc.	\$30,000	Maxburst, Inc.	\$12,000
Brightly Software (formerly Dude Solutions)	\$2,200	Method Test Prep, Inc.	\$53,000
Cablevision	\$3,000	N Harris Computer Corporation (Capital Computer)	\$150,000
College Board	\$725,000	Noiz Ivy Inc. dba Oyoclass	\$162,000
CountryWatch	\$2,000	Right Reason Technologies	\$61,000
Discovery Education	\$265,000	Scantron Corp.	\$3,500
eDynamic Learning	\$1,800	Skillsoft Corp.	\$4,000
Enchanted Learning, LLC	\$3,000	ThinkMap, Inc./Vocabulary.com	\$28,000
Frontline Technologies Group, LLC (Includes Absence and Substitution, IEP Direct/Guidance Direct, EHR & School Nursing Management, Professional Management System, Frontline Evaluation and WebReg (formerly Centris and My Learning Plan, Inc.)	\$540,000		
Fuel Ed (KC Distance Learning)	\$11,000		
Get More Math	\$10,000		

(Listing referred to is designated as Encl. 5.1 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. Sales moved, Mrs. Cunningham seconded, and the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated June 25, 2024.

(Listing referred to is designated as Encl. 5.2 and is incorporated with the official minutes of this meeting.)

Resolution to Retain Special Legal Counsel [R]

On motion by Mr. Sales, seconded by Mrs. Cunningham, the Board voted for Resolution to Retain Special Legal Counsel as follows:

WHEREAS, Western Suffolk BOCES has several outstanding matters involving ongoing collective bargaining and mediation between Western Suffolk BOCES and Unit V, IX and Unit XII, and

WHEREAS, these matters have been assigned to Keane & Beane PC whose services have been viewed as positive and effective, and

WHEREAS, it would not be efficient and/or cost effective to transition these matters to a new firm,

THEREFORE, BE IT RESOLVED that the Board appoint Keane & Beane PC as special counsel for the period July 1, 2024 through December 31, 2024 or until conclusion of the above matters at the rate contained in their proposal dated June 2024 (attorney rate of \$285/hr.)

(Listing referred to is designated as Encl. 5.3 and is incorporated with the official minutes of this meeting.)

Approval of Equipment Lease Purchase Financing Agreement [R]

On motion by Mr. Sales, seconded by Mrs. Cunningham, 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 Commack Technology Project is \$1,507,424 with 1,507,500 to be financed through TD Bank, the interest rate of the financing will be 4.17% for forty-eight (48) months, and

WHEREAS, the cost of the Copiague Technology Project is \$322,682 with \$322,700 to be financed through TD Bank, the interest rate of the financing will be 4.17% for forty-eight (48) months, and

WHEREAS, the cost of the Elwood Technology Project is \$362,557 with \$362,600 to be financed through TD Bank, the interest rate of the financing will be 4.17% for forty-eight (48) months, and

WHEREAS, the cost of the North Babylon Technology Project is \$454,251 with \$454,300 to be financed through TD Bank, the interest rate of the financing will be 4.17% for forty-eight (48) months, and

WHEREAS, the cost of the Northport Technology Project is \$117,374 with \$117,400 to be financed through TD Bank, the interest rate of the financing will be 4.17% for forty-eight (48) months, and

WHEREAS, the cost of the Wyandanch Technology Project is \$348,938 with \$349,000 to be financed through TD Bank, the interest rate of the financing will be 4.17% for forty-eight (48) months, and

WHEREAS, the cost of the Babylon Technology Project is \$817,958 with \$818,000 to be financed through TD Bank, the interest rate of the financing will be 4.15% for sixty (60) months, and

WHEREAS, the cost of the Cold Spring Harbor Technology Project is \$558,870 with \$558,900 to be financed through TD Bank, the interest rate of the financing will be 4.15% for sixty (60) months, and

WHEREAS, the cost of the Harborfields Technology Project is \$119,831 with \$119,900 to be financed through TD Bank, the interest rate of the financing will be 4.15% for sixty (60) months, and

WHEREAS, the cost of the Lindenhurst Technology Project is \$1,077,222 with \$1,077,300 to be financed through TD Bank, the interest rate of the financing will be 4.15% for sixty (60) months, and

WHEREAS, the cost of the South Huntington Technology Project is \$537,227 with \$537,300 to be financed through TD Bank, the interest rate of the financing will be 4.15% for sixty (60) 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. 5.4 and is incorporated with the official minutes of this meeting.)

ADJOURNMENT

At 5:05 p.m. there being no further business items for discussion, the meeting was adjourned on motion by Mr. Wunsch and seconded by Mrs. Cunningham.



Joanne Klein
District Clerk