



**Board of Cooperative Educational Services
Sole Supervisory District
St. Lawrence-Lewis Counties
P.O. Box 231, 40 W. Main Street
Canton, New York 13617**

**Board of Education Meeting Date: January 13, 2022
BOE APPROVED: February 10, 2022**

The regular meeting of the Board of Cooperative Educational Services of the Sole Supervisory District of St. Lawrence-Lewis Counties was held on Thursday, January 13, 2022 at the Educational Service Center, 40 W. Main Street, Canton, New York beginning at 6:00 pm.

Roll Call:

- Present: Roger Bennett, Jack Zeh, and Kevin Wells
- Zoom: Cindy McLean, Ward Remington, James Lattimer, Michael Davis, William Cartwright, Darin Saiff, Lori Remington, Jill Farrand, Renee' Langtry-Green, Marshall Fiese
- Excused: Michael Miller
- Others Present: Thomas Burns, Maureen Bouchey, Nicole Ashley, Kevin Perretta, Michael Lahey of MARCH Associates, and Rob Gray of C & S

All members stood for the Pledge of Allegiance.

**No. 2022 - 079
ALL PERSONNEL
BOARD ACTION AS
FOLLOWS:**

Motion made by Wells seconded by McLean.

Resolved, that the Board of Education of the St. Lawrence-Lewis BOCES, upon the recommendation of District Superintendent Burns, does hereby approve the attached Personnel action: All of the following appointments are conditional, pending clearance from the State Education Department, pursuant to Chapter 180 of the Laws of 2000 of the State of New York.

(In accordance with [Board Policy #5150](#) – Recruitment, Selection, & Appt. of Personnel)

Yeas: All members present
Nays: None

**No. 2022 – 080
LEASE PURCHASE
FINANCING**

Motion made by Davis, seconded by Zeh.

Resolved, that the Board of Education of the St. Lawrence-Lewis BOCES, upon the recommendation of District Superintendent Burns, does hereby approve the following resolution:

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the Board of Cooperative Educational Services for the Sole Supervisory District of St. Lawrence and Lewis Counties, New York (the "BOCES") has heretofore entered into an energy performance contract (the "EPC") with Day Automation Systems, Inc. ("Day"), which EPC was not executory until approval by the State Commissioner of Education, which has since been granted, for the installation and upgrade of certain equipment, including lighting retrofit/replacement, lighting controls, building energy management system upgrades, optimum start sequencing improvements, and other energy efficiency improvements as further described in the Scope of Work attached to said EPC, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith for a total maximum estimated cost, of not to exceed \$1,436,617 (the "Project"); and

WHEREAS, to finance the cost of the Project, the BOCES determined to seek proposals from parties interested in acting as lessor in a fifteen-year energy performance contract lease purchase agreement as authorized and defined under Article 9 of the Energy Law, and Section 109-b of the General Municipal Law with lease payments to be made on a semi-annual basis; and

WHEREAS, the BOCES has solicited proposals by written request for the financing of the Project and, as a result thereof, has determined to select Mills Capital Partners, LLC (the "Lessor") to undertake the financing of the Project; and

WHEREAS, the BOCES has received the requisite approvals of the State Department of Education for the Project; and

WHEREAS, it is now desired to approve the financing of this Project, at a maximum estimated cost of \$1,436,617 and to authorize execution of an equipment lease purchase agreement ("LPA") with the Lessor;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board of Education hereby accepts the proposal of Mills Capital Partners, LLC to serve as Lessor, and approves of said Lessor to serve as the provider of financing in the amount of \$1,436,617 (the "Principal Amount") at an interest rate of 2.180 per centum per annum for the aforescribed Project as Lessor of the LPA therefor, subject to counsel approval of all documentation in connection therewith.

Section 2. The BOCES hereby determines that it has critically evaluated the financing alternatives available to it pursuant to the requirements of Title 2 Part 39 of the New York Codes, Rules and Regulations ("NYCRR") Section 39.2 and that entering into the LPA and financing the Project thereby is in the best interests of the BOCES as the LPA results in a lower overall cost thereof to the BOCES.

Section 3. The aggregate original principal amount of the LPA shall not exceed the Principal Amount and shall bear interest as set forth in the LPA and the LPA shall contain such options to purchase the Project by the BOCES as set forth therein.

Section 4. In accordance with paragraph (f) of subdivision 2 of Section 109-b of the General Municipal Law, the BOCES's obligation under the LPA shall be subject to annual appropriation by the Board of Education of the BOCES as set forth in the LPA and the BOCES's obligation under the LPA shall not constitute a general obligation of the BOCES nor constitute indebtedness under the Constitution or laws of the State of New York.

Section 5. It is hereby determined that the Project is a class of objects or purposes described in subdivision 97 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said class of objects or purposes is thirty years, calculated from the date of issuance of the LPA. This determination shall be conclusive upon the effective date of the LPA. Pursuant to paragraph 1 of Section 9-103 of the Energy Law of the State of New York, the BOCES is authorized to enter into energy performance contracts of up to thirty-five years duration, limited by the reasonably expected useful life of the object or purpose subject to such energy performance contract, and pursuant to Title 8, Part 155 of NYCRR, Section 155.20, the BOCES is authorized to enter energy performance contracts of not to exceed the lesser of eighteen years or the useful life of the equipment being installed.

Section 6. It is therefore hereby further determined the term of the LPA authorized by this resolution will be less than eighteen years, which is less than the reasonably expected aggregate average useful life of the objects or purposes subject to the EPC and does not exceed the term of the EPC in accordance with the requirements of Education Law Section 3602(6)(i)(5)(i).

Section 7. The President of the Board of Education, as chief fiscal officer of the BOCES, is hereby authorized, on behalf of the BOCES, to execute an LPA with the Lessor in a form reviewed and approved by counsel to the BOCES in order to finance the Project described in the preambles hereof substantially in the form attached hereto as Exhibit A and hereby made a part hereof. The President of the Board of Education is hereby further authorized to execute and deliver such additional documents, certificates, undertakings, agreements or other instruments as the President of the Board of Education, with advice of counsel, may deem necessary or appropriate in connection therewith and do and cause to be done any and all acts and things necessary or appropriate for carrying out the transaction contemplated hereby.

Section 8. The President of the Board of Education is hereby further authorized, with the advice of counsel, if so required, to execute and deliver such agreements with a bank or trust company located and authorized to do business in New York State and in a form reviewed and approved by counsel for the BOCES to serve as escrow agent for the proceeds of the LPA, including amendments thereto, as may be necessary, in order to effectuate the financing of the Project.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the Project described herein.

Section 10. This resolution shall take effect immediately.

(In accordance with [Board Policy #4510](#) – Facilities Planning)

Yeas: Bennett, Zeh, McLean, Remington, Cartwright, Wells, Lattimer, Davis
Nays: None

**No. 2022 - 081
CONSENT AGENDA**

Motion made by Remington, seconded by McLean.

Resolved, that the Board of Education of the St. Lawrence-Lewis BOCES, upon the recommendation of District Superintendent Burns, does hereby approve the consent agenda:

- Minutes of Regular Meeting — [December 9, 2021](#)
(In accordance with [Board Policy #1432](#) – Order of Business at Regular Board Meetings)

- Treasurer's Report for period ending December 31, 2021
(In accordance with [Board Policy #1432](#) – Order of Business at Regular Board Meetings)

A. Account Balances

General Fund	\$ 3,506,845.15
Federal Fund	\$ 604,197.65
Trust & Agency Fund	\$ 594.59
Payroll Fund	\$ 0.00
Capital Renovation Project	\$ 1,976,802.62
Capital Equipment Reserve	\$ 205,000.04

B. Current Budget Allocation

[Budget Report](#)
[District Billing](#)

General Fund Budget..... \$ 71,911,351.73

- Cooperative Bids
(In accordance with [Board Policy #4310](#)– Purchasing Policy)
 - Cafeteria Bid – February – August 14, 2022
 - Produce Bid – January/February 2022

- [Establish Hourly/Per-Diem/Stipend Rates for 2021 - 2022 Year](#)
(In accordance with [Board Policy #5151](#) – Temporary and Part-time Employees)

- [Local Bids – Seaway Technical Center](#)
(In accordance with [Board Policy #4310](#)– Purchasing Policy)

Bid awards for surplus items for Seaway Technical Center to the highest bidder.

- [Donations](#)
(In accordance with [Board Policy #4230](#) – Acceptance of Gifts, Grants, and Bequests to BOCES)
 - Donation of the following surplus items from Seaway Tech:
 - Item 3 – Wire Rack – Potsdam CSD
 - Item 4 – Metro Max Shelves – Potsdam CSD
 - Item 5 – Shelving Unit – Potsdam CSD
 - Item 6 – Shelving Units – Potsdam CSD
 - Item 35 – Luan Sheets – Hermon Dekalb CSD
 - Item 37 – Bookshelf – Massena CSD
 - Item 39 – Cubbie on Wheels – Hermon Dekalb CSD
 - Item 40 – Storage on Wheels – Potsdam CSD
 - Item 48 – Wooden Storage – Massena CSD
 - Item 49 – Wooden Storage on Wheels – Massena CSD
 - Item 57 – Bin of Toys – Potsdam CSD
 - Item 60 – Kitchen Toys – Potsdam CSD
 - Donation from Tractor Supply in Gouverneur, NY to Southwest Technical Center for welding supplies with a value of \$450.00
- [Lease between North Country Communications, Inc. and St. Lawrence-Lewis BOCES](#)
(In accordance with [Board Policy #4510](#) – Facilities Planning)

Rationale: This is a three-year (February 1, 2022 – January 31, 2025) lease between North Country Communications, Inc. and St. Lawrence-Lewis BOCES for the use of the Repeater on Balmat Tower Site for communications in the Gouverneur School area. The cost of rent is \$200.00 per month.

Yeas: All members present
Nays: None

Reports: [Thomas R. Burns, District Superintendent](#)
[Darin Saiff, Assistant Superintendent for Instruction](#)

Discussion Items: District Superintendent Evaluation

Informational Items:

- A. Update on Facilities – K. Perretta
- B. Update on Capital Project – Michael Lahey, MARCH Associates & Rob Gray, C&S Companies

Both Mike Lahey and Rob Gray provided a detailed update on the capital project for the Board. Mike Lahey reviewed the below capital project change orders with the Board. Any change orders below the \$50,000 threshold, District Superintendent Burns has authorization to sign. The change orders are listed below:

Seaway Technical Center:

- Change Order No. SC-08 – Barrett Paving, Inc.
 - Sidewalk Replacement and additional asphalt - \$5,901.30
- Change Order No. PC – 05 – Norwood Plumbing
 - Plumbing extras - \$17,501.84
- Change Order No. EC – 01 – S & L Electric
 - Electrical extras - \$31,676.50
- Change Order No. GC – 17 – Whitton Construction, LLC.
 - GC Extras - \$34,919.36

Northwest Technical Center:

- Change Order No. EC - 01 – Collins-Hammond Electric
 - Electrical T & M tickets 38, 40, 41, 42, 43 - \$27,126.06
- Change Order No. EC - 02 – Collins-Hammond Electric
 - Electrical T & M tickets 44A, 44B, 44C - \$19,316.42
- Change Order No. EC - 03 – Collins-Hammond Electric
 - Electrical T & M tickets 45, 46, 47, 48A-B, 50, 50A, 51 - \$22,059.04

Presentations:

None

Other:

- A. Members for Negotiations Committee
- B. Board of Education Vacancies – R. Bennett, M. Davis, C. McLean

**No. 2022 – 082
EXECUTIVE
SESSION**

Motion made by McLean, seconded by Davis.

Resolved, that the Board of Education of the St. Lawrence-Lewis BOCES, upon the recommendation of District Superintendent Burns, does hereby enter into executive session for the purpose of the employment history of the district superintendent at 7:31 pm.

Yeas: All members present
Nays: None

The Board returned to regular session at 7:41pm.

**No. 2022 - 083
ADJOURNMENT**

Motion made by Wells, seconded by McLean to adjourn the meeting at 7:43 pm.

Yeas: All members present

Nays: None

Maureen A. Bouchey, District Clerk