



**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: April 5, 2023
BOE APPROVED: May 11, 2023**

The regular meeting of the Board of Cooperative Educational Services of the Sole Supervisory District of St. Lawrence-Lewis Counties was held on Wednesday, April 5, 2023 at the Educational Services Center, 40 W. Main Street, Canton, New York beginning at 4:00 pm.

Roll Call:

- Present: Roger Bennett, Ward Remington, William Cartwright, Kevin Wells, Michael Davis, and Jack Zeh (arrived at 4:07 pm)
- Excused: Cindy McLean, James Lattimer, and Michael Miller
- Others Present: Thomas Burns, Maureen Bouchey, Nicole Ashley, Kevin Perretta, Jane Akins, Johnathan Hirschey, Marshall Fiese, Lori Remington, and Julie Austin-Kormanyos and Todd Bates (arrived at 4:28 pm)

All members stood for the Pledge of Allegiance.

**No. 2023 - 111
ALL PERSONNEL
BOARD ACTION AS
FOLLOWS:**

Motion made by Davis seconded by Wells.

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. 2023 – 112
REVENUE
ANTICIPATION
NOTE RESOLUTION
(RAN)**

Motion made by Wells, seconded by Remington.

Resolved, that the Board of Education of the St. Lawrence-Lewis BOCES, upon the recommendation of District Superintendent Burns, does hereby delegate the president of the Board of Education of the Board of Cooperative

Educational Services of the Sole Supervisory District of St. Lawrence and Lewis Counties, New York, the power to authorize the issuance of and to sell not exceeding \$7,000,000 revenue anticipation notes of said B.O.C.E.S. in anticipation of the receipt of revenues from various sources during the fiscal year of said B.O.C.E.S. commencing July 1, 2023:

BE IT RESOLVED, by the Board of Education of the Board of Cooperative Educational Services of the Sole Supervisory District of St. Lawrence and Lewis Counties, New York, as follows:

Section 1. The power to authorize the issuance of and to sell revenue anticipation notes, including renewals thereof, of the Board of Cooperative Educational Services of the Sole Supervisory District of St. Lawrence and Lewis Counties, New York (the "B.O.C.E.S."), in anticipation of the receipt of revenues from various sources during the fiscal year of said B.O.C.E.S. commencing July 1, 2023, including receipt of moneys from the State of New York and from component school districts, is hereby delegated to the President of said B.O.C.E.S., the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be determined by said President pursuant to the Local Finance Law.

Section 2. The deputy chief fiscal officer of said B.O.C.E.S. is hereby authorized to execute such revenue anticipation notes in the place of the chief fiscal officer, if the chief fiscal officer shall so designate.

Section 3. This resolution shall take effect immediately.

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

Yeas: All members present

Nays: None

**No. 2023 – 113
SETTLEMENT
OFFER FOR CLAIMS
AGAINST JUUL
LABS, INC.**

Motion made by Remington, seconded by Cartwright.

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, in recent years the use and abuse of e-cigarettes and vaping devices increased dramatically among high school and middle school students, leading to significant risks of addiction and potentially life-threatening respiratory ailments; and

WHEREAS, students attending the St. Lawrence-Lewis BOCES (the "BOCES") have not been immune to this phenomenon with the BOCES observing students using e-cigarettes and vaping devices in school and on school grounds; and

WHEREAS, the use of e-cigarettes and vaping devices by students has caused the BOCES to incur costs in the form of staff time, disciplinary proceedings, and other costs, with the expectation that these costs will only increase unless and until student use of these devices decreases and stops; and

WHEREAS, the BOCES authorized the law firms of Ferrara Fiorenza PC, and the Frantz Law Group, APLC, to initiate litigation against Juul Labs, Inc. and other parties by board resolution relating to the production, marketing, sale, and distribution of e-cigarettes and vaping devices; and

WHEREAS, the litigation involved more than 1400 U.S. public BOCESs across more than 25 states; and

WHEREAS, a tentative settlement has been reached with Defendant Juul Labs, Inc. and certain individual board members, directors, executives and parties with whom Juul Labs, Inc. has indemnity agreements; and

WHEREAS, litigation against Altria and remaining defendants will continue; and

WHEREAS, partial settlement means the BOCES would forever release all claims against Juul Labs and the other released entities; and

WHEREAS, in return, the BOCES would receive certain cash payments; and

WHEREAS, the amount that the BOCES receives will be based on a final allocation framework recommended by the court-appointed Special Master Thomas Perrelli with the allocation framework for all governmental entities including factors such as population and litigation risk and be no less than \$22,085 for the BOCES; and

WHEREAS, an initial payment of approximately 54% of the settlement amount is anticipated to be paid by late 2023; and

WHEREAS, the remaining payments will be made in four installments anticipated in late 2023, 2024, 2025 and 2026; and

WHEREAS, the Board of Education (the "Board") has determined it is necessary, advantageous, desirable, and in the public interest and the best interests of the BOCES that it settle this litigation against Juul Labs, Inc. and continue the litigation against remaining other parties involved with e-cigarettes and vaping devices.

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

1. The Board authorizes the partial settlement of the vaping lawsuit against defendant Juul Labs, Inc. and certain individual board members, directors, executives and parties with whom Juul Labs, Inc. has indemnity agreements.
2. A Settlement with the substantive terms contained herein is hereby approved in substantially the form reviewed by the Board and together with such minor modifications as are deemed necessary by the BOCES's attorneys and administrators to protect the best interests of the BOCES.
3. The Board President, Superintendent and their designee(s) are hereby authorized to finalize, sign and enter into the Settlement Agreement on behalf of the BOCES and take all actions and execute all documents necessary or appropriate to carry out the intent of this Resolution.
4. This Resolution shall take effect immediately.

Yeas: All members present

Nays: None

**No. 2023 - 114
CONSENT AGENDA**

Motion made by Remington, seconded by Davis.

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 Board Meeting – [March 9, 2023](#)
(In accordance with [Board Policy #1432](#) – Order of Business at Regular Board Meetings)

- Treasurer’s Report for period ending March 31, 2023
(In accordance with [Board Policy #1432](#) – Order of Business at Regular Board Meetings)

A. Account Balances

General Fund	\$ 3,742,857.00
Federal Fund	\$ 793,445.15
Trust & Agency Fund	\$ 910.61
Payroll Fund	0.00
Capital Renovation Project	\$ 1,314,644.29
Capital Equipment Reserve	\$ 205,326.57

B. Current Budget Allocation

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

General Fund Budget \$ 74,421,733.83

- Staff Conference
(In accordance with [Board Policy #5211](#)– Travel Expenses/Conference Approval)
 - Thomas Burns to attend the Advocacy Conference with AASA The School Superintendents Association in Washington, DC from July 10-13, 2023.
- Donation
(In accordance with [Board Policy #4230](#) – Acceptance of Gifts, Grants, and Bequests to BOCES)
 - Exterior Door with side windows donated by Lowe’s in Potsdam to the Building Trades Program at Seaway Technical Center with a value of \$2,000.00.
- Administrator Handbook
(In accordance with [Board Policy #5230](#) – Negotiations)
- Intermunicipal Cooperation Agreement – Town of Gouverneur
(In accordance with [Board Policy #4310](#) – Purchasing Policy)

Approval of the Intermunicipal Cooperation Agreement between St. Lawrence-Lewis BOCES and the Town of Gouverneur or purposes of shared resources in the undertaking of public works or other municipal and/or education related projects and services for the period of April 17, 2023 – June 30, 2023.

Yeas: All members present
Nays: None

Reports

[Thomas R. Burns, District Superintendent](#)

[Darin Saiff, Assistant Superintendent for Instruction](#)

Informational Items Update on Facilities – K. Perretta
May Board meeting will be held at Southwest Technical Center at 6 pm
Public Forum – Regional Rural Issues Forum at Lisbon Central School District
– Tuesday, April 25, 2023 from 6 pm – 7:30 pm

Discussion Items Annual Meeting Review
(In accordance with [Board Policy #1437](#) – Annual Meeting)

[Summary of Tentative Administrative, Capital, and Program Budgets for 2023-2024](#)

(In accordance with [Board Policy #1310](#) – Power and Duties of the Board and its Officer, in accordance with [Board Policy #4110](#) – Budget Planning and Preparation, and in accordance with [Board Policy #4120](#) – Budget Development and Adoption)

Action will be requested to adopt the BOCES Administrative, Capital, and Program Budgets for 2023-2024 at the May 11, 2023 meeting of the Board of Cooperative Educational Services. This action can be initiated after the component boards of education have voted on the BOCES Administrative Budget, as presented at the BOCES Annual Meeting. The voting date, April 18, 2023, was designated by the BOCES Board President, pursuant to §1950 subdivision 2-a (b) of the Education Law of the State of NY.

[Claims Auditor's Quarterly Report](#)

Presentation None

**No. 2023 – 115
EXECUTIVE
SESSION** Motion made by Davis, seconded by Wells.

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 to discuss persons leading to discipline/dismissal and to discuss collective negotiations at 4:44 pm.

Yeas: All members present
Nays: None

The Board returned to regular session at 5:05 pm.

**No. 2023 - 116
ADJOURNMENT** Motion made by Davis seconded Wells by to adjourn the meeting at 5:06 pm.

Yeas: All members present
Nays: None

Maureen A. Bouchey, District Clerk

