

Minutes of the Monthly Business Meeting of the
Board of Cooperative Educational Services, Southern Westchester
April 11, 2018
Held at
SWBOCES
Career Services Campus
Building I
65 Grasslands Road
Valhalla, NY

Present

Board Members

Catherine Draper, President
John V. Filiberti, Vice President
John DeSantis
Lynn Frazer-McBride
Claudia Glaser
Georgia Riedel

Others Present

Harold A. Coles, District Superintendent
Jacqueline O'Donnell, COO/Deputy Dist. Superintendent
Stephen Tibbetts, Asst. Supt. of Business
James Gratto, Asst. Supt. for Educational Services
John Miller, Director of Business
Suzanne Doherty, Director of Human Resources

Valerie A. Cermele
Clerk of the Board

Call to Order: Mrs. Draper called the Business Meeting to order at 7:40 p.m.

Pledge of Allegiance: Recited prior to Annual Meeting.

Adjournment: Ms. Glaser moved, seconded by Mr. DeSantis that the Board enter into Executive Session at 7:41 p.m. to discuss the employment of particular employees.

The vote on this resolution was as follows: Aye – 6 Nay – 0

Ms. Glaser moved, seconded by Mr. DeSantis that the Board re-enters into Public Session at 8:33 p.m.

The vote on this resolution was as follows: Aye – 6 Nay – 0

PERSONNEL MATTERS FOR BOARD APPROVAL

Upon the recommendation of the District Superintendent, Ms. Glaser moved, seconded by Mr. DeSantis that the following personnel appointments listed on Attachment I be approved.

Tenure/Permanent Appointments
Resignations
Terminations
Leave of Absence
Civil Service Appointments
Hourly Rate Assignments

Additional Assignments
Substitutes
Rate Adjustments
Other Adjustments
Elimination of Positions
Reductions-in-Force (RIF)
Terminations (Reduction-in-Force)
Recall Appointments
Casual (Temporary) Appointments

The vote on this resolution was as follows: Aye – 6 Nay – 0

Mrs. Draper congratulated and wished the following employees the all the luck in their retirement and thanked them for their hard work and dedication to the students of BOCES:

Penelope Martens, 33 years, Sign Language Interpreter, Special Services
Donna Mann, 22 years, Teach Aide, Special Services

Resolution to Create Position of Supervisor of School Library Systems: Ms. Glaser moved, seconded by Mr. DeSantis that the resolution as stated below and on Attachment II be approved as follows:

BE IT RESOLVED, that the Southern Westchester BOCES, Sole Supervisory District, Board of Education, hereby approves the creation of the position of Supervisor of School Library Systems.

The vote on this resolution was as follows: Aye – 6 Nay – 0

Resolution to Create Position of Assistant Principal: Ms. Glaser moved, seconded by Mr. DeSantis that the resolution as stated below and on Attachment III be approved as follows:

BE IT RESOLVED, that the Southern Westchester BOCES, Sole Supervisory District, Board of Education, hereby approves the creation of the position of Assistant Principal.

The vote on this resolution was as follows: Aye – 6 Nay – 0

OTHER ITEMS FOR BOARD ACTION

Resolution to Approve Settlement Agreement and General Release of Independent Contractor: Ms. Glaser moved, seconded by Mr. DeSantis that the resolution as stated below and on Attachment IV be approved as follows:

BE IT RESOLVED, that the Board of Cooperative Educational Services, Sole Supervisory District of Westchester County (SWBOCES) ratifies and approves the Settlement Agreement and General Release dated April 11, 2018 between SWBOCES and Marco A. Torres, and authorizes the District Superintendent, Harold A. Coles, to sign any and all documents pertaining to same and to take all actions consistent with the terms thereof.

The vote on this resolution was follows:

Aye – 6

Nay – 0

Resolution to Adopt Charges and Specifications against Employee No. 02852: Ms. Glaser moved, seconded by Mr. DeSantis that the resolution as stated below and on Attachment V be approved as follows:

BE IT RESOLVED, that the Board of Cooperative Educational Services, Sole Supervisory District of Westchester County hereby adopts the charges and specification against Employee No. 02852, dated April 11, 2018, as issued by the District Superintendent, without making any determination or findings, and further appoints Kenneth M. Bernstein of Hyde Park, New York, as a hearing Officer pursuant to Section 75 of the New York State Civil Service Law with respect to such charges and specifications, and any amendments made thereto, and hereby directs said hearing officer to conduct a hearing, make findings of fact and issue a recommendation to the Board.

The vote on this resolution was as follows:

Aye – 6

Nay – 0

Resolution to Appoint Kenneth M. Bernstein as Hearing Officer & Rate: Ms. Glaser moved, seconded by Mr. DeSantis that the resolution as stated below and on Attachment VI be approved as follows:

WHEREAS, the Board of Cooperative Educational Services, Sole Supervisory District of Westchester County (SWBOCES) has appointed Kenneth M. Bernstein as a Hearing Officer pursuant to Section 75 of the New York State Civil Service Law to hold a hearing and make recommendations; and

WHEREAS, said Hearing Officer will be carrying out a function for the SWBOCES that is required by law;

NOW, THEREFORE, BE IT RESOLVED, that Mr. Bernstein shall be compensated at a rate not to exceed \$185.00 per hour for services rendered; and

BE IT FURTHER RESOLVED, that the SWBOCES shall indemnify and hold Mr. Bernstein harmless from any claims arising out of his appointment and service as Hearing Officer and shall provide Mr. Bernstein legal representation and assume all costs with respect to any such claims provided that Mr. Bernstein provides notice of any such claims in writing to the SWBOCES within ten (10) days of receipt of same and cooperates fully with the SWBOCES in the defense thereof.

The vote on this resolution was as follows:

Aye – 6

Nay – 0

Resolution to Bring Disciplinary Proceedings for Charge I against Employee No. 03987: Ms. Glaser moved, seconded by Mr. DeSantis that the resolution as stated below and on Attachment VII and stated below be approved:

BE IT RESOLVED, that the Board of Cooperative Educational Services, Sole Supervisory District of Westchester County finds that there exists probable cause to bring a

disciplinary proceeding against Employee ID No. 03987, a tenured teacher, upon Charge I, as set forth in the Disciplinary Charges brought pursuant to Section 3020-a of the Education Law, dated April 11, 2018; and

BE IT FURTHER RESOLVED, that the penalty which will be imposed by the Board if said Employee does not request a hearing or that will be sought by the Board if the Employee is found guilty of such Charge I after a hearing is that of dismissal.

Resolution to Bring Disciplinary Proceedings for Charge II against Employee No. 03987: Ms. Glaser moved, seconded by Mr. DeSantis that the resolution as stated below and on Attachment VIII and stated below be approved:

BE IT RESOLVED, that the Board of Cooperative Educational Services, Sole Supervisory District of Westchester County finds that there exists probable cause to bring a disciplinary proceeding against Employee ID No. 03987, a tenured teacher, upon Charge II, as set forth in the Disciplinary Charges brought pursuant to Section 3020-a of the Education Law, dated April 11, 2018; and

BE IT FURTHER RESOLVED, that the penalty which will be imposed by the Board if said Employee does not request a hearing or that will be sought by the Board if the Employee is found guilty of such Charge II after a hearing is that of dismissal.

Resolution to Bring Disciplinary Proceedings for Charge III against Employee No. 03987: Ms. Glaser moved, seconded by Mr. DeSantis that the resolution as stated below and on Attachment VII and stated below be approved:

BE IT RESOLVED, that the Board of Cooperative Educational Services, Sole Supervisory District of Westchester County finds that there exists probable cause to bring a disciplinary proceeding against Employee ID No. 03987, a tenured teacher, upon Charge III, as set forth in the Disciplinary Charges brought pursuant to Section 3020-a of the Education Law, dated April 11, 2018; and

BE IT FURTHER RESOLVED, that the penalty which will be imposed by the Board if said Employee does not request a hearing or that will be sought by the Board if the Employee is found guilty of such Charge III after a hearing is that of dismissal.

The following action was taken by the Board of Education during executive session pursuant to New York State Education Law Section 3020-a;

The Board found that there existed probable cause to bring a disciplinary proceeding, pursuant to New York State Education law Section 3020-a, against a tenured teacher on Charges I, II and III, as set forth in the Disciplinary Charges dated April 11, 2018; and

The Board also determined that the penalty which will be imposed by the Board if said employee does not request a hearing, or that will be sought by the Board if the employee is found guilty of any of the Charges after a hearing, is that of dismissal.

By unanimous vote, the Board found probable cause for Charges I, II and III. For Charges I, II and III, the Board voted as follows: Aye – 6 Nay – 0

ADJOURNMENT

Ms. Glaser moved, seconded by Mr. DeSantis that the Board adjourn public session at 8:36 p.m.

The vote on this resolution was as follows: Aye – 6 Nay – 0

Valerie A. Cermele
Clerk of the Board