

RESOLUTION

LACKAWANNA LITERACY/TRAINING CENTER

WHEREAS, Erie 1 BOCES currently provides adult training programs and services at various sites located throughout Western New York, through its Workforce Development Division; and

WHEREAS, Erie 1 BOCES seeks to offer certain adult training programs at a centralized site located within Lackawanna City School District; and

WHEREAS, adult training programs to be provided at this centralized location will include, but not be limited to, High School Equivalency (HSE), English Language Classes, Pre-Training Literacy and selected trades programs beginning in the 2019-2020 school year; and

WHEREAS, the Lackawanna City School District currently has approximately 14,000 square feet of classroom and related space available in the High School vocational wing located at 500 Martin Road, Lackawanna, NY 14218 which is not currently being used for its own educational purposes (hereinafter referred to as "the space"); and

WHEREAS, Erie 1 BOCES and the Lackawanna City School District acknowledge that extensive renovations to the space must be in place before Erie 1 BOCES can effectively and safely use it for the provision of its adult training programs; and

WHEREAS, Erie 1 BOCES and the Lackawanna City School District further acknowledge that they have been recently engaged in collaborative efforts to identify potential sources of outside funding to cover the costs of these extensive renovations, and wish to continue to do so; and

WHEREAS, the approximately 14,000 square feet of classroom and related space that is the subject of this resolution is as set forth in Exhibit A to this Resolution, attached hereto and made a part hereof; and

WHEREAS, the Lackawanna City School District and Erie 1 BOCES are currently engaged in identifying the specific renovations to the space that by written mutual agreement will be determined to be those which must be made before Erie 1 BOCES can effectively and safely use it for the provision of its adult training programs as of the beginning of the 2019-2020 school year; and

WHEREAS, the Lackawanna City School District and Erie 1 BOCES intend to continue their collaborative efforts to identify sources of, apply for and obtain funding for these renovations through various grants, foundations, and other available programs;

NOW THEREFORE, BE IT RESOLVED THAT:

1. In the event sufficient funding for renovations is obtained, whether through grants or in any other manner allowed by applicable law, the Lackawanna City School District agrees to apply these funds toward the costs of renovation of the classroom and related space, and to complete the necessary renovations that will have been mutually agreed upon in writing so that the space will be available for Erie 1 BOCES' use no later than the beginning of the 2019-2020 school year.

2. In the event that all of the renovations of the classroom and related space that have been mutually agreed to in writing by the Lackawanna City School District and Erie 1 BOCES (or, in the alternative, such lesser portion of the renovations as may then be mutually agreed to in writing by the Lackawanna City School District and Erie 1 BOCES) will be completed by the beginning of the 2019-2020 school year, the Lackawanna City School District hereby agrees to lease the space to Erie 1 BOCES at a mutually acceptable price, and Erie 1 BOCES hereby agrees to lease it from the Lackawanna City School District, for the provision of its adult training programs beginning with the 2019-2020 school year.

3. The Lackawanna City School District and Erie 1 BOCES hereby agree to negotiate in good faith and enter into a written lease agreement governing the terms and conditions of the lease of the space. Such lease shall be effective for a term of seven (7) years, or such other lesser term as may otherwise be mutually agreed by Lackawanna City School District and Erie 1 BOCES. Lackawanna City School District and Erie 1 BOCES further agree that such lease shall conform with the requirements for leases for the use of property by boards of cooperative educational services as set forth in 8 NYCRR Part 155.15, and shall contain such other mutually acceptable terms, covenants and conditions including but not limited to the amount of rent to be payable by Erie 1 BOCES to the Lackawanna City School District under the lease (which annual rates shall be equivalent to the annual rates Erie 1 BOCES may be paying pursuant to similar leases in place with other school districts within its supervisory district over the same term of years).

4. The Lackawanna City School District shall ensure that the property containing the classroom and related space, as renovated, meets all applicable standards for school district facilities, including compliance

with the Uniform Code of Public School Building Inspections, Safety Rating and Monitoring as set forth in 8 NYCRR Part 155.4, at the time of commencement of any lease entered into with Erie 1 BOCES and for the duration of its term.

5. In the event that the Lackawanna City School District incurs expense(s) for renovations that both Erie 1 BOCES and the Lackawanna City School District have agreed to in writing prior to the expense(s) having been incurred, that were payable from funds of the Lackawanna City School District as opposed to funds from outside funding sources, and Erie 1 BOCES fails to enter into a lease agreement for the space as contemplated by this resolution, then Erie 1 BOCES hereby agrees to reimburse the Lackawanna City School District for such expenses, net the amount of any building aid received by the Lackawanna City School District for the project.

6. In the event that sufficient funding for renovations cannot be obtained through no fault of the Lackawanna City School District or Erie 1 BOCES, all covenants, mutual obligations and promises under this resolution shall be null and void.