

**MINUTES**  
**RYE CITY SCHOOL DISTRICT**  
**BOARD OF EDUCATION MEETING**  
**Rye Middle School Multipurpose Room**  
**March 29, 2005**

The meeting was called to order by Mr. Culyer at 7:05 p.m. and the roll was called.

Present

Mr. James Culyer, *President*  
Mr. Stephen Feeney, *Vice President\**  
Ms. Sarah Mariani  
Mr. George Pratt  
Ms. Victoria Sterling  
Mr. Robert Zahm

Excused

Mr. Joshua Nathan

And Dr. Edward Shine, Superintendent of Schools  
Dr. Daniel McCann, Deputy Superintendent  
Mr. Robert Walsh, Assistant Superintendent

\* Arrived 7:20 p.m.

Mr. Culyer welcomed those present and announced that the meeting was a business meeting of the Board to which the public was invited. He called for the Hearing of the Public on Non-Agenda Items.

Hearing of the Public on Non-Agenda Items

There were no questions or comments from the public.

**CONSENT AGENDA**

Mr. Culyer said that the approval of the Midland and Osborn construction documents, approval of the budget estimate and authorization of the construction manager to publicly bid the projects would be removed from the Consent Agenda.

Dr. Shine noted that since this item had been tabled at the last meeting of the Board it was necessary for there to be a motion to remove it from the table.

On a motion by Mr. Zahm, seconded by Ms. Mariani and carried unanimously (5-0) it was voted to remove this item from the table.

Board discussion regarding the inclusion or not of liquidated damages language in the contracts for these projects ensued.

Mr. Lou DiGaitano, Mr. David Shuter and Mr. Mark Wilson of Andron were present to speak with the Board.

Following Board discussion, Mr. Culyer called for any comments from the public. A member of the public said it was apparent that no attorney was looking at the contracts who knew anything about construction law and that it was the responsibility of the Board's lawyers to enforce the inclusion of penalty language.

Mr. Culyer called for a motion. Ms. Mariani moved and Ms. Sterling seconded the

(continued)

motion to accept the recommendations of the Consent Agenda item.

Dr. Shine noted that the Board would need amendments to change the item to include a sliding scale for liquidated damages.

Mr. Zahm moved and Ms. Mariani seconded the motion to amend to include sliding scale liquidated damages language. The motion carried 5-1 with Ms. Sterling voting no.

Mr. Culyer called for the vote on the original motion as amended which carried 5-0-1 with Ms. Sterling abstaining.

Mr. Pratt moved to amend the Milton School contracts to include sliding scale liquidated damages language. Ms. Mariani seconded the motion which carried 5-1 with Ms. Sterling voting no.

### **PRESENTATION / DISCUSSION**

#### **2005 – 2006 Budget**

The Board continued its discussion of the proposed 2005-2006 budget from its meeting of March 22.

A member of the public requested benefits evaluation and a better debt schedule as well as a staff matrix. Another requested actual information on proposed new teacher. Another discussed the need for artificial turf at Midland School, the manner in which the Board presented Osborn Home litigation costs, and fund transfers from the tax certiorari account. She further requested additional information on the proposed sixth grade program.

The Board further discussed the proposed changes to the sixth grade program and funding sources for this program, and identified areas where they felt the budget could be decreased.

It was agreed that the administration would incorporate the Board's requests for amendments to the proposed budget, as listed below, and return a revised budget at the April 12, 2005 meeting of the Board.

- Show Osborn litigation costs in the budget at \$750,000.00
- Show the Osborn tax certiorari reserve as a line item in the 2004-2005 budget
- Show the Osborn 9% statutory reserve as a line item in the 2004-2005 budget
- Include no reserve in the 2005-2006 budget
- Consider a \$2 million fund transfer to the 2005-2006 budget
- Maintain a 2% level in the undesignated and unreserved fund balance
- Include the sixth grade proposed foreign language/elective course program in the 2005-2006 budget
- Include the facilities (capital reserve) budget at 2% of the 2004-2005 budget
- Reduce funds for leases by \$100,00.00

#### **Closing Items**

On a motion by Ms. Mariani, seconded by Mr. Zahm and carried unanimously (6-0) it was voted at 12:57 a.m. to adjourn the meeting.

Respectfully submitted,

Lynn Ferrari  
District Clerk