

MINUTES
RYE CITY SCHOOL DISTRICT
BOARD OF EDUCATION MEETING
Rye Middle School Multipurpose Room
September 21, 2004

The meeting was called to order by Mr. Culyer at 7:10 P.M. and the roll was called.

Present

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

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

* *arrived 7:20 p.m.*

** *arrived 7:40 p.m.*

On a motion by Ms. Sterling, seconded by Mr. Pratt and carried unanimously (5-0) it was voted to adjourn into executive session for the review of the employment history of current and prospective employees, the discussion of pending litigation, and the discussion of negotiations.

Upon reconvening in public at 8:08 P.M., on a motion by Ms. Mariani, seconded by Mr. Zahm and carried unanimously (7-0), Mr. Culyer welcomed those present and called for the hearing of the public on non-agenda items.

Hearing of the Public on Non-Agenda Items

A member of the public said that he had addressed the Board at its meeting of August 2, critical of issues relating to litigation with The Osborn, and had returned this evening because the Board had “exceeded his wildest expectations” in response to the issue, that he was thrilled and gratified at the Board’s response, including a personal meeting with Mr. Feeney, and he wanted to express his appreciation and thanks in the same public manner for the Board’s responsiveness. He exhorted the Board to keep up the good work and expressed appreciation for the thankless, unpaid job of being a Board of Education member.

Special Recognition

Mr. Feeney said that Mr. Culyer had asked him to continue to recognize members of the school community and community at large, on behalf of the Board of Education, for going the extra mile in support of the schools and their students. He said the first

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recognition for the new year was for three families in particular who had worked hard to provide the gift of the turf field at Rye High School/Middle School. He provided a history of the John Nugent Stadium and of the new turf field, recognizing Mr. Steve Joyce, Mr. and Mrs. Robert Kindler, and Mr. and Mrs. Robert Niehaus for their particular contributions of leadership and financial resources.

CONSENT AGENDA

Mr. Culyer announced that Action-General Items 2, 3, 4 and 5 all related to elementary additions and alterations, would be removed from the consent agenda, as would Action-Fiscal Item 1, Approval of Auditor's Recommendation to Transfer Funds Available as of June 30, 2004 to the Tax Certiorari Reserve.

On a motion by Ms. Mariani, seconded by Ms. Sterling and carried unanimously (7-0) it was voted to approve the following items:

Action – General

1. The minutes of the Board of Education Meeting of August 31, 2004, as written.
2. The minutes of the Board of Education Meeting of September 7, 2004, as written.

Action – Fiscal

1. The Treasurer's Summary Report for the period ending July 31, 2004.
2. The recommendation to award the fixed fee fuel oil contract to Chief Energy Corp. for the 2004-2005 school year for their fixed fee rate of \$1.36 for the contract term October 1, 2004 to September 30, 2004. (Attachment I)
3. The Special Education Bus Transportation Contract Bid for transporting one student to Devereux School in Millwood, NY in the amount of \$1,620.00/month to Royal Coach Lines, Inc. for the 2004-2005 school year. (Attachment II)
4. Budget Transfer #2 for the 2004-2005 school year in the amount of \$7,500.00 from the Superintendent's Other Expense Budget Line to Co-Curricular Salary Line to cover the cost of the 9th grade field hockey team. (Attachment III)

Action - Personnel

1. The increase in assignment of Esther Lee from 0.5 FTE to 0.8 FTE, as science teacher, for which she has NYS Provisional Certification in Biology 7-12, Physics 7-12 and Math 7-12, assigned to the Rye School of Leadership, MA Step 2 of the 2003-2004 Teacher Salary Schedule, pending contract agreement between the Board of Education and the Rye Teachers Association, prorated, effective September 20, 2004 to serve at the pleasure of the Board.

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2. The resignation of Elizabeth Maria as a Teacher Aide assigned to Milton School, effective August 31, 2004.
3. The resignation of Susan Tortora as a Teacher Aide assigned to Osborn School, effective September 7, 2004.
4. The resignation of Rosemary Melinsky as a Library Clerk assigned to Milton School, effective September 7, 2004.
5. The appointment of Paul Basciano as Cook-Manager at Rye High School 7 hours/day, 5 days/week, with a probationary period of a minimum of twelve weeks to a maximum of fifty-two weeks, effective August 19, 2004.

Action – Special Education

1. The recommendations of the Committee on Special Education from its meeting of March 31, 2004 for Student ID#912059 and from its meeting of May 10, 2004 for Student ID#339.
2. The recommendations of the Committee on Preschool Special Education from its meeting of March 3, 2004 for Student ID#101; from its meeting of March 17, 2004 for Student ID#912078; from its meeting of March 24, 2004 for Student ID#912057; from its meeting of June 16, 2004 for Student ID#417; from its meeting of July 9, 2004 for Student ID#347; from its meeting of July 28, 2004 for Student ID#426; and from its meeting of September 3, 2004 for Student ID#443.

ITEMS REMOVED FROM CONSENT AGENDA

Action-Fiscal

Approval of Auditor's Recommendation to Transfer Funds Available as of June 30, 2004 to the Tax Certiorari Reserve

Subsequent to Board discussion with Mr. Walsh, on a motion by Ms. Mariani, seconded by Ms. Sterling and carried unanimously (7-0) it was voted to adopt the resolution to increase the Tax Certiorari Reserve to \$6,748,308.21 on the recommendation of the District auditors as part of the ongoing goal to present the District's financial position in its most favorable light to maintain its Aaa bond rating and minimize Board borrowing costs. (Attachment IV)

Action – General

Approval of the Milton School Construction Estimate and Authorization to Bid the Project When SED Building Permits are Issued

On a motion by Ms. Mariani, seconded by Mr. Pratt and carried unanimously (7-0) it was voted to approve The Milton School Value Engineering Log submitted by Andron, dated September 2, 2004; the Milton School Construction Document Estimate at 100% for Milton School (hard costs plus construction manager fee) at \$13,426,391.00); and to

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authorize the administration to take the Milton School project to bid when the State Education Department issues building permits. (Attachment V)

Approval of Midland School and Osborn School Conceptual Designs

The Board reviewed the recommendations for the conceptual designs for additions to Midland and Osborn School and on a motion by Ms. Mariani, seconded by Mr. Pratt, voted unanimously (7-0) (Attachment VI) to approve the conceptual designs for Midland School and Osborn School with individual motions for modification to the recommendation to be made subsequently. The Board then reviewed the list of recommendations regarding space in those schools, voting on each item as follows:

On a motion by Mr. Pratt, seconded by Ms. Mariani and carried unanimously (7-0) it was voted to accept the administration's recommendation not to add Osborn art room renovation to the design for the school. (Attachment VIa)

On a motion by Mr. Zahm, seconded by Mr. Pratt and carried unanimously (7-0) it was voted to accept the administration's recommendation to extend the corridor at the music room at Osborn school for future addition at Osborn. (Attachment VIb)

The administration recommended that the Board not support a sixth small group instructional space that could allow for three classrooms of 770 square feet.

Ms. Mariani moved and Mr. Zahm seconded the motion to accept the recommendation, which the Board rejected unanimously (0-7) (Attachment VIc)

Mr. Pratt made a motion to provide an additional small group space as an alternate in the Osborn School design drawings sent to the State Education Department to make six small group instructional spaces that could make three 770 square foot classrooms. Mr. Feeney seconded the motion which carried unanimously (7-0) (Attachment VIId)

On a motion by Ms. Mariani, seconded by Mr. Feeney and carried unanimously (7-0) it was voted to adjust the Midland addition location to not disrupt the front driveway. (Attachment VIe)

Approval of Resolution to Standardize Modular Manufacture

On a motion by Ms. Mariani, seconded by Mr. Pratt, and carried unanimously (7-0) it was voted to approve the resolution to standardize the manufacture of all modular building space to be used in the District. (Attachment VII)

Approval of Midland School and Osborn School Design Fees

On a motion by Ms. Mariani, seconded by Mr. Pratt and carried unanimously (7-0) it was voted to approve Midland School and Osborn School design fees. (Attachment VIII)

PRESENTATION / DISCUSSION

Strategic Planning 2002-2007

Dr. McCann reviewed the background on the Strategic Planning Team, revisions to
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the Plan, and recommended Action Plans for the 2004-2005 school year.

Rye School of Leadership Economics

Mr. Walsh, in response to a Board request, presented information on expenses and revenue for the Rye School of Leadership. (Attachment IX)

COMMUNICATIONS

Ms. Mariani presented her communication item regarding a communication plan for Osborn litigation. Subsequent to her presentation Mr. Culyer polled the Board to enquire whether four Board members were interested in pursuing it as suggested by Ms. Mariani. There were not four members who agreed so the item will not be brought forward.

Ms. Sterling noted that the Technology Committee Report was in the Board's packet and asked that if any Board member had questions they would please call her.

Mr. Feeney said he would like to reply to the comment made during the Hearing of the Public on Non-Agenda Items regarding Osborn Home litigation.

He said that as pertains to litigation counsel, McDermott, Will & Emery, each Board of Education member will receive copies of the monthly invoices in the weekly or semi-monthly Board packets; that Board members Sarah Mariani and Josh Nathan, both attorneys, will provide a further review function prior to the bills being submitted to the Superintendent, Dr. Shine, and the Assistant Superintendent, Mr. Walsh, for their review and ultimate payment by the District's business office; and that lead counsel, Mr. Weiner, has been advised of these review procedures and the District's consistent message that costs need to be contained at every juncture as reiterated and reinforced by Board members Steve Feeney and Sarah Mariani in a conference call held the beginning of September.

Mr. Feeney said, as pertains to forensic accountants, M.R. Weiser LLP, each Board of Education member will receive copies of the monthly invoices in the weekly or semi-monthly Board packets; that two out of three Board members, George Pratt, Robert Zahm and/or Steve Feeney, all with financial backgrounds, will provide a further review function prior to the bills being submitted to the Superintendent and Assistant Superintendent for their review and ultimate payment by the District's business office; and that Weiser had been advised of these review procedures and the District's consistent message that costs need to be contained at every juncture. in numerous telephone conversations with Weiser's Managing Partner, Jeffrey Blumengold, prior to Labor day.

Mr. Feeney noted that the City of Rye and the school district are sharing the fees of the forensic accounting firm proportionate to the respective local share of tax burden, and that the Westchester County portion has been allocated between the City and the District according to the same formula of 22% City of Rye and 78% Rye City School District so the school district is also policing these fees on behalf of the City of Rye.

Adjournment

On a motion by Mr. Zahm, seconded by Ms. Mariani and carried unanimously (7-0)

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it was voted at 10:50 P.M. to adjourn into executive session to discuss negotiations and pending litigation, with no expectation of reconvening in public for further discussion or action.

On a motion by Ms. Sterling, seconded by Mr. Feeney and carried unanimously (7-0) it was voted at 11:27 P.M, to reconvene in public.

There being no further business, on a motion by Ms. Mariani, seconded by Mr. Pratt and carried unanimously (7-0) it was voted at 11:27 P.M. to adjourn the meeting.

Respectfully submitted,

Lynn Ferrari
District Clerk