

MINUTES
RYE CITY SCHOOL DISTRICT
BOARD OF EDUCATION HEARING & MEETING
Rye Middle School Multipurpose Room
January 9, 2007

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

Present

Mr. James Culyer, *President*
Mr. Joshua Nathan, *Vice President****
Mr. George Cady
Mr. Edward Fox
Ms. Laura Slack*
Mr. Michael White**
Mr. Robert Zahm

And Dr. Edward Shine, Superintendent of Schools
Dr. Steven Cohen, Assistant Superintendent
Dr. Karen Chapman, Assistant Superintendent

* Arrived 7:11 PM
** Arrived 7:31 PM
*** Arrived 7:49 PM

On a motion by Mr. Cady, seconded by Mr. Zahm and carried unanimously (4-0) it was voted to adjourn immediately into Executive Session for the review of the employment history of current and prospective employees, the discussion of negotiations pursuant to the Taylor Law, and litigation strategy.

On a motion by Ms. Slack, seconded by Mr. Cady and carried unanimously (7-0) it was voted at 8:17 PM to reconvene in public.

Mr. Culyer welcomed those present. He read the District's press release on the Miriam Osborn Memorial Home court case, as follows:

“The Rye City School District (the “District”) and the City of Rye (the “City”), defendants in a landmark lawsuit brought by the Miriam Osborn Memorial Home Association (the “Osborn”) challenging its obligation to pay property taxes as determined by the Rye City tax assessor, prevailed in the first phase of the suit. In 1997, the Osborn sued the District and the City challenging the determination of the Rye City tax assessor that the Osborn was no longer entitled to a charitable use exemption from payment of real estate taxes because the implementation of the Osborn's Pathway 2000 project had fundamentally changed the use of the Osborn's property. On December 30, 2006,

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Justice Thomas A. Dickerson of the Supreme Court of the State of New York, Westchester County, issued a 99-page decision upholding the Rye City tax assessor's decision to revoke the Osborn's charitable property tax exemption for the years 1997 through 2003. Justice Dickerson found that the Osborn was converted into a continuing care retirement community that provides an array of living accommodations and services to wealthy senior citizens who can afford to pay the Osborn's entrance and monthly fees and that the provision of charity is no longer the principal or primary purpose of the Osborn. Justice Dickerson stated that the Osborn "had dramatically changed from being a nursing home caring for indigent residents to a continuing care retirement community catering to the needs of wealthy and healthy seniors." As the Court noted, by 2003, only 6% of Osborn residents were receiving charitable support from the Osborn. In contrast, 94% of the Osborn's residents were private pay individuals who had established their ability to pay all of the Osborn's fees during their residency at the Osborn and had been deemed "financially qualified" by the Osborn. Based upon the evidence produced at trial by the District, Justice Dickerson found that the Rye City tax assessor had "acted in good faith based upon available information" and had made "a comprehensive investigation in revoking the Osborn's 100% real property tax exemption." Justice Dickerson did find the Osborn entitled to a hospital use exemption from real property taxes for 16% of its property because the Osborn maintains a skilled nursing facility on its campus. Justice Dickerson determined that the amount of the partial exemption should equal 16% of the overall square footage of the Osborn, noting that the Osborn's skilled nursing facility is "merely an adjunct to a much larger assisted and independent living complex." The 16% partial exemption is actually less than the partial exemption that had been granted to the Osborn by the Rye City Board of Assessment Review for the years in question. Justice Dickerson will issue a second decision that will address the correctness of the assessed value of the Osborn as determined by the Rye City tax assessor."

Hearing of the Public – Utility Sales Tax

Mr. Culyer announced the public hearing on a proposed utility sales tax under consideration by the Board. He asked Mr. Zahm to provide brief introductory remarks to the Utility Services Tax visual presentation provided by Dr. Shine. Dr. Shine reviewed the information previously presented on the proposed utility sales tax and provided a summary of the information. Mr. Michael Visci requested long-range information on cost implications to the taxpayer.

Mr. Bertrand de Frondeville discussed the reasons he would support the implementation of a utility sales tax.

Hearing of the Public on Non-Agenda Items

Ms. Charmaine Neary questioned the Board as to whether members were receiving Special Education reports and the status of the inclusion program. Dr. Shine explained that these matters were on the Board's calendar as a report to the Board in March and would be discussed at that time.

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Ms. Georgetta Morque requested permission to use the Rye school name for a new squash team she had formed that is supported financially by parents. Dr. Shine indicated the need to discuss the issue with legal counsel.

Ms. Brooke Packard told the Board that the input of parents is crucial and cited several examples that she felt illustrated this statement.

Dr. Shine read a letter from Ms. Jeanne Sinnot, resident, who was unable to attend the meeting, on the topic of school stressors on young people.

CONSENT AGENDA

Mr. Culyer announced that Action General Item 2, Adoption of AP U.S. government and Politics Curriculum; Item 7, Approval of Consulting Agreement Contracts for Special Services; Item 13, Contract for MEP Engineering and Consulting Agreement with Damiano Barile Engineers, P.C.; and Item 14, Change Orders Associated with \$22 Million Project; would be removed from the Consent Agenda.

On a motion by Mr. Cady, seconded by Mr. White and carried unanimously (6-0) (Mr. Fox had left the room), it was voted to approve the following items:

Action – General

1. The resolution that the Board of Education of the Rye City School District adopt for all officers and employees of the District coverage provided by Section 18 of the New York State Public Officers' Law that this coverage shall supplement and be in addition to the coverage available to such officers and employees by other enactments or from other sources, with agreement that the Superintendent or his designee shall take steps to obtain insurance against this potential liability to the District. (Attachment I)
2. The adoption of the Advanced Placement U.S. History Curriculum for Rye High School, as presented. (Attachment II)
3. The adoption of the Advanced Placement World History Curriculum for Rye High School, as presented (Attachment III)
4. The textbook World History by Ellis and Esler for Prentice Hall, 2007, for use in Global History, Grades 9 and 10. (Attachment IV)
5. The contract between the American Institute for Neuro-Integrative Development/Giant Steps CT School and the Rye City School District for one student for a period commencing July 5, 2006 and ending June 18, 2007 for the sum of ninety-two thousand dollars. (Attachment V)

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6. Contracts between Warren & Panzer Engineers, P.C. and the Rye City School District for environmental consulting and technical services, boiler replacement, for Osborn, Midland, Rye Middle/Rye High School, and auditorium upgrade for Rye High School. (Attachment VI)
7. The facility use memorandum of understanding with Rye Recreation Department and Rye Youth Lacrosse for the purpose of conducting a youth lacrosse program on the Rye High School turf field. (Attachment VII)
8. The replacement of two Cannon 6080 copiers, one in the Rye Middle School Guidance Office and the other in the Midland copy room that are coming off lease with two Image Runner 8070 copiers through Vista Digital Solutions Inc. (Attachment VIII)
9. The agreement with Bay Boiler Rentals for the rental of a 250 hp boiler from December 1, 2006 to May 1, 2007 for Rye High School/Rye Middle School including transport, hook-up, and disconnect at a cost of \$6,300.00/month (inclusive of start-up and maintenance) plus \$2,400 for transport and \$6,850 for connection and disconnection. (Attachment IX)
10. The gift from the Rye High School Parents' Organization in the amount of \$3,000.00 for Heard in Rye. (Attachment X)
11. The gift from the Midland School PTO in the amount of \$4,000.00 to cover the cost of the Lincoln Center Institute program at the school. (Attachment XI)

Action – Fiscal

1. The resolution to approve the November, 2006 disbursement schedules, Warrants #19, #20, and #21. (Attachment XII)
2. The Extra Classroom Activity Fund Report for the period ending October 31, 2006 which was prepared by the Activity Fund Comptroller, Patrick DeRosa. (Attachment XIII)

Action – Personnel

1. The Leave Replacement Appointment of Mary Anzalone assigned to Milton School, for which she holds Permanent New York State Certification in Nursery, Kindergarten and Grades 1-6, 1.0 FTE, MA Step 13 of the 2006-2007 Teacher Salary Schedule, prorated, effective November 13, 2006 to January 26, 2007.
2. The Leave Replacement of Stephanie Adler assigned to Milton School, for which she has applied for New York State Certification in Childhood Education Grades

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- 1-6, 1.0 FTE, MA Step 1, of the 2006-2007 Teacher Salary Schedule, prorated, effective December 15, 2006 to January 26, 2007.
3. The Leave Replacement Appointment of Anastasia Katechis assigned to Rye High School, for which she has applied for New York State Certification in English 7-12, 1.0 FTE, MA Step 1 of the 2006-1007 Teacher Salary Schedule, prorated, effective December 18, 2006 to June 30, 2007.
 4. The request by Jennifer Daly Bruton for an unpaid Child Care Leave of Absence from her position as 2nd Grade Teacher assigned to Milton School, effective on or about March 1, 2007 – June 30, 2007.
 5. The tenure recommendation of Tara Lyn Taddeo, in the General Elementary Tenure Area, for which she holds New York State Provisional Certification in Pre-Kindergarten, Kindergarten and Grades 1-6, effective January 25, 2007.
 6. The termination of Employee Number 258, effective January 10, 2007.
 7. The resignation of Kathleen Crean as a Food Service Worker assigned to Rye Middle School effective December 19, 2006.
 8. The request for personal leave of absence of Monica Montesano from her position as a special education teacher aide, assigned to Midland School, for the period January 12, 2007 – June 30, 2007.
 9. The Appointments of Wendi M. Tandlich to the Food Service Department, Rye High School, @\$10.00/hour, effective November 15, 2006.
 10. The Appointment of Eugenia Vita to the Food Service Department, Rye High School, @\$10.00/hour, effective November 16, 2007.
 11. The Appointment of Dennis German to the Food Service Department, Rye High School, @\$10.25/hour, effective January 2, 2007.
 12. The Appointment of Tagrid Hermes as a Teacher Aide, assigned to Midland School, with a probationary period of a minimum of twelve weeks to a maximum of fifty-two weeks, Step 1 of the 2006-2007 Teacher Aide/Teaching Assistant Salary Schedule, 6.5 hours/day, 5 days/week, effective December 13,2006.
 13. The Extra Pay for Extra Work payments for the 2006-2007 school year for Shawn Amdur for Music Inventory Maintenance and for Martin Ludwikowski for Modified Track. (Attachment XIV)

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Action – Special Education

1. The recommendations of the Committee on Preschool Special Education from its meeting of November 17, 2006 for Student ID#507; from its meetings of November 30, 2006 for Students ID#752 and 778; from its meeting of December 1, 2006 for Student ID#810; from its meeting of December 13, 2006 for Student ID#758; from its meetings of December 14, 2006 for Students ID#625 and 719; from its meeting of December 16, 2006 for Student ID#767; and from its meeting of December 21, 2006 for Student ID#729.
2. The recommendations of the Committee on Special Education from its meetings of November 22, 2006 for Students ID#815 and 816; from its meetings of November 30, 2006 for Students ID#649 and 421; from its meeting of December 7, 2006 for Student ID#133; from its meeting of December 11, 2006 for Student ID#165; from its meetings of December 13, 2006 for Students ID#801 and 912094; from its meeting of December 14, 2006 for Student ID#753; from its meetings of December 15, 2006 for Students ID#503 and 911790; from its meeting of December 18, 2006 for Student ID#911366; and from its meetings of December 21, 2006 for Students ID#803 and 804.

REPORT OF THE SUPERINTENDENT

Dr. Shine reviewed a few of the many contributions to enrichment programs in all the schools by the PTOs and Parents' Organizations. He reported on two fundraising efforts by high school students, one for breast cancer research and one for the Heifer Project, to buy animals for impoverished countries around the world. He extended an invitation to the Rye High School Musical Revue on January 12th and 13th.

SEPARATE ACTION REQUIRED ACTION ITEMS

On a motion by Mr. Zahm, seconded by Mr. Nathan and carried unanimously (7-0) it was voted to approve the School District's Monthly Financial Reports for the Period Ending October 31, 2006 and for the Period Ending November 30, 2006. (Attachment XV)

PRESENTATION / DISCUSSION ITEMS**Utility Tax Proposal**

From an informal poll, it was determined that Board members were not interested in proceeding with the implementation of a utility sales tax.

K-8 Math Curriculum, Instruction and Assessment

The Board determined that a committee of four people would be formed to review the math curriculum, instruction and assessment, to be chaired, if he agreed, by Mr. Doug

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Tuttle. Dr. Shine and Dr. Cohen were asked to initiate the formation of this committee.

Strategic Planning

Mr. Culyer asked all Board members who had any issues with the Strategic Plan and/or the incorporation of items listed by Dr. Cohen as being important to please communicate their issues immediately to Dr. Shine so that he could respond as quickly in an effort to move the Plan forward within the budget cycle.

Budget Development Schedule

The draft calendar for the budget development process was reviewed by the Board. Members agreed that it seemed fine.

ITEMS REMOVED FROM CONSENT CALENDAR

Advanced Placement U.S. Government and Politics Curriculum

On a motion by Mr. Fox, seconded by Mr. Nathan and carried unanimously (7-0) it was voted to approve the AP U.S. Government and Politics Curriculum as modified to include an assurance that Dr. Cohen would address Mr. Fox's several issues about the content of the curriculum with the high school personnel responsible for writing and teaching the program. (Attachment XVI)

Consulting Agreement Contracts for Special Services

On a motion by Mr. Zahm, seconded by Mr. Nathan and carried unanimously (7-0) it was voted to approve the consulting agreement contracts with Kim-Wilson Gerardi, Lois Heyman, Jennifer Montesano, Annette Keslinger, Paul Raskin and The Lighthouse International for special services as indicated in the attached. (Attachment XVII)

MEP Engineering and Consulting Agreement with Damiano Barile Engineers Contract

Mr. Fox moved and Mr. Zahm seconded the motion to approve the proposed contract for MEP Engineering and Consulting with Damiano Barile Engineers, P.C. as amended to state that it would be at a higher insurance rate at an additional cost. The motion failed, 4-2-1 with Mr. Culyer, Mr. Nathan, Mr. Cady and Mr. White voting no and Ms. Slack abstaining.

On a motion by Mr. Culyer, seconded by Mr. Cady and carried 6-0-1 with Mr. Fox abstaining, it was voted to approve the Engineering and Consulting Agreement between the Rye City School district and Damiano Barile Engineers, P.C. as written and as prepared by LePatner & Associates LLP. (Attachment XVIII)

Change Orders/\$22 Million Bond Projects

On a motion by Mr. Cady, seconded by Mr. White and carried unanimously (7-0) it was voted to approve the change orders for the \$22 million bond projects as listed on the attached, subject to the reservation of rights to recover the costs associated with this

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action from any party deemed to be responsible for errors and omissions the Change/Order construction change directive was meant to alleviate. (Attachment XIX)

COMMUNICATIONS TO/FROM THE BOARD

Ms. Slack shared with the Board information obtained during the Curriculum Council meeting she attended regarding reactions to the Rock, Write and Listen proposed curriculum.

Mr. Zahm discussed whether the Board should respond personally or collectively with members of the community who communicate with the Board. Mr. White suggested an auto response to emails received in the Board's email box. It was agreed that an auto response would be drafted by the administration and put in place on the Board's email address.

Adjournment

On a motion by Mr. Cady, seconded by Ms. Slack and carried unanimously (6-0) (Mr. White had briefly left the room) it was voted at 12:13 AM to adjourn into executive session to conclude topics begun in executive session prior to the beginning of the public meeting.

On a motion by Mr. White, seconded by Ms. Slack and carried unanimously (7-0) it was voted to reconvene in public at 1:30 AM. There being no further business, on a motion by Ms. Slack, seconded by Mr. Cady and carried unanimously (7-0) it was voted to adjourn the meeting immediately.

Respectfully submitted,

Lynn Ferrari
District Clerk