

**MINUTES**  
**RYE CITY SCHOOL DISTRICT**  
**BOARD OF EDUCATION MEETING**  
**Rye Middle School Multipurpose Room**  
**June 28, 2007**

The meeting was called to order by Mr. Culyer at 6:40 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  
Ms. Kendall Egan, Board Member-Elect

\* arrived 7:07 PM

On a motion by Mr. Cady, seconded by Ms. Slack and carried unanimously (6-0) it was voted to adjourn immediately into executive session for the discussion of litigation strategy, the review of the employment history of current and prospective employees, and discussion of negotiations pursuant to the Taylor Law.

On a motion by Ms. Slack, seconded by Mr. Nathan and carried unanimously (7-0) it was voted at 8:13 PM to reconvene in public.

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

There were no questions or comments from the public.

**CONSENT AGENDA**

Mr. Culyer announced that the following items would be removed from the Consent Agenda: Action-General Item 1, Minutes of the June 5, 2007 meeting of the Board removed to be returned at the September meeting of the Board; Action-General Item 2, Minutes of the June 12, 2007 meeting of the Board removed to be returned at the September meeting of the Board;

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Action-General Item 3, Adoption of New and Proposed Policies; and Action-Fiscal Items 3, Approval of Rochelle Group Contract; 10, Budget Transfers #25 - 30; 12, Appropriation for Tax Certiorari Reserve; 13, Bids for the Restoration of Artificial Turf; 14, Change Order for Current Construction Project; 17, Carver Center Contract to be removed to the next meeting of the Board, and 18 – 25: NYSIR Settlement; Bond Sale, Tuition Students; Contract with Fletcher Thompson; Contract with Savin Engineers; CCD to Beneway, Inc. for Milton Gas Services; and two items related to the Reduction of the Tax Certiorari Reserve.

On a motion by Mr. Zahm, seconded by Mr. Fox and carried unanimously (7-0) it was voted that the Board add an item to the Agenda to approve the payment to the Osborn Home for a tax refund and interest pursuant to the valuation judgment recently issued by the Supreme Court. This item was therefore added to the Agenda as Action-Fiscal 26 and then pulled from the Consent Agenda.

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

**Action – General**

1. Board of Education Policy 1741, Home-Schooled Students. (Attachment I)
2. Board of Education Policy 9259, Non-Represented Employees (Attachment II)
3. The resolution to accept a gift from the Class of 2007 to Rye High School, an oil painting by artist Marissa Gilbert of The Rye High School at a value of \$1,600.00, (Attachment III)
4. The recommendation to approve the Kids' S.P.A.C.E. Contract for 2007-2008. (Attachment IV)
5. The Modern Gothic Literature: *The Work of Stephen King* curriculum as an upper level, 11<sup>th</sup> and 12<sup>th</sup> grade English elective to commence in the fall of 2007. (Attachment V)

**Action – Fiscal**

1. The 2007-2008 Food Service Program operating budget in the amount of \$1,487,222.00 and capital expenditures in the amount of \$171,000.00 for facility and technology improvements. (Attachment VI)
2. The 2007-2008 Food Service program improvements plan for the District lunch programs. (Attachment VII)
3. The annual adjustment to the Management Services Agreement with ARAMARK for the period beginning July 1, 2007 and ending June 30, 2008. (Attached VIII)
4. The extension of the summer transportation bid with TLC for one student to attend Giant Step from 9:00 AM to 1:00 PM beginning July 2, 2007 and ending August 10, 2007, at a cost of \$5,090.90. (Attachment IX)

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5. Two summer transportation contracts with BOCES for summer special education transportation beginning July 2, 2007 and ending August 30, 2007 at a cost of \$37,930.00 for one contract and \$10,644.00 for another. (Attachment X)
6. The transportation bid for 30-, 45- and 60-passenger buses for field trips and athletic events to TLC. (Attachment XI)
7. The emergency transportation contract by Royal Coach Lines for summer special education to Camp Jawario from 8:45 AM to 3:20 PM beginning July 9, 2007 and ending August 17, 2007 in the amount of \$3,485.00. (Attachment XII)
8. The issuance of \$600,000.00 serial bonds of the City School District of the City of Rye, Westchester County, New York, to pay the cost of judgments, compromised claims or settled claims arising from court orders on various proceedings brought pursuant to Article 7 of the Real Property Tax Law for said School District. (Attachment XIII)
9. Budget Transfer #31 to cover the cost of James P. Walsh's services rendered as impartial hearing officer for a special education case with funds in the amount of \$13,661.00 transferred from the legal labor relations budget line. (Attachment XIV)
10. The contract with Albert W. Liberi for teaching Mathematical Excursions courses beginning on July 17, 2007 and terminating on August 1, 2007, at the rate of \$300.00/day for a maximum of eight days during the 2007-2008 school year. (Attachment XV)
11. The contract with the Friends of the Rye Nature Center for 200 hours of environmental science programs during the 2007-2008 school year at the rate of \$100.00/hour. (Attachment XVI)

**Action – Personnel**

1. The Termination of Joan Dituri as Director of Curriculum and Instruction, effective June 30, 2007.
2. The Three-Year Probationary Appointment of Joan Dituri as Director of Grants, for which she holds Permanent New York State Certification as School Administrator/Supervisor and Permanent New York State Certification as School District Administrator, effective July 1, 2007 – June 30, 2010.
3. The resignation of Tim Horgan as a Special Education Teacher, assigned to Rye High School, effective June 30, 2007.
4. The resignation of Jennifer Uddo as an Elementary Teacher, assigned to Midland School, effective June 30, 2007.
5. The resignation of Naomi Falco as a Summer School Special Education Teacher Assistant, effective July 9, 2007.
6. The request by Rita Pisano for an unpaid Child Care Leave of Absence from her position as a Music Teacher assigned to Midland School, effective on or about her estimated due date of November 14, 2007 – on or about February 14, 2008.
7. The request by Kristen Madden for an unpaid Child Care Leave of Absence from her position as a Special Education Teacher assigned to Osborn School, effective on or about her estimated due date of September 11, 2007 – on or about December 5, 2007.

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8. The Amendment to the Appointment of Mary Gould as a Teacher on Special Assignment/CPSE Chairperson, from effective July 1, 2007 – June 30, 2008 to effective September 1, 2007 – June 30, 2008.
9. The Amendment to the Appointment of Appointment of Catherine Sales as a Teacher of Special Assignment/ 0.4 FTE Special Education Teacher and 0.6 FTE CSE Chairperson, from effective July 1, 2007 – June 30, 2008 to effective September 1, 2007 – June 30, 2008.
10. The Amendment to the Appointment of Debra Fishman as a Teacher on Special Assignment/ Elementary Staff Developer, from effective July 1, 2007 – June 30, 2008 to effective September 1, 2007 – June 30, 2008.
11. The Amendment to the Appointment of Tracey Orzo as a Teacher on Special Assignment/Elementary Staff Developer, from effective July 1, 2007 – June 30, 2008 to effective September 1, 2007 – June 30, 2008.
12. The Amendment to the Appointment of Peggy Gelman as a Teacher on Special Assignment/Elementary Staff Developer Mathematics, from effective July 1, 2007 – June 30, 2008 to effective September 1, 2007 – June 30, 2008.
13. The Increase in Assignment of Jean Romano as an Elementary Physical Education Teacher from 0.9 FTE to a 1.0 FTE for which she holds New York State Permanent Certification in Physical Education, assigned to 0.9 FTE at Osborn School and 0.1 FTE Milton School, MA +30 Step 15, of the 2006/07 Teacher Salary Schedule, plus 20 year Longevity Payment effective September 1, 2007.
14. The Reassignment of Lisa Lonnegren from an Elementary Teacher-At-Large, 1.0 FTE to a 0.6 FTE Math Teacher for which she holds New York State Permanent Certification in Childhood Education N-6 & Mathematics 7-9 Extension, assigned to Rye Middle School, MA +45, Step 11/12 of the 2006/2007 Teacher Salary Schedule prorated, effective September 1, 2007 – June 30, 2008.
15. The One-Year Probationary Appointment of Gregory Moraitis as an Elementary Teacher, for which he holds New York State Initial Certification K-6, assigned to Midland School, 1.0 FTE, MA, Step 4, of the 2006/07 Teacher Salary Schedule, effective September 1, 2007 – June 30, 2008.
16. The Two-Year Probationary Appointment of Toni Ann Carey as a Special Education Reading Teacher for which she holds New York Permanent Certification in Special Education and New York State Permanent Certification as a Reading Teacher, assigned to the Rye City School District, 1.0 FTE, MA Step 8, of the 2006/07 Teacher Salary Schedule effective September 1, 2007 – June 30, 2009.
17. The Appointment of Laura Evans as a Part Time Music Teacher for which her New York State Certification is pending, assigned to Rye City School District, 0.5 FTE, Ph.D. Step 6, of the 2006/07 Teacher Salary Schedule, prorated, effective September 1, 2007 to serve at the pleasure of the Board.

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18. The Emergency Conditional Leave Replacement Appointment of Christine Cadalzo as an Elementary Teacher for which she holds New York State Permanent Certification in Childhood Education PreK-6, assigned to Osborn School, 1.0 FTE, MA +15 Step 8, of the 2006/07 Teacher Salary Schedule, effective September 1, 2007 – June 30, 2008.
19. The Emergency Conditional Leave Replacement Appointment of Stacey Erstein as an Elementary Teacher for which she holds New York State Permanent Certification in Childhood Education PreK-6, assigned to Midland School, 1.0 FTE, MA +15 Step 6, of the 2006/07 Teacher Salary Schedule effective September 1, 2007 – June 30, 2008.
20. The Emergency Conditional Leave Replacement Appointment of Kathryn Connor Ridley as a Elementary Teacher for which she holds New York State Provisional Certification in Childhood Education PreK-6, assigned to Milton School, 1.0 FTE MA Step 6, of the 2006/07 Teacher Salary Schedule, effective September 1, 2007 – June 30, 2008.
21. The Emergency Conditional Leave Replacement Appointment of Stephanie Pennella as an Elementary Teacher for which she holds New York State Provisional Certification in Childhood Education PreK-6, assigned to Midland School, 1.0 FTE MA Step 4, of the 2006/07 Teacher Salary Schedule, effective September 1, 2007 – June 30, 2008.
22. The Emergency Conditional Leave Replacement Appointment of Marie Tarpey as an Elementary Teacher for which she holds New York State Transitional B Certification in Childhood Education 1-6, assigned to Midland School, 1.0 FTE MA Step 3, of the 2006/07 Teacher Salary Schedule, effective September 1, 2007 – June 30, 2008.
23. The Emergency Conditional Leave Replacement Appointment of Marytheresa Massoud as a Elementary Teacher-At-Large for which she holds New York State Permanent Certification in Elementary Education PreK-6 and New York State Permanent Certification as a Reading Specialist, assigned to Rye City School District, 1.0 FTE, MA Step 5 of the 2006/07 Teacher Salary Schedule effective September 1, 2007 – June 30, 2008.
24. The Emergency Conditional Leave Replacement Appointment of Rita Senior as an Music Teacher for which she holds New York State Initial Certification in Music, New York State Permanent Certification in Childhood Education N-6, New York State Permanent Certification in School Administrator/Supervisor and New York State Permanent Certification in School District Administrator, assigned to Rye City School District, 1.0 FTE, MA +60 Step 11, of the 2006/07 Teacher Salary Schedule, prorated effective September 1, 2007 – January 25, 2008.
25. The Salary Adjustment Payment of Jennifer Magner from a Permanent Substitute Teacher rate of \$93.00 per day to a MA Step 1, of the 2006/2007 Teacher Salary, prorated, effective April 26, 2007 – June 22, 2007.

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26. The following rates for substitute teachers in the Rye City School District:  
Increase the daily rate of pay for per diem substitutes in the Rye City School District from \$90.00 per day to a new amount of \$100.00 per day effective September 5, 2007.
27. Increase the daily rate of pay for permanent substitute teachers (secondary level only) in the Rye City School District from \$93.00 per day to a new amount of \$105.00 per day effective September 5, 2007.
28. The appointment of the following as Permanent Substitutes:  
Sally Linehan 09/05/07 - 06/25/08 \$105.00 Secondary 1.  
Peter Mastalli 09/05/07 - 06/25/08 \$105.00 Secondary 1.0  
Jennifer Magner 09/05/07 - 06/25/08 \$105.00 Secondary 1.0
29. The Appointment of Anne Swenson as an additional Summer School Teachers, effective July 9, 2007 – July 27, 2007, Elementary School.
30. The Salary Adjustment Payment of Yun Shim Kim for a 6<sup>th</sup> Assignment effective September 1, 2006 – June 30, 2007.
31. The following Appointments, effective September 1, 2007 – June 30, 2008:

SCHOOL	NAME	ASSIGNMENT	CONT- RACT RATE	PERCENT OF BASE SALARY*
High School	Dan Brown	H.S. Dept. Chair - Music (4) Teachers	\$5,244	5.00%
High School	Pat DeRosa	H.S. Dept. Chair – Science (10) Teachers	\$6,505	6.00%
High School	Jim Baker	H.S. Dept. Chair – Social Studies (8) Teachers	\$4,040	5.00%
High School	William Schrammel	H.S. Dept. Chair – Technology (1) Teacher	\$4,478	4.00%
High School	Lisa Jenner	H.S. Dept. Chair - Foreign Language (14) Teachers	\$5,874	6.00%
High School	Kevin Kelly	H.S. Dept. Chair – English(10) Teachers	\$6,292	6.00%
High School	Doug Tuttle	H.S. Dept. Chair – Math (7) Teachers	\$5,421	5.00%
High School	Nichole Spinella	H.S. Dept. Chair – Art (6) Teachers	\$3,855	5.00%
High School	Paul Blank	Alternative High School Coordinator	\$3,493	4.00%
Middle School	Denis Rinello	Team Leader Middle School – Grade 6	\$4,478	4.00%
Middle School	Michael Massett	Team Leader Middle School – Grade 6	\$3,296	4.00%

Middle School	George Everingham	Team Leader Middle School – Grade 7	\$4,478	4.00%
Middle School	Lisa Mount	Team Leader Middle School – Grade 7	\$3,110	4.00%
Middle School	Dino Garr	Team Leader Middle School – Grade 8	\$4,478	4.00%
Middle School	Marylou Pullis	Team Leader Middle School – Grade 8	\$4,478	4.00%
Middle School	Pam Park	Team Leader Middle School – Team S	\$4,195	4.00%
Middle School	Peter Gouveia	Dept. Coordinator Language Arts (8.0)	\$4,988	5.00%
Middle School	James Rinaldi	Dept. Coordinator Social Studies (6.0)	\$5,598	5.00%
Middle School	Wayne Poland	Dept. Coordinator Science (5)	\$5,598	5.00%
Middle School	James Kennedy	Dept. Coordinator Math (6)	\$5,598	5.00%
District Elementary	Shawn Amdur	Music Coordinator K – 5	\$3,359	3.00%
Milton School	Scott Cifone	Level leader – All Grades	\$2,759	3.00%
Midland School	Anat Mor	Level Leader – Grade K – 2	\$2,563	3.00%
Midland School	Emily Mills	Level Leader - Grade 3 – 5	\$1,885	3.00%
Osborn School	Harriet Sessa	Level Leader – Grade K – 2	\$3,359	3.00%
Osborn School	Gail Pullman	Level Leader – Grade 3 – 5	\$3,359	3.00%
District Wide	Loretta Calandruccio	ELL Coordinator K-12	\$4,278	4.00%
District Wide	Mickey Phelan	Mentor Coordinator	\$5,598	5.00%
District Wide	Mary Gould	CPSE Chairperson	\$4,478	4.00%
			\$127,135	

32. The salary agreement for Assistant Superintendent for Curriculum, Instruction and Assessment, Dr. Steven Cohen, per the attached. (Attachment XVII)

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33. The Curriculum Rate of \$40.00\* per hour for the following persons effective July 1, 2007 – August 31, 2007:

Staff Developer	Deb Fishman	Not to exceed 50 hours
Staff Developer	Tracey Orzo	Not to exceed 50 hours
Math Staff Developer	Peggy Gelman	Not to exceed 50 hours
Math Sub-Committee		
Kindergarten	Meghan Donovan	Not to exceed 50 hours
Grade 1	Christine Brennan	Not to exceed 50 hours
Grade 2	Carol Havlin	Not to exceed 50 hours
Grade 3	Mary Bellofatto	Not to exceed 50 hours
Grade 4	Laura Klein	Not to exceed 50 hours
Grade 5 – Midland	Mary Partington	Not to exceed 50 hours
Grade 5 – Milton	Vacancy	Not to exceed 50 hours
Grade 5 - Osborn	Jacquelyne Benfari	Not to exceed 50 hours

34. The Termination of James Fox as a Cook-Manager, assigned to Rye High School, effective June 20, 2007.
35. The resignation of Heather Schrammel as a Special Education Teacher Aide, assigned to Midland School, effective June 30, 2007.
36. The resignation of Natalie Schirone as a Special Education Teacher Aide, assigned to Milton School, effective June 30, 2007.
37. The resignation of Sylvia Parodi, as a Food Service Worker, assigned to Rye High School, effective June 30, 2007.
38. The Managerial/Confidential and Non-Represented Employee Salary Increases and Health Insurance contribution Percentage, July 1,2007 – June 30, 2008 as listed on the attached. (Attachment XVIII)
39. The Safety and Security Officer and School Monitor salaries July 1, 2007 – June 30, 2008 as listed on the attached. (Attachment XIX)
40. The Food Service Department Returning Employees 2007-2008 Wages as listed on the attached. (Attachment XX)
41. The resolution that the Board abolishes a 1.0 (FTE) registered nurse's position effective close of business on June 30, 2007 and creates a 0.5 (FTE) registered nurse's position effective July 1, 2007: and that the full time nurse who has the least seniority in that job title based upon time served in the school district shall be informed by the Board of Education Clerk of the abolition of his or her position as referenced hereinabove: and that the Superintendent of Schools is authorized to offer employment to Barbara Brody who is subject to layoff in the 0.5 (FTE) registered nurse's position, as created hereinabove, effective July 1, 2007.

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42. The Two-Year Probationary Appointment of Charles Carman as a Special Education Teacher, for which he holds New York State Permanent Certification in Special Education K-12, assigned to Rye Middle School, 1.0 FTE, MA Step 8, of the 2006-2007 Teacher Salary Schedule, effective September 1, 2007 – June 30, 2009.
43. The Appointment of Mandy Frohlich as a Special Education Summer School Teaching Assistant effective July 9, 2007 – August 17, 2007 for a total of 90 hours.

**Action – Special Education**

1. The recommendation of the Committee on Preschool Special Education from its meeting of May 9, 2007 for Student ID#507; from its meeting of May 24, 2007 for Student ID#835; from its meeting of June 1, 2007 for Student ID#567; from its meeting of June 18, 2007 for Student ID#822; from its meeting of June 18, 2007 for Student ID#829, and from its meeting of June 19, 2007 for Student ID#852.
2. The recommendation of the Committee on Special Education from its meeting of April 19, 2007 for Student ID#062040; from its meeting of May 9, 2007 for Student ID#911397; from its meeting of June 6, 2007 for Student ID#911440; from its meeting of June 20, 2007 for Student ID#667; from its meeting of June 5, 2007 for Student ID#900080; from its meeting of June 13, 2007 for Student ID#911409; from its meeting of June 15, 2007 for Student ID#911872; and from its meeting of June 20, 2007 for Student ID#11105.
3. The recommendations of the Committee on Special Education from its meeting of April 25, 2007 for Student ID#205; from its meeting of April 27, 2007 for Student ID#480; from its meeting of May 2, 2007 for Student ID#423; from its meeting of May 3, 2007 for Student ID#676; from its meeting of May 9, 2007 for Student ID#911847; from its meetings of May 10, 2007 for Students ID#911737 and 225; from its meeting of May 16, 2007 for Student ID#911529; from its meeting of May 21, 2007 for Student ID#911710; from its meeting of May 22, 2007 for Student ID#911670; from its meetings of May 23, 2007 for Students ID#911894, 685 and 911335; from its meeting of May 25, 2007 for Student ID#912049; from its meeting of May 29, 2007 for Student ID#911306; from its meetings of May 31, 2007 for Students ID#330, 912094, 912030, and 692; from its meetings of June 4, 2007 for Students ID#745, 911888, and 298; from its meetings of June 6, 2007 for Students ID#802, 220, and 105; from its meeting of June 7, 2007 for Student ID#571; from its meetings of June 11, 2007 for Students ID#911907 and 316; from its meetings of June 12, 2007 for Students ID#187 and 911407; from its meetings of June 18, 2007 for Student ID#546; from its meeting of June 19, 2007 for Student ID#911384; from its meetings of June 20, 2007 for Students ID#887 and 10366; and from its meeting of June 15, 2007 for Student ID#179.

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4. The revised recommendations of the Committee on Special Education to those approved at the June 5, 2007 meeting of the Board that were recommendations for the 2006-2007 school year, to reflect the recommendations for the 2007-2008 school year, as follows: from its meeting of March 15, 2007 for Student ID#335; from its meeting of March 20, 2007 for Student ID#837; from its meeting of March 29, 2007 for Student ID#482; from its meetings of April 12, 2007 for Students ID#488 and 124; from its meeting of April 13, 2007 for Student ID#911694; from its meetings of April 17, 2007 for Students ID#511, 438, 549, and 911664; from its meeting of April 18, 2007 for Student ID#599; from its meeting of April 23, 2007 for Student ID#738; from its meetings of April 24, 2007 for Students ID#11979 and 159; from its meeting of April 25, 2007 for Student ID#205; and from its meeting of April 30, 2007 for Student ID#912000.
5. The recommendations of the Committee on Preschool Special Education from its meeting of February 2, 2007 for Student ID#826; from its meeting of February 27, 2007 for Student ID#785; from its meeting of March 21, 2007 for Student ID#699; from its meeting of March 28, 2007 for Student ID#742; from its meeting of March 29, 2007 for Student ID#625; from its meetings of April 11, 2007 for Students ID#729 and 670; from its meetings of April 26, 2007 for Students ID#626 and 848; from its meeting of May 7, 2007 for Student ID#777; from its meetings of May 9, 2007 for Students ID# 586 and 798; from its meeting of May 10, 2007 for Student ID#767; from its meeting of May 11, 2007 for Student ID#850; from its meeting of May 14, 2007 for Student ID#719; from its meetings of May 17, 2007 for Students ID#809 and 744; from its meeting of May 25, 2007 for Student ID#821; and from its meeting of May 29, 2007 for Student ID#581.
6. The recommendations of the Committee on Preschool Special Education from its meeting of March 14, 2007 for Student ID#787; and from its meetings of June 12, 2007 for Students ID#841 and 851.
7. The recommendations of the Committee on Special Education from its meeting of May 23, 2007 for Student ID#911607; from its meeting of May 30, 2007 for Student ID#864; and from its meeting of June 12, 2007 for Student ID#325.
8. The recommendations of the Committee on Special Education from its meeting of May 25, 2007 for Student ID#911768; from its meeting of May 29, 2007 for Student ID#713; and from its meeting of June 5, 2007 for Student ID#900080.
9. The recommendations from the Annual Review Meeting of the Committee on Special Education of April 13, 2007 for Student ID#911694; of April 17, 2007 for Students ID#911939, 911804, and 911845; of April 25, 2007 for Student ID#911753; of April 30, 2007 for Student ID#911947; of May 9, 2007 for Student ID#911713; of May 10, 2007 for Students ID#324 and 756; of May 11, 2007 for Students ID#912050, 827, 912015, and 475; of May 15, 2007 for Students ID#911663 and 911850; of May 16, 2007 for Students ID#911378, 249, 211, and 644; of May 17, 2007 for Students ID#529, 911806 and 911666, of May 21, 2007 for Student ID#911839; of May 22, 2007 for Students ID#911565 and 911765; of May 23, 2007 for Student 815; of May

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24, 2007 for Students ID#369 and 406; from its meetings of May 29, 2007 for Students ID#374, 804, 734, 739, and 733; of May 30, 2007 for Student ID#912103; of May 31, 2007 for Students ID#672, 911614, 304, and 651; of June 1, 2007 for Students ID#724 and 911260; of June 4, 2007 for Students ID#912053, 417, and 811; of June 6, 2007 for Students ID#402 and 816; of June 8, 2007 for Student ID#139; of June 12, 2007 for Student ID#911908-A; and of June 15, 2007 for Student ID#443.

### **ITEMS REMOVED FROM THE CONSENT AGENDA**

#### Board Policies

Mr. Fox said that he had submitted changes to Policy 8334, Use of Credit Cards, that were not reflected and that he recommended making these changes. He said that the policy should state that any changes to the list of who has a credit card during any school year should be reported to the Board when change occurs. He also requested that changes be made to the fifth paragraph removing the oversight of credit cards from that of the Board to that of the Administration. Dr. Shine suggested that this policy be pulled so these changes could be made and returned to the Board for adoption at its first September meeting.

Mr. Fox asked that the wording in Policy 9259, page 5, paragraph, "the Board shall provide Health Insurance. . ." be changed to "the District shall provide. . ." and that, in line 4 of that paragraph, "The Board shall also have the authority to select the carriers. . ." be changed to "The District shall also have. . ."

On a motion by Ms. Slack, seconded by Mr. Cady and carried unanimously (7-0) it was voted to adopt Board Policy 9259, Non-Represented Employees, as amended, and Board Policy 1741, Home-Schooled Students. (Attachment XXI)

#### Rochelle Group, LTD Contract

Mr. Zahm requested that the Board receive an annual report from the Rochelle Group, and that this be included in the contract before it was finalized.

On a motion by Mr. Fox, seconded by Mr. White and carried unanimously (7-0) it was voted to approve The Rochelle Group, LTD., as Consultants to the Rye City School District Food Service Department for 2007-2008 with the amendment to the contract that The Rochelle Group, LTD provide an annual report to the Board of Education. (Attachment XXII)

#### Budget Transfers

In response to questions about the number of days paid for substitute teachers reflected in Budget Transfer #30, Dr. Chapman said that in some cases costs for a substitute teacher hired to replace an employee with a long-term absence had been paid from this budget rather than against the long-term replacement budget line when the employee's absence became extended. Dr. Shine said further study would take place to review charges against substitute and long-term replacement budget codes and a report would be provided to the Board.

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On a motion by Mr. Zahm, seconded by Ms. Slack and carried unanimously (7-0) it was voted to approve the following Budget Transfers: (Attachment XXIII)

#25 - to cover the cost of summer curriculum expenses with funds in the amount of \$8,135.00 transferred from Testing and BOCES budget codes;

#26 – to cover the cost of electric for the high school, middle school, Midland and Milton Schools, with funds in the amount of \$27,900.00 transferred from various other facility budget codes;

#27 – to cover the cost of athletic transportation for the 2006-2007 school year with funds in the amount of \$30,000.00 transferred from the transportation private carrier and workers' compensation budget codes;

#28 – to cover the cost of Medical Expense (Program and Capital) in the amount of \$595,000.00 transferred from Medical (Admin), Social Security (Prog.) and Ban Principal budget lines;

#29 – to cover the cost of tax certioraris paid in 2006-2007 with funds in the amount of \$146,308.00 transferred from unused personal services budget codes;

#30 – to cover miscellaneous personal services with funds in the amount of \$229,695.00 transferred from other available personal services' accounts.

#### Bid for Installation and Repair of Synthetic Turf Field

Dr. Shine asked Mr. Freer to review the bid process. After Board discussion about FEMA and insurance coverage, and a timely mitigation solution, on a motion by Ms. Slack, seconded by Mr. Cady and carried unanimously (7-0) it was voted to award the contract for the installation and repair of the synthetic turf athletic field at Rye High School/Rye Middle School to the LandTek Group, Inc., of Amityville, NY, at their total bid price of \$603,000.00. (Attachment XXIV)

#### Appropriation of Tax Certiorari Reserve

After discussion about the amount of the fund balance and timing of appropriations, on a motion by Mr. Fox, seconded by Mr. Zahm, and subsequent to comments by Martin Gerson, a member of the public, on his opinion of the Board's approach to the tax certiorari reserve, it was voted unanimously (7-0) to approve the appropriation of Tax Certiorari Reserve in an amount not to exceed \$1,100,000.00 to cover the legal expenses for Osborn Memorial Home litigation. (Attachment XXV)

#### Change Order/Construction Change Directive Authorization for \$10 Million Bond

The Board discussed who should have authority to approve change orders or construction change directives for these projects.

On a motion by Mr. White seconded by Mr. Cady and carried 5-2 with Mr. Fox and Mr. Nathan voting no, it was voted to amend and approve the recommendation to authorize the Superintendent of Schools or the Business Official to approve change orders or construction change directives up to \$10,000.00 with a cap of \$200,000.00 for the current construction project, \$10 Million Bond and to ensure that a log of all change orders is maintained. (Attachment XXVI)

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New York Schools Insurance Reciprocal Approval

After clarifying that the document received by the Board that NYSIR will pay for repairs exclusive of the depreciated value and will pay replacement value less the deductible, Mr. Zahm moved and Mr. White seconded the motion to approve the New York Insurance Reciprocal's adjustor's report on the general property and casualty loss from damage to school district property from the April 15<sup>th</sup> flood. The motion carried unanimously (6-0) (Ms. Slack was excused at the time of this vote.) (Attachment XXVII)

Bond Sale for Current Construction Projects

After discussion about the value and impact of a 20-year versus a 30-year bond, Mr. White moved and Mr. Cady seconded the motion to authorize the issuance of serial bonds in the amount of \$10 million for a term of 20 years.

Mr. Fox moved and Mr. Zahm seconded the motion to change the term to 30 years. Mr. Culyer called for a vote on the motion to amend the term to 30 years. The motion to amend failed on a vote of 3-4 with Mr. Culyer, Ms. Slack, Mr. Cady and Mr. White voting no.

Mr. Culyer then called for the vote on the original motion. The motion passed unanimously (7-0). (Attachment XXIX)

Approval of Tuition Students

After discussing available space and guidelines and laws affecting the acceptance of tuition students, on a motion by Mr. Nathan, seconded by Mr. Fox and carried unanimously (7-0) it was voted to approve the recommendation as amended from ten to eleven students to accept the admission of eleven students to the Rye City School District as non-resident tuition students for the 2007-2008 school year. (Attachment XXX)

Mr. Zahm requested a report in the future that shows total enrollment for the Board to use when evaluating accepting tuition students. Mr. Zahm said that he had recommended previously that the process for establishing the tuition rate be referred to the Policy Committee and he now asked that the acceptance decision seemed to be a policy issue as well and should be referred to the Policy Committee.

Approval of Contract with Fletcher Thompson

On a motion by Mr. Culyer, seconded by Mr. Zahm and carried 6-0 (Ms. Slack was excused at the time of this vote) it was voted to approve a contract with Fletcher Thompson, Inc. dated June 25, 2007 for Professional Field Services during the Construction Phase of the Milton Gymnasium subject to review and approval by LaPatner and Associates. (Attachment XXXI)

Approval of Contract with Savin Engineers, Inc. as Owner's Representative

Dr. Shine reviewed the District's preparation for filling the position of Owner's Representative subsequent to the departure of Mr. Valentine on June 30, 2007. He said that after consideration with interviews and follow-up explanation about construction and capital projects,

(continued)

he and the committee concurred that they were comfortable recommending initiating a contract with Savin Engineers, Inc.

Mr. Nathan moved that the Board approve the Owner's Representative contract with Savin Engineers, Inc. for a fixed fee of \$185,000.00 for the period of July 1, 2007 through June 30, 2008 with the amendment that any changes in the Owner's Representative be approved by the District. Mr. Fox seconded the motion which carried unanimously (7-0). (Attachment XXXII)

#### Construction Change Directive to Beneway, Inc.: Gas Service Piping

Dr. Shine and Mr. Valentine reviewed the issues related to exterior gas service piping at Milton School, noting that the architect and engineers made an error in the gas service layout. He noted that after reviewing the issues with Con Edison and their engineering department, the load letter was re-filed and approved by Con Edison. He said Con Edison required that some changes be made in the exterior piping to allow for a larger meter on the interruptible gas service and noted that the proposal from Beneway, Inc. had been reviewed by the Architect and Construction and found to be fair and reasonable. He also noted that the issue had been brought to the attention of Fletcher Thompson and the District's construction attorneys so that an equitable adjustment can be made for the issue.

On a motion by Mr. Fox, seconded by Mr. Nathan and carried unanimously (7-0) it was voted to approve the Construction Change Directive to Beneway, Inc. for reworking the exterior gas service piping for \$7,582.10 subject to full reservation of the District's rights to recover the costs associated with this action from any party deemed to be responsible for errors and omissions the Construction Change Directive was meant to alleviate. (XXXIII)

Mr. Culyer listed the three items left to be determined and suggested that the discussion of the Tax Warrant take place prior to addressing those items and asked Dr. Shine to list the item added to the agenda regarding payment to the Osborn Memorial Home which also would be held for discussion with the other agenda items prior to Board action. Mr. Culyer suggested that the Report of the Superintendent be given prior to this discussion .

### **REPORT OF THE SUPERINTENDENT**

Dr. Shine reported that the District had met the legal requirements to have completed a risk assessment by the Internal Auditor. He said that report had been reviewed by the Audit Committee and a final copy had been sent to the Board. He said the auditor looked forward to making a presentation to the Board at a fall meeting.

Dr. Shine said all moving up and commencement programs went very well. He said they would be shown on television during the summer.

Dr. Shine said construction had begun in the schools and there was the expectation of another busy year with construction.

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**PRESENTATION / DISCUSSION****Tax Warrant**

Dr. Shine said that the culmination of the budget process every year is to translate the budget into a tax warrant, with the normal process being taking the amount approved by the community in the budget, to receive information from the City Assessor on total property value, and translate this into the tax levy and tax rate, but that this year it was a little complicated because of a Supreme Court decision that affects the assessment, presenting the issue of the total assessment going down, which ordinarily would raise the tax rate. He said there were other issues that should be discussed in tandem with this.

He said the estimated tax rate increase had been at 4.99%, but because of the Osborn Home decision, with the assessment value going down, left unattended, the tax rate increase would be 6.23%.

The Board discussed its options to hold the tax rate increase at 4.99%, which were to increase taxes at higher rate than agreed, to find additional sources of revenue, or to appropriate funds from fund balances to subsidize the budget. It was noted that \$674,560.00 was the amount that had to be made up because of the Supreme Court decision regarding the Osborn Memorial Home assessment. Mr. Culyer explained that two things were occurring because the assessed value had come down, first, moving \$674,500.00 into the budget to fill the gap made by the court decision, and then repaying the Osborn in full for the period 1997 – 2005. The Board discussed any offset possibilities in light of declining revenue because of the Supreme Court decision and the negative effect of approximately \$130.00 per household because of this decision. Dr. Chapman advised that the reserve was the single place that the revenue reduction from the Osborn Home could efficiently be addressed.

**ITEMS REMOVED FROM CONSENT AGENDA****Tax Certiorari Fiscal Items**

On a motion by Mr. Nathan, seconded by Mr. White and carried unanimously (7-0) it was voted to approve the resolution to reduce the Tax Certiorari Reserve by \$674,560.00. (Attachment XXXIV)

On a motion by Mr. Nathan, seconded by Mr. Zahm and carried unanimously (7-0) it was voted to increase the unappropriated fund balance by \$674,560.00 for purposes of maintaining the estimated tax rate increase of 4.99%. (Attachment XXXV)

On a motion by Mr. Nathan, seconded by Ms. Slack and carried unanimously (7-0) it was voted to add to the agenda consideration of a motion to add to the agenda the appropriation of \$674,560.00 from the unappropriated fund balance to the 2007-2008 budget.

(continued)

On a motion by Mr. Fox, seconded by Ms. Slack and carried unanimously (7-0) it was voted to approve the appropriation of \$675,560.00 from the unappropriated fund balance to the 2007-2008 budget.

On a motion by Mr. Fox, seconded by Mr. White and carried unanimously (7-0) it was voted to approve the payment of the Osborn Home tax refund and interest obligations from the tax certiorari reserve pursuant to the Supreme Court decision as promptly as possible.

### **PRESENTATION / DISCUSSION**

#### **District Wide Safety Plan**

Dr. Shine explained that by law every district was required to have a District Wide Safety Plan and have it approved by the Board of Education. He noted that the plan presented contained some updated contact information but otherwise was essentially the same plan as that presented when it was developed. He said there were some open items that needed to be added, such as the Reverse 911 system. He said he would ask that the Board approve this with the caveat that those open items be addressed and added in the next three months.

#### **Status of Math Committee's Work**

Dr. Cohen reviewed the work of the Math Committee over the summer and plans for future work.

#### **Status of the District's Testing and Assessment Program**

Dr. Cohen reviewed proposed changes in the District's Testing and Assessment Program including considerations of phasing out certain tests at certain grade levels. He said no wholesale elimination of any testing would be proposed, but rather reform in the amount of testing that takes place.

#### **Proposed Resolutions Pursuant to Education Law 1709 (8) (c)**

Mr. Culyer suggested that this topic be skipped. It was further suggested and agreed to by a majority of the Board that it be referred to the Budget and Finance Committee.

### **COMMUNICATION ITEMS**

Mr. Nathan said he wanted to state that when the District retained the LePatner law firm he had disclosed that his firm used the LaPatner firm and wanted to further disclose that he used them personally.

Mr. Nathan thanked Dr. Chapman for her service to the District and the Community and expressed the gratitude and appreciation of the Board of Education. Dr. Chapman thanked the Board.

(continued)



Mr. Culyer thanked Mr. White for his service to the Board and presented him with a certificate from the Westchester Putnam School Boards Association in thanks for his dedication and service.

Adjournment

On a motion by Ms. Slack, seconded by Mr. Fox and carried unanimously (7-0) it was voted at 12:01 AM to adjourn into executive session. Mr. Culyer said the Board would reconvene in public following the executive session.

On a motion by Mr. Zahm, seconded by Mr. Fox and carried unanimously (7-0) it was voted at 1:20 AM to reconvene in public.

Superintendent's Compensation

On a motion by Mr. Nathan, seconded by Mr. White and carried unanimously (7-0) it was voted to add an item to the agenda to approve the Superintendent's compensation package.

On a motion by Mr. Fox, seconded by Ms. Slack and carried unanimously (7-0) it was voted to approve the Superintendent's proposed compensation package per the attached. (Attachment VI)

Adjournment

On a motion by Mr. Fox, seconded by Mr. White and carried unanimously (7-0) it was voted at 1:25 AM to adjourn the meeting.

Respectfully submitted,

Lynn Ferrari  
District Clerk