

**MINUTES**  
**RYE CITY SCHOOL DISTRICT**  
**BOARD OF EDUCATION MEETING**  
**Rye Middle School Multipurpose Room**  
**September 4, 2007**

The meeting was called to order by Mr. Culyer at 7:00 PM and the roll was called.

Present

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

And Dr. Edward Shine, Superintendent of Schools  
Dr. Stephen Cohen, Assistant Superintendent  
Ms. Kathleen Ryan, Business Official

On a motion by Ms. Slack, seconded by Mr. Cady and carried unanimously, (7-0) the Board adjourned immediately into executive session for the review of the employment history of current and prospective employees and negotiations pursuant to the Taylor Law.

On a motion by Mr. Fox, seconded by Mr. Zahm and carried unanimously (7-0) it was voted at 8:35 PM to reconvene in public.

**CONSENT AGENDA**

Mr. Culyer announced that Action General Item 2b, the minutes of the July 18, 2007 meeting of the Board; 3c, the minutes of the August 2, 2007 meeting of the Board; and 5, the Board of Education's Educational Focus for the 2007-2008 school year; and Action-Fiscal items 4, Budget Transfers from Capital to the 2007-2008 budget to fund the Milton gym and 6, approval of bid awards for the Milton gym, would be removed from the Consent Agenda.

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

**Action – General**

1. The minutes of the June 5, 2007 meeting of the Board, as written.
2. The minutes of the June 12, 2007 meeting of the Board, as written.

(continued)

3. The minutes of the June 28, 2007 meeting of the Board, as written.
4. The minutes of the July 1, 2007 meeting of the Board, as written.
5. The minutes of the August 7, 2007 meeting of the Board, as written.
6. The minutes of the July 28, 2007 meeting of the Board, as written.
7. The minutes of the July 31, 2007 meeting of the Board, as written.
8. Approval of the Memorandum of Understanding with the City of Rye for the Joint Operation of a Cable Television Studio with the changes required as noted on the attached. (Attachment I)
9. Board of Education Policy 8334, Use of Credit Cards (Attachment II)
10. The stipulated agreement for Student #11105. (Attachment III)
11. Modifications to the District Site-Based Decision Making Structure, per the attached. (Attachment IV)

**Action – Fiscal**

1. The Change Order for asbestos removal in the fuel oil tank room at Rye Middle/High School in the amount of \$7,500.00 (Attachment V)
2. The Credit Change Order for re-circulation pump credit for Rye Middle/High School in the amount of \$1,852.00. (Attachment VI)
3. The Change Order to replace carpet and restore a terrazzo floor at the Rye High School Performing Arts Center in the amount of \$8,857.00. (Attachment VII)
4. The Change Order for painting the Midland School boiler room in the amount of \$5,347.00. (Attachment VIII)
5. The recommendation to approve the bid for asphalt paving at Osborn School by MVM Asphalt Corp., Pelham, NY at their base bid price of \$45,746.00 and Alternate S-1 of \$2,500.00. (Attachment IX)
6. The Release and Settlement Agreement for Student #179. (Attachment X)
7. The 2007-2008 Food and Beverage list of approved vendors to be used by the Food Service Department, per the attached. (Attachment XI)
8. The contract with the Association for Supervision and Curriculum Development for services by Nanci Smith. (Attachment XII)
9. The contract with Jeffrey Marx in the amount of \$5,700.00, with a cancellation fee of \$2,700.00, with Heard in Rye contributing \$2,500.00 for Jeffrey Marx's presentation, the remainder to be paid by the Safe & Drug Free School Grant. (Attachment XIII)
10. The agreement with Laurie Gamble to provide occupational therapy services to students for the 2007-2008 school year. (Attachment XIV)
11. The admission of three non-resident students for the 2007-2008 school year at the approved tuition rate of \$17,588.00 each. (Attachment XV)
12. The agreement with Blythedale Children's Hospital to provide summer speech and language services. (Attachment XVI)

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13. The quarterly report of student activities as of June 30, 2007. (Attachment XVII)
14. Budget Transfer #32 for the 2006-2007 school year in the amount of \$23,000.00 to cover the cost of salary for the interim Assistant Superintendent for Business with funds transferred from Teacher Salaries, Kindergarten. (Attachment XVIII)
15. Budget Transfer #33 for the 2006-2007 school year in the amount of \$9,513.00 to cover the cost of labor relations services for January 2007 and June 2007 with funds transferred from District-Wide auto, fire and liability insurance. (Attachment XIX)
16. Budget Transfer #34 for the 2006-2007 school year in the amount of \$11,266 to cover miscellaneous legal services rendered by LePatner & Associates LLP with funds transferred from the BOCES Finance Manager budget line. (Attachment XX)
17. Budget Transfer #35 for the 2006-2007 school year in the amount of \$7,906.00 to cover the cost of legal expenses for Shaw and Perelson with funds transferred from the BOCES Safety/Risk Management budget line. (Attachment XXI)
18. Budget Transfer #36 for the 2006-2007 school year in the amount of \$18,000.00 to cover the cost of teacher salaries for Grades 1-12 with funds transferred from Kindergarten Teacher Salaries. (Attachment XXII)
19. Budget Transfer #37 for the 2006-2007 school year in the amount of \$54,375.00 to cover the cost of reimbursement for the unused personal days program with funds transferred from the Health Insurance program. (Attachment XXIII)
20. Budget Transfer #38 for the 2006-2007 school year in the amount of \$99,151.00 to cover negative balances in TRS and Social Security with funds transferred from Non-Teacher retirement (Admin. & Capital) (Attachment XXIV)
21. The Budget Transfer Schedule for June 2007. (Attachment XXV)
22. Warrants #47, 48, 51, 52, and 53 for May, 2007. (Attachment XXVI)
23. The resolution to allow the District to carry a 3% undesignated unreserved fund balance as of June 30, 2007 as permitted by New York State Law. (Attachment XXVII)
24. Budget Transfer #1 for the 2007-2008 school year in the amount of \$8,390.00 to cover the cost for BOCES administration which was higher than anticipated with funds transferred from the BOCES Capital Budget. (Attachment XXVIII)
25. Budget Transfer #2 for the 2007-2008 school year in the amount of \$23,000.00 to cover the cost of an expanded differentiation initiative with funds transferred from ASC Summer Curriculum, Science Materials & Supplies, Staff Development Inservice Teaching, and Stipends Inservice Salaries. (Attachment XXIX)

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26. The Treasurer's Report, Comprehensive Bank Reconciliations by Fund, for the period ending June 30, 2007. (Attachment XXX)

**Action – Personnel**

1. The Two-Year Probationary Appointment of Charles Manna as a Special Education Teacher, for which he holds New York State Permanent Certification in Nursery, Kindergarten and Grades 1-6 and New York State Permanent Extension Certification in Special Classes of the Mentally Retarded, assigned to Rye Middle School, 1.0 FTE, MA+15 Step 6, of the 2006/07 Teacher Salary Schedule, effective September 1, 2007 – June 30, 2009, salary pending contract settlement.
2. The Leave Replacement Appointment of Peter Charles Morris as an English Teacher, for which he holds New York Internship Certification in English Language Arts 7-12, assigned to Rye High School, 1.0 FTE, MA +15 Step 2, of the 2006/07 Teacher Salary Schedule, effective September 1, 2007 – June 30, 2008. salary pending contract settlement.
3. The Leave Replacement Appointment of Stephanie Adler as an Elementary Teacher-At-Large, for which she holds New York State Initial Certification in Childhood Education 1-6, assigned to the Rye City School District, 1.0 FTE, MA Step 2, of the 2006/07 Teacher Salary Schedule, effective September 1, 2007 – June 20, 2008, salary pending contract settlement.
4. The authorization for the President of the Board of Education to execute a certain First Amendment to the January 24, 2007 Employment Agreement between Steven R. Cohen and the Rye City School District on behalf of the Board of Education, which Amendment has been reviewed by the Board of Education.
5. The Change in Probationary Appointment period for Michelle Tobias as a Special Education Teacher from a Three-Year Probationary Appointment to a Two-Year Probationary Appointment, effective September 1, 2007 – June 30, 2009. Michelle Tobias was appointed to a Three Year Probationary appointment for the period September 1, 2007 – June 30, 2010 at the June 5, 2007 Board of Education Meeting. Michelle Tobias has now supplied us with proof that she received tenure from the Rush-Henrietta Central School District, Henrietta New York in August of 2006.
6. The ratification and approval of the execution of a First Amendment to the Employment Agreement between the Board of Education and Dr. Steven Cohen. (Attachment XXXI)
7. The Extra Pay for Extra Work appointments for Fall, 2007 Sports, per the attached. (Attachment XXXII)

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8. The Resignation of Arlene Moscufo as a Special Education Teacher Aide, assigned to Midland School, effective June 30, 2007.
9. The Resignation of Monica Montesano as a Special Education Teacher Aide, assigned to Midland School, effective June 30, 2007.
10. The request by Adish Ramrattan for an unpaid Personal Leave of Absence from his position as a Computer Aide, assigned to Osborn School, effective September 1, 2007 – June 30, 2008.
11. The Probationary Appointment of Marie T. Surovich, as a Senior Library Clerk, with a probationary period of a minimum of twelve weeks to a maximum of fifty two weeks, assigned to Rye High School, 10 month position 1.0 FTE, Step 3, as per the 2005/2010 Secretarial Clerical Salary Schedule effective September 1, 2007.
12. The Probationary Appointment of Julianne May, as a Senior Office Assistant (Automated Systems), with a probationary period of a minimum of twelve weeks to a maximum of fifty two weeks, assigned to Rye High School, Principal's Office, 11 month position 1.0 FTE, Step 4, Pro-rated, as per the 2005/2010 Secretarial Clerical Salary Schedule effective September 1, 2007.
13. The increase in assignment of Sharon McSorley as a Special Education Teacher Aide assigned to Rye Middle School, Step 5 of the 2007/08 Teacher Aide/Teaching Assistant Salary Schedule, 7 hours per day, 5 days per week, effective September 5, 2007.
14. The increase in assignment of Alaina Cuglietto as a Special Education Teacher Aide assigned to Osborn School, Step 2 of the 2007/08 Teacher Aide/Teaching Assistant Salary Schedule, 6.5 hours per day, 5 days per week, effective September 5, 2007.
15. The Appointment of Diane Garris as a Special Education Teacher Aide, assigned to Rye Middle School, Step 2 of the 2007/08 Teacher Aide/Teaching Assistant Salary Schedule, 6.5 hours per day, 5 days per week, effective September 5, 2007.
16. The Appointment of Lauren Schorr as a Special Education Teacher Aide, assigned to Milton School, Step 3 of the 2007/08 Teacher Aide/Teaching Assistant Salary Schedule, 6.5 hours per day, 5 days per week, effective September 5, 2007.
17. The Stipend of Audrey Kovacic as Director of Health Care Services for the Rye City School District in the amount of \$4,912.13 for the 2007-2008 school year. Mrs. Kovacic has worked in this capacity since October 1990 and has been receiving an annual stipend for this service.
18. The Stipend of Donna Betsch as Substitute Placement Coordinator for the Rye City School District in the amount of \$18,224.00 for the 2007-2008 school year. Mrs. Betsch has worked in this capacity since September, 1999 and has been receiving an annual stipend for this service.

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19. The Stipend of Frank Mangiamele as an Asbestos Designee for the Rye City School District in the amount of \$12,428 for the 2007-2008 school year. Mr. Mangiamele has worked in this capacity since October 1988 and has been receiving an annual stipend for this service.

19. The following appointments of Food Service Helpers with a probationary period of a minimum of twelve weeks to a maximum of fifty-two weeks:

Steven Basteri	8.5 hrs/day	5 days/wk	Kitchen Manager	High School	Effective 9/04/07
Yenis Rivera	6 hrs./day	5days/wk	Food Service Helper	Midland School	Effective 09/04/07
Ines Merino	5.5 hrs./day	5 days/wk.	Food Service Helper	High School	Effective 09/04/07
Raymond Colwell	7.5 hrs. day	5 days/wk.	Food Service Helper	High School	Effective 8/30/07

20. The Appointments of the following School Monitors/Traffic Control:

Frank Peduto	2 hrs. / day	5 days /wk	Midland School	Effective 9/06/07
Norma Cicelsky	2 hrs. / day	5 days /wk.	Midland School	Effective 9/06/07
Jeanine O'Reilly Sestito	1 hr. / day	5 days / wk.	Milton School	Effective 9/06/07
William Salisbury	1 hr. / day	5 days /wk.	Milton School	Effective 9/06/07
Kevin Connolly	½ hr. / day	5 days /wk.	Osborn School	Effective 9/06/07
Adrian Ciocoiu	1 hr. / day	5 days /wk.	Osborn School	Effective 9/06/07
Peter Vita	2 hrs. / day	5 days / wk.	Osborn School	Effective 9/06/07

21. The Curriculum Rate of \$40.00 per hour for Math Sub-Committee, Kindergarten, Dina Gelman; and Grade 3, Andrea Mondella, not to exceed 50 hours, effective July 1, 2007 – August 31, 2007.
22. The Resignation of Boyd Henne as a Food Service Worker effective September 1, 2007.
23. The Appointment of Vivian Portillo as a Teacher Aide, assigned to Rye Middle School, Step 1 of the 2007/08 Teacher Aide/Teaching Assistant Salary Schedule, 6.5 hours per day, 5 days per week, effective September 5, 2007.

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24. The Appointment of Kathleen Martin as a Special Education Teacher Aide, assigned to Milton School, Step 1 of the 2007/08 Teacher Aide/Teaching Assistant Salary Schedule, 6.5 hours per day, 5 days per week, effective September 5, 2007.
25. The Appointment of Lynda Barchetta as a Special Education Teacher Aide, assigned to Milton School, Step 1 of the 2007/08 Teacher Aide/Teaching Assistant Salary Schedule, 6.5 hours per day, 5 days per week, effective September 5, 2007.

**Action – Special Education**

1. The recommendations of the Committee on Special Education from its meeting of April 19, 2007 for Student ID#752.
2. The recommendations of the Committee on Preschool Special Education from its Annual review meetings of March 21, 2007 for Student ID#595; of March 28, 2007 for Student ID#743; of April 11, 2007 for Student ID#574; of April 12, 2007 for Student ID#758; of April 19, 2007 for Student ID#490; of April 26, 2007 for Student ID#732; of May 2, 2007 for Student ID#671; and of May 29, 2007 for Student ID#747.
3. The recommendations of the Committee on Preschool Special Education from its Annual Review meetings of March 21, 2007 for Students ID#698 and 736; of April 19, 2007 for Students ID#730 and 587; and of April 26, 2007 for Student ID#673; of May 14, 2007 for Student ID#773.
4. The recommendations of the Committee on Preschool Special Education from its meeting of May 17, 2007 for Student ID#786 and from its meeting of June 25, 2007 for Student ID#879.
5. The recommendations of the Committee on Special Education from its meetings of June 18, 2007 for Students ID#911441 and 911532; from its meeting of June 19, 2007 for Student ID#113; from its meeting of July 10, 2007 for Student ID#858; from its meetings of July 17, 2007 for Students ID#335, 472, 883, and 885; and from its meeting of July 20, 2007 for Student ID#891.
6. The recommendations of the Committee on Special Education from its meeting of July 17, 2007 for Student ID#061330.
7. The recommendations of the Committee on Special Education from its meeting of August 27, 2007 for Student ID#387; from its meeting of August 29, 2007 for Student ID#911598; and from its meetings of August 30, 2007 for Students ID#113 and 911871.

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**ITEMS REMOVED FROM CONSENT AGENDA**Minutes

Mr. Nathan moved and Ms. Slack seconded the motion which carried 6-0-1 with Mr. Zahm abstaining to approve the minutes of the July 18, 2007 meeting of the Board, as written.

Mr. Nathan moved and Ms. Egan seconded the motion which carried 5-0-2 with Mr. Zahm and Ms. Slack abstaining to approve the minutes of the August 2, 2007 meeting of the Board.

**HEARING OF THE PUBLIC ON NON-AGENDA ITEMS**

Sheri DeGraw, Midland School PTO Co-President, requested clarification on the open enrollment policy. Dr. Shine responded to her questions.

**ITEMS REMOVED FROM CONSENT AGENDA**Budget Transfers from Capital to 2007-2008 Budget to fund Milton Gym

Dr. Shine provided background on this agenda item, and Ms. Ryan provided information on the bids that had been received and ways to fund the dollar amount in excess of what had been anticipated during estimating which was anticipated to be approximately \$236,000.00.

Pam Smith, Milton PTO Co-President; and Catherine Pacos, Milton parent, spoke in support of building a new gymnasium. Neil Connelly who identified himself as the attorney for Eastland Construction questioned the Board on their selection of R & M Contracting as the General Contractor for the Milton Gymnasium addition, stating that if his client, Eastland Construction, had been selected, as the low bidder, there would be no need to transfer monies since the majority of those costs, approximately \$214,000.00, would be saved. Martin Gerson requested clarification on fiscal items related to a new gymnasium.

On a motion by Mr. Nathan, seconded by Ms. Egan and carried 5-2 with Mr. Zahm and Mr. Culyer voting no, it was voted to approve future budget transfers in the amount of approximately \$236,000.00 in the 2007-2008 budget to fund unanticipated soft cost expenditures related to the construction of a Milton School gymnasium.

Bid Awards for Milton Gym

On a motion by Mr. Fox, seconded by Mr. Nathan and carried unanimously it was voted at 9:23 PM to adjourn into executive session to meet with counsel.

On a motion by Mr. Nathan, seconded by Mr. Zahm and carried unanimously (7-0) it was voted at 9:30 PM to reconvene in public.

(continued)



Mr. Culyer said that the Board had met previously to discuss bids and reference checks on low bidders for the contractors and General Contractor for the Milton gym.

Dr. Shine said he recommended that the Board award the bids as presented: \$172,640.00 to Talt Electric; \$117,000.00 to Mengler Mechanical for plumbing and \$256,000.00 to Mengler Mechanical for HVAC; and \$1,528,000.00 to RM Contracting for General Contracting.

Neil Connelly, who spoke previously as the attorney for Eastland Construction, said that Eastland Construction had been the low bidder for general contracting at \$214,000.00 below the bid the Board was discussing awarding to RM Contracting. He then listed the projects Eastland was working on or had worked on and said there had been no problems, that the work was completed ahead of schedule, and there were no claims. He said he was at a loss to understand how the bid from Eastland Construction had not been accepted.

On a motion by Mr. Nathan, seconded by Mr. Fox and carried unanimously (7-0) it was voted at 9:43 PM to adjourn into executive session to meet with counsel.

On a motion by Ms. Slack, seconded by Ms. Egan and carried unanimously (7-0) it was voted at 9:52 PM to reconvene in public.

Mr. Nathan provided an outline of the process used in determining the lowest responsible bidder for general contractor, noting that the Board had held two meetings where this was discussed.

Mr. Nathan moved and Ms. Egan seconded the motion to accept the four bids for the Milton Gymnasium Addition as recommended, as follows. The motion carried unanimously (7-0).

1. The recommendation to approve the bid of Talt Electric as the electrical contractor for the Milton Gymnasium Addition at their bid price of \$172,640.00. (Attachment XXXIII)
2. The recommendation to approve the bid of Mengler Mechanical as the plumbing contractor for the Milton Gymnasium Addition at their bid price of \$117,000.00. (Attachment XXXIV)
3. The recommendation to approve the bid of Mengler Mechanical as the HVAC Contractor for the Milton Gymnasium Addition at their bid price of \$256,000.00. (Attachment XXXV)
4. The recommendation to approve the bid of R & M Contracting as the General Contractor for the Milton Gymnasium Addition at their bid price of \$1,528,000.00. (Attachment XXXVI)

(continued)

**PRESENTATION / DISCUSSION****Report of the Internal Auditor, Accume, on Risk Assessment**

Mr. David Moran of Accume Partners reviewed the risk assessment his firm conducted as required by the Laws of 2005, Chapter 263. He noted that a risk assessment is not an audit but rather a recommendation of what should be audited. He reviewed Accume's methodology in conducting its assessment and then defined risk areas as defined by law, such as the cash function of budget reporting and human resources and payroll. He noted that as in many small districts, there were some issues with segregation of duties, and explained that an audit would focus on people, process and controls. He then explained the difference between internal and external audits.

After discussion with the Board about initiating an audit before the close of the calendar year, on a motion by Mr. Fox, seconded by Ms. Egan and carried unanimously (7-0) it was voted to add to the agenda the resolution to approve the risk assessment and the initiation of an audit as recommended by Accume for the fall of 2007 in the area of human resources and payroll. The motion carried unanimously (7-0).

On a motion by Mr. Fox, seconded by Ms. Slack and carried unanimously (7-0) it was voted to approve the resolution to approve the risk assessment and the initiation of an audit as recommended by Accume for the fall of 2007 in the area of human resources and payroll. The motion carried unanimously (7-0).

**REPORT OF THE SUPERINTENDENT**

Dr. Shine reported on summer curriculum and instruction work, construction projects, the math committee, and tentative enrollment numbers as of September 4<sup>th</sup>.

**PRESENTATION / DISCUSSION****Board of Education Committee Charges, 2007-2008**

Per a request from Mr. Zahm, the Board agreed to add the completion of web site redesign and implementation to the list of Board focus items.

On a motion by Mr. Nathan, seconded by Mr. Zahm and carried unanimously (7-0) it was voted to approve the District's Goal, Education Focus and Priorities for the 2007-2008 School Year. (Attachment XXXVII)

**FINANCIAL ITEMS NO ACTION REQUIRED****Statement of General Fund Encumbrances and Disbursements Compared with the Adjusted Budget in ST-3 Format**

Mr. Zahm questioned this item and suggested it be reissued.

(continued)

**CONSENT AGENDA ITEM**

Minutes of August 7, 2007 Meeting of the Board

Mr. Fox moved and Mr. Nathan seconded the motion to reconsider the approval of the minutes of the August 7, 2007 meeting of the Board in order to amend the first paragraph.

On a motion by Mr. Nathan, seconded by Mr. Fox and carried unanimously (7-0) it was voted at 10:40 PM to adjourn into executive session.

On a motion by Ms. Slack, seconded by Mr. Cady and carried unanimously (7-0) it was voted at 10:45 PM to reconvene in public.

On a motion by Ms. Egan, seconded by Mr. Nathan and carried unanimously (7-0) it was voted to table the recommendation of the motion to reconsider.

Closing Items

Martin Gerson spoke regarding the year/end fund transfer. Mr. Culyer replied that the Board would continue to be conservative in its budgeting and suggested that Mr. Gerson wait for the audit to be reported for specific answers to his questions about fund transfers.

Adjournment

On a motion by Mr. Nathan, seconded by Mr. Fox and carried unanimously (7-0) it was voted at 10:53 PM to adjourn into executive session.

On a motion by Ms. Slack, seconded by Ms. Egan and carried unanimously (7-0) it was voted at 11:23 PM to reconvene in public and adjourn the meeting.

Respectfully submitted,

Lynn Ferrari  
District Clerk