

**ROSLYN UNION FREE SCHOOL DISTRICT
Meeting of the Board of Education**

Thursday, September 24, 2009

8:30 p.m.

Held in the Administration Building Board Room

MINUTES

Meryl W. Ben-Levy, President
Clifford Saffron, Vice President
Dani E. Kline
Adam Haber
Kim Hunter
Stanley D. Stern

ALSO PRESENT

Dan Brenner, Ph.D
Edward A. Salina, Jr., Ed.D
Frank Banta, Ed.D

Superintendent
Assistant Superintendent for Administration
Interim Assistant Superintendent for Curriculum &
Instruction
Assistant Superintendent for Business
District Clerk
Student Delegate

Joseph C. Dragone
Cathie L. Britt
Trevor Faden

ABSENT

David Seinfeld

7:30 p.m.-Executive Session

Pursuant to Public Officers Law, Section 105, it was duly moved, seconded and carried by a vote of 6-0 (Mr. Seinfeld absent) that the Board of Education adjourns to Executive Session at 7:30 p.m.

The Executive Session adjourned at 8:34 p.m. and the Board reconvened in Public Session in the Administration Building Board Meeting at 8:35 p.m.

8:30 p.m.-Board of Education Meeting

Preliminary Announcements
Emergency Procedures
Cell Phones

Pledge of Allegiance

Recommendation to approve the minutes from the following Board of Education Meeting(s):

August 26, 2009

Mr. Stern moved, seconded by Ms. Kline and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to approve the minutes from the August 26, 2009 Board meeting.

September 10, 2009

Mr. Stern moved, seconded by Ms. Kline and it was carried by a vote of 5-0-1 (Mr. Seinfeld absent and Mr. Saffron abstained since he was not present at that meeting) to approve the minutes from the September 10, 2009 Board meeting.

Recommendation to accept Treasurer's Reports: June 2009 Revised, July 2009 and August 2009.

Mr. Savino presented and discussed with the Board the Treasurer's Reports for June 2009 (revised), July 2009 and August 2009.

Ms. Kline moved, seconded by Ms. Hunter and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to accept the Treasurers reports for the months of June 2009 Revised, July 2009 and August 2009.

Recommendation to accept the Claims Audit Report for the Month of August 2009

Ms. Sheffield presented and discussed with the Board the Claims Audit Report for the month of August 2009. The Board expressed concern over open Purchase Orders (PO) and recommended it be considered that a dollar limit be imposed on all open PO's. Mr. Dragone suggested an analysis be completed of which vendors have open purchase orders and for what amount and purpose, before a dollar limit is imposed.

Mr. Stern moved, seconded by Ms. Hunter and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to accept the Claims Audit report for the month of August 2009.

Board President Comments

Ms. Ben-Levy announced this was the last call for letters of interest to join any Board committees and anyone interested in joining a Board committee should see the District Clerk.

Ms. Ben-Levy read the following statement:

The Board of Education is pleased to announce that the Appellate Division, Second Department, last week issued favorable decisions for the School District in two appeals. In the cases, **Barkan, et. al. v. New York State Insurance Reciprocal, et. al.** and **Matter of Barkan v. Roslyn USFD**, the Appellate Court found that the School District has no obligation to indemnify or defend the former Board members in the lawsuit brought by the School District against them, but found that the School District's insurance carrier, NYSIR, has the legal obligation to defend these former Board members in that lawsuit and that NYSIR could not rescind the insurance policies issued to the School District. This means NYSIR is required to reimburse the former Board members for the legal costs they have incurred in the lawsuit brought against them by the School District **and** to hire attorneys to defend the former Board members and to pay the fees of these attorneys in that lawsuit.

These decisions were the subject of a front page article in Tuesday's, September 22nd, New York Law Journal.

We are very happy with the outcome of these appeals. We are confident in the ability of our lawyers to pursue these matters, and appreciate all their efforts on behalf of the School District and the Roslyn community.

Superintendent's Comments

Dr. Brenner reported he had the pleasure to circulate throughout the classrooms and playing fields and to visit with the students and parents. Dr. Brenner visited several classrooms and reported on several successful Back-to-School nights.

Mr. Dragone presented and discussed with the Board the tax rate for the 2009-2010 school year. Mr. Dragone advised his presentation is available on the District website.

Mr. Dragone reported on a special meeting he attended held by the Nassau-Suffolk School Boards Association, Inc. where attorneys, John H. Gross and Gregory J. Guercio, presented an update on Nassau County Tax Certiorari Court Cases.

Student Delegate Comments (Trevor Faden)

Mr. Faden reported he attended the New Student Breakfast and that it was a very successful event which provided a wonderful opportunity to meet new students from different countries and schools.

Mr. Faden spoke about the upcoming alumni tour for the Class of 1959 to be held on October 3, 2009 and he also reported the students are excited about and are getting ready for Homecoming on October 24, 2009.

Discussion Item(s):

(1) Middle School Facilities Update

Mr. Mohrman provided an update on the Middle School auditorium and reported the lighting fixtures will be going up this week and the seats are due in next week. The tennis courts and parking lots are scheduled to be ready for use by the students next week and all other projects are currently on target.

The Board and Mr. Mohrman discussed the status of the fields, the planting season, the irrigation required and the temporary fencing required to provide the necessary security.

(2) State Data on Student Performance 2008-2009 (Attachment D2 – p 25)

Dr. Banta gave a presentation on the Roslyn Public Schools Assessment Results for 2008-2009. His presentation included a discussion of the advanced placement courses offered, tests results, the regents' exams and the New York State grades 3-8 assessment results.

Dr. Banta congratulated the students, teachers and administrators on the outstanding results reflected in the scores. Dr. Banta's presentation is posted and can be viewed on the District website.

(3) Facilities Use Policy (Attachment D3 - p 29)

- a. Fee structure revisited**
- b. Access to groups – Profit and non-profit**
- c. Security**

Ms. Ben-Levy recommended and the Board agreed to allocate 15 minutes to this topic given the late hour and that further discussions will continue over the course of future board meetings.

Dr. Brenner advised the Board must decide whether they wish to allow for-profit organizations the use of the fields and facilities. Dr. Brenner noted this was a concern this past summer when a for-profit camp wanted to utilize the fields. The Board, Dr. Brenner and Mr. Dragone entered into a discussion about the factors and considerations associated with each group and the possibility of creating a new class or group under this policy.

PUBLIC COMMENT #1 Limited to Agenda Items ONLY

(Will be limited to ½ hour, no more than 2 minutes per speaker).

Though not required by law, the Roslyn Board of Education invites public comment during its meetings. Citizens will be recognized by the presiding officer. Please state your name and address before speaking and direct all comments to the Board. This is not a time for citizen to citizen exchanges. We ask that comments not include the names of students or staff members, and comments

are not permitted with respect to confidential matters. Please also be reminded that Board meetings are designed by law to facilitate the school district's business and provide for public Board deliberations. Thank you

The following items were discussed during public comments: a resident thanked Dr. Brenner and Dr. Banta for their time this past week and wanted to discuss a personnel matter with the Board. Ms. Ben-Levy requested all personnel concerns be provided in writing to the District Clerk. A resident requested that unincorporated civic organizations be classified as a Class III group under the Facilities Use Policy, and therefore, be exempt from the Use of Facilities Fee; and a resident commented on the Middle School field Change Order listed under Agenda Item B.6.

ACTION ITEMS

Action may be taken for each individual resolution or by the titled subgroups. Bracketed information following resolutions is not part of the Board's official action and does not become part of the official record.

PERSONNEL:

ALL PERSONNEL APPOINTMENTS LISTED ARE FUNDED IN THE CURRENT BUDGET UNLESS OTHERWISE NOTED

P.1. It is the recommendation of the Superintendent of Schools that the following resolution be adopted:

RESOLVED, that the Roslyn Board of Education approves the appointments, resignations, terminations, elimination of positions, transfers, and leaves of absence as detailed in the Personnel Action Reports attached as **Attachment P.1 (Professional) (p 41)**

Dr. Salina moved from the floor that item #23 on Attachment P.1 be TABLED.

P.2. It is the recommendation of the Superintendent of Schools that the following resolution be adopted:

RESOLVED, that the Roslyn Board of Education approves the appointments, resignations, terminations, elimination of positions, transfers, and leaves of absence as detailed in the Personnel Action Reports attached as **Attachment P.2 (Classified) (p 48)**

Ms. Kline moved, seconded by Mr. Saffron and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to approve Agenda Items numbered P.1 as amended and P.2.

P.3 It is the recommendation of the Superintendent of Schools that the following resolution be adopted:

RESOLVED, that the Roslyn Board of Education approves the 2009-2010 district wide substitutes effective July 1, 2009 through June 30, 2010 as summarized in the attached memorandum dated September 1, 2009 **Attachment P.3 (p 49)**

Ms. Kline moved, seconded by Mr. Saffron and it was carried by a vote of 5-0-1

(Mr. Seinfeld absent and Ms. Ben-Levy abstained) to approve Agenda Item P.3.

BUSINESS/FINANCE:

**ALL ITEMS ON THE BUSINESS/FINANCE PORTION OF THE AGENDA ARE
WITHIN THE BUDGET UNLESS OTHERWISE SPECIFIED**

Recommendation to approve corrected financial reports for the month of June 2009

Recommendation to approve financial reports for the month of July 2009

B.1. Recommendation to approve the following contracts which were prepared in accordance with General Municipal Law and Board of Education Policy.

- (i) Contractor: New York Therapy Placement Services, Inc.
Services: Physical therapy, occupational therapy, speech therapy & special education services for the period of July 1, 2009 thru June 30, 2010
Fees: \$ 42.00 per 30 minute individual session
\$ 56.00 per 30 minute group session
\$150.00 per evaluation
Total estimated to be \$ 55,000.00
- (ii) Contractee: Island Trees Public Schools
Services: 1 student from Island Trees to attend a special class at Roslyn for the 2009-10 school year
Fees: \$ 78,391.00 10 month tuition – Roslyn to receive
Total estimated to be \$ 78,391.00 – Roslyn to receive
- (iii) Contractor: Pediatric Physical & Occupational Therapies
Services: Occupational and physical therapy services for the period of July 1, 2009 thru June 30, 2010
Fees: \$ 50.00 per individual session
\$ 75.00 per group session
\$150.00 per evaluation
\$ 50.00 per screening
\$ 50.00 per 30 minute meeting
Total estimated to be \$ 50,000.00
- (iv) Contractor: Helping Hands Children's Services LLC
Services: ABA Services for the period of July 1, 2009 thru June 30, 2010
Fees: \$ 70.00 per hour home services
\$ 40.00 per hour 1:1 aide
Total estimated to be \$250,000.00
- (v) Contractor: The Summit School (Upper Nyack)
Services: Instructional services for one child for the period of July 1, 2009

thru June 30, 2010
Fees: \$ 28,906.00 10 month tuition
\$ 6,263.00 Summer only tuition
\$ 14,856.44 Summer only maintenance
Total estimated to be \$ 50,200.00

B.2. Recommendation to approve the following flow-through contracts: [The Individuals with Disabilities Act (IDEA) requires the use of federal flow-through funding for pre-school and school age disabled children. The 611 Grant is for all students; the 619 Grant is an additional amount for students 5 years or younger]

- (i) Contractor: All About Kids
Services: Contractual services for 3 students for the 2009-2010 school year
Fees:
611 Grant
\$2,119.00 per student (3 students)
619 Grant
\$ 718.00 per student (3 students)
Total will be \$8,511.00

- (ii) Contractor: Cooper Kids Therapy Associates
Services: Contractual services for 2 students for the 2009-2010 school year
Fees:
611 Grant
\$2,119.00 per student (2 students)
619 Grant
\$ 718.00 per student (2 students)
Total will be \$5,674.00

- (iii) Contractor: Developmental Disabilities
Services: Instructional services for 1 student for the 2009-2010 school year
Fees:
611 Grant
\$2,119.00 per student
Total will be \$2,119.00

- (iv) Contractor: Kidz Therapy Services
Services: Contractual services for 8 students for the 2009-10 school year
Fees:
611 Grant
\$2,119.00 per student (1 student)
\$ 706.00 per student related services only (7 students)
619 Grant
\$ 718.00 per student (1 student)
\$ 239.00 per student related services only (7 students)
Total will be \$ 9,452.00

- (v) Contractor: Lowell School
Services: Instructional services for 1 student for the 2009-10 school year
Fees:
611 Grant
\$2,119.00 per student (1 student)
Total will be \$2,119.00

- (vi) Contractor: School for Language
Services: Instructional services for 1 student for the 2009-2010 school year
Fees:
611 Grant
\$2,119.00 per student (1 student)
619 Grant
\$ 718.00 per student (1 student)
Total will be \$2,837.00

- (vii) Contractor: Seeds of the Willistons
Services: Contractual services for 2 students for the 2009-2010 school year
Fees:
611 Grant
\$ 706.00 per student related services only (2 students)
619 Grant
\$ 239.00 per student related services only (2 students)
Total will be \$1,890.00

- (viii) Contractor: Summit School (Nyack)
Services: Instructional services for 1 student for the 2009-2010 school year
Fees:
611 Grant
\$2,119.00 per student (1 student)
Total will be \$2,119.00

- B.3. Recommendation that, pursuant to receipt of a gift in the amount of \$527.18 from Target, the board of education hereby accepts the gift, approves the expenditure of funds for the purpose of purchasing writer 's workshop folders, writer 's workshop notebooks and additional office supplies and increases the appropriation in A2110.450.07.9000.701 (Teaching supplies HH) by \$527.18 with the understanding that this increase in appropriations is the result of unanticipated revenue and therefore will result in no impact on the tax levy.

- B.4. Recommendation to approve a payment of \$13,578.74 to Ingerman Smith, L.L.P. for legal services rendered to the district for the period ending August 31, 2009

- B.5. Recommendation that, pursuant to receipt of a gift in the amount of \$182.01 from Target, the board of education hereby accepts the gift, approves the expenditure of funds for the purpose of purchasing Classroom Library Books / Book-of-the Month books and increases the appropriation in A2110.459.04.9000.401 (Classroom Library Books EH) by \$182.01 with the understanding that this increase in appropriations is the result of unanticipated revenue and therefore will result in no impact on the tax levy.
- B.6. Recommendation to approve a Change Order in the amount of \$ 52,417.00 to J. Barwick Landscape and Site Developer for the Middle School Athletic Field and Parking Lot Reconstruction Project. This change order is needed to correct field conditions and drainage. This additional work totals \$112,417.00, however there is a \$60,000.00 allowance built into the contract. The total amount of the new contract is \$1,470,917.00

The Board, Dr. Brenner and Mr. Dragone discussed the fees included with the original contract and the fact that the construction management and architectural fees totaling \$161,000 were not included in the original contract.

The Board recommended projects be sorted and reported by total project cost, regardless of budget year. At Dr. Brenner's direction, Mr. Dragone recommended tracking projects using the state's project code versus using the allocated budget code.

Mr. Saffron, as the Chairperson of the Citizens' Advisory Audit Committee (CAAC), recommended that our internal auditor conduct a full audit of all capital projects since 2005.

The Board further expressed a concern that they are asked to approve Change Orders after the fact and that possibly the Board should consider a recommendation whereby the Board President be alerted in the event a Change Order exceeds a certain dollar amount.

Dr. Brenner reported the following unanticipated items contributed to the increased costs associated with this project.

- (1) the discovery of a gas line running through a critical part of the retaining wall which was not marked on any of the surveys;**
- (2) the discovery of the foundation of a house, not anticipated in the original excavation required;**
- (3) the roof drains funneling water in one direction aimed directly at the new tennis courts;**
- (4) the discovery of a major high-pressure gas line on the road and**
- (5) the discovery of a fire hydrant line.**

- B.7. Recommendation to approve a payment of \$820.95 to Farrell Fritz, P.C. for legal services rendered to the district for the period ending July 31, 2009

B.8. Recommendation to approve a budget appropriation transfer requests in accordance with **Attachment B.8 (page 51)**

Mr. Saffron moved, seconded by Mr. Stern and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to approve Agenda Items numbered B.1, B.2, B.3, B.4, B.5, B.6, B.7, and B.8.

CURRICULUM AND INSTRUCTION

C&I.1 Recommendation to accept the confidential stipulations of the CSE for the dates listed below as well as the implementation plans for the corresponding special education programs, services and parent notification as previously approved by the Board on August 19.

C&I.2 Recommendation to approve Nancy A. Micene to attend a conference titled New York Unified Family and Consumer Sciences Centennial Celebration Conference in Lake Placid, NY from October 16-17, 2009 at an estimated cost of \$838.58.

C&I.3 Recommendation to approve Sallykaye Kaufman to attend the 57th Annual Conference of the Business Teachers Association of New York State in Rochester, NY from October 15-16, 2009 at an estimated cost of \$888.01.

C&I.4 Recommendation to approve the contract between The Reading & Writing Project Network LLC and the Roslyn UFS for the 2009-2010 school year for professional development and site-based coaching, principal conference memberships, subscription calendar workshops and transportation reimbursement for staff developer for a total of \$66,250.

Ms. Kline moved, seconded by Mr. Saffron and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to approve Agenda Items numbered C&I.1, C&I.2, C&I.3 and C&I.4.

Dr. Banta moved from the floor to add Agenda Item C&I.5

C&I.5 Recommendation to approve the contract between Western Suffolk BOCES and the Roslyn UFSD for the 2009-2010 school year in the amount of \$61,315.00 for a special education student's placement at Brennan High School. Such service to include a special class and counseling effective October 1, 2009.

Mr. Saffron moved, seconded by Ms. Hunter and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to add and approve Agenda Item numbered C&I.5.

BOARD OF EDUCATION

BOE.1 BE IT RESOLVED, that the Board of Education hereby approves the agreement between Temple Beth Shalom and the District in accordance with

the terms and conditions.

Mr. Saffron moved, seconded by Mr. Stern and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to TABLE Agenda Item numbered BOE.1.

Ms. Ben-Levy motioned and the Board agreed to take Agenda Item BOE.2 out of order.

BOE.2 BE IT RESOLVED that the Board of Education formally acknowledges, with gratitude, Wheatley Public Schools for allowing the Roslyn Middle School soccer teams to utilize their fields for the Fall 2009 season.

Ms. Kline moved, seconded by Mr. Saffron and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to approve Agenda Item numbered BOE.2.

Ms. Ben-Levy directed that a letter of appreciation and copy of the Board resolution be sent to the East Williston School District expressing the District's sincerest thanks for allowing us to utilize their fields for the Fall 2009 season.

Public Comments #2

The following items were discussed during public comments: a resident requested a comprehensive summary of the capital budgets and volunteered to assist in the review of the Middle School project.

Adjournment

There being no further business to come before the Board of Education, Mr. Saffron moved, seconded by Ms. Hunter and it was carried by a vote of 6-0 (Mr. Seinfeld absent) to adjourn at 11:25 p.m.

Respectfully submitted,

Cathie L. Britt

**Cathie L. Britt
District Clerk**