

**SPECIAL BOARD OF EDUCATION MEETING  
MINUTES**

**July 2, 2014**

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Present: Mrs. Jennifer Rosen, President; Mrs. Dina Brantman, Vice President;  
Mr. Michael Haberman

Absent: Mr. Jonathan Satran; Mr. Paul Wasserman

Also Present: Mr. James Kaishian, Superintendent of Schools; Mr. Stuart Matthey, Asst. Superintendent for Finance & Operations; Dr. Kusum Sinha, Asst. Sup't for Curriculum, Instruction & Assessment and H.R.; Mr. David Shaw, School Attorney; Dan Chorost, Environmental Attorney, Juanita Brockett, District Clerk.

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The Briarcliff Manor Board of Education held a meeting on Monday, July 2, 2014 in the Middle School Theater and was called to order by Mrs. Rosen at 7:07 P.M.

**The following work session items were discussed:**

- Voter Proposition – Transportation
- Land Purchase Type II
- Hold Harmless Agreement
- Capital Project Bid Award-Practice Field

**Action Items**

On motion by Mrs. Brantman, seconded by Mr. Haberman and passed 3-0, the Board moved to change the order of the resolutions to match the items as they are listed under the work session.

**Voter Proposition – Transportation**

On motion by Mrs. Brantman, seconded by Mr. Haberman and passed 3-0, it is hereby

RESOLVED that the following proposition be placed on the ballot at a special meeting of the qualified voters of the Briarcliff Manor UFSD, to be conducted between the hours of 6:00 AM and 9:00 PM on the 19<sup>th</sup> day of August 2014, when the polls will be open for the purpose of voting by voting machine on the following proposition:

“Shall the Board of Education provide transportation to all students in grades K-12 who reside within a distance of 15 miles from the school they legally attend, effective with the 2014-15 school year, except that students who reside on Ingham Road shall not be provided with transportation to the Todd Elementary School.”

Yes: [ ] No: [ ]

BE IT FURTHER RESOLVED that the School District Clerk is hereby authorized and directed to publish this proposition in the designated newspapers as part of the special meeting legal notice, in accordance with Section 2004 of the Education Law.

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Land Purchase Type II

On motion by Mrs. Brantman, seconded by Mr. Haberman and passed 3-0, the Board moved to approve the following resolution:

WHEREAS, the Practice Field and the West Slope area (together the "Practice Field") of the Briarcliff High School and Middle School Campus, located at 444 Pleasantville Road, Briarcliff Manor, NY 10510, is the subject of a New York State Department of Environmental Conservation (NYSDEC) Order on Consent (the "Consent Order"), Enforcement Case # 3-20010816-113, executed on 30 July 2003, to address unauthorized construction and demolition debris fill material unlawfully disposed at the Practice Field; and

WHEREAS, on November 15, 2012 NYSDEC, in conjunction with the New York State Department of Health, approved the Remedial Action Work Plan (the "RAWP") prepared Henningson, Durham & Richardson Architecture & Engineering, P.C.'s (HDR), and determined that the RAWP remedial measures satisfy the terms of the Consent Order and are protective of public health and the environment (the "RAWP Approval"); and

WHEREAS, the RAWP Approval requires, among other measures, the construction of an engineered capping system for the Practice Field; and

WHEREAS, a portion of the Practice Field, approximately 1.82 acres shown on New York State Department of Transportation (NYSDOT) Office of Right of Way "Permit for Use of State-Owned Property #82352, Conveyance Map 12/2012", (the "U&O Permit")(Attachment "A"), is owned by the State of New York (the "State Land"); and

WHEREAS, the U&O Permit does not authorize the District to undertake the work required by the RAWP Approval until the District agrees to purchase the State Land; and

WHEREAS, NYSDOT procured an appraisal and has established the value of the State Land at one hundred and eighty-five thousand dollars (\$185,000.00); and

WHEREAS, the Board previously authorized purchase of the State Land, which is required to complete the remedy in the Approved RAWP and satisfy the Consent Order;

THEREFORE, BE IT RESOLVED, that Board authorizes the District to purchase the State Land for \$185,000.00, plus reasonable expenses that may be associated with closing on such a purchase; and

BE IT FURTHER RESOLVED, that the Board authorizes the execution of a revised U&O Permit that will allow the District to implement the RAWP until such time as the District closes on the purchase of the State Land; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Board President to execute all related documents; and

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BE IT FURTHER RESOLVED, that pursuant to the State Environmental Quality Review Act statute and regulations (“SEQRA”), the Board of Education has determined that adopting a Bond Proposition authorizing the purchase of the State Land above is a Type II action pursuant to Section 617.5 of Title 6 of the New York Codes, Rules and Regulations (“NYCRR”) and not subject to SEQRA.

*Briarcliff Hold Harmless Agreement*

On motion by Mrs. Brantman, seconded by Mr. Haberman and passed 3-0, it is hereby

RESOLVED, that the Board President is hereby authorized to sign a Hold Harmless Agreement with the New York City Department of Environmental Protection (“DEP”) and its contractor, Skanska/Ecco III/J.F. White Co., JV, regarding the removal and use of excess excavated soil materials located at 10 Walker road, Valhalla, N.Y., as presented to the Board at this meeting. A copy of said agreement shall be incorporated by reference within the minutes of this meeting.

*Contract Award – Landscape Unlimited Inc.*

On motion by Mrs. Brantman, seconded by Mr. Haberman and passed 3-0, the Board moved to approve the following resolution:

WHEREAS, the Board of Education continues with its field remediation activities related to the requirements of the New York State Department of Environmental Conservation’s (NYSDEC) order on consent #20010816-113,

BE IT RESOLVED that, upon the recommendation of the Superintendent of Schools, that the Board of Education hereby awards the following bid in relation to the January 21, 2014 authorized capital project as follows:

<b>LOCATION</b>	<b>TRADE</b>	<b>CONTRACTOR</b>	<b>BASE BID</b>
MS/HS Practice Field	Site	Landscape Unlimited, Inc.	\$612,000

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Board President to execute the individual contract between the District and the above listed contractor upon approval of same by the School Attorney. A copy of such contract shall be incorporated by reference within the minutes of this meeting; and

BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the Assistant Superintendent for Finance and Operations to transfer the sum of up to and including \$612,000 from the Property Loss and Liability Reserve Fund to the Capital Fund.

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On motion by Mrs. Brantman, seconded by Mr. Haberman and passed 3-0, the Board moved to adjourn into executive session at 8:42 to seek legal counsel.

On motion by Mrs. Brantman, seconded by Mr. Haberman and passed 3-0, the Board moved to appoint Mrs. Rosen as Clerk Pro Tem.

On motion by Mrs. Brantman, seconded by Mr. Haberman and passed 3-0, the Board moved to adjourn the executive session and return to public session at 8:43

On motion by Mrs. Brantman, seconded by Mr. Haberman and passed 3-0, the Board moved to adjourn the public session at 8:44

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Juanita Brockett, District Clerk

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Jennifer Rosen, Board President