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Present: Mrs. Janet Marinaccio, President; Mr. Guy Rotondo, Vice President; Mrs. Stacy Agona, Mr. Eric Bashford, Mr. Krishnan Chittur  
Also Present: Dr. Frances Wills, Superintendent; Mrs. Ronnie Stowell, Interim Asst. Sup't for Business & Technology, Mrs. Margo May, School Attorney; Ms. Juanita Brockett, District Clerk

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A meeting of the Briarcliff Manor Board of Education was held on Monday, January 25, 2010 in the Middle School Theater and was called to order by Mrs. Marinaccio at 7:05pm.

On motion by Mr. Chittur, seconded by Mrs. Agona, and passed 5-0, the Board moved to immediately adjourn into executive session for the purpose of discussing a particular person.

On motion by Mr. Rotondo, seconded by Mrs. Agona, and passed 5-0, the Board moved to return to public session at 8:20p.m. and begin regular business.

**Student recognition**

The following students received certificates of recognition:

Students of the Month for November 2009:

Mark Moretto, Lars Hunt, Jenna Wollin, Lowell George

Students of the Month for December 2009:

Kimberly Heine, Elizabeth Gilbert, Danielle Horecky, Leetal Talmor

2009 Student Leadership Award at the OCA WHV Gala on November 7, 2009:

Joy Li

Intel Science Talent Search 2010 Semi-Finalists:

Geogry Ellson (Shape Memory Polymer/Nylon Lycra Composites for Orthopedic Casts)

Michelle Neider (Lucid Dreaming and Prefrontal Task Performance)

Performed with the Greater Westchester Youth Orchestra at SUNY Purchase on December 14, 2009:

Natalie Paulmeno (Violin), Elliot Tusk (Violin), Noel Kim (Violin), Samuel Kim (Violin)

Performed with the All-State Music Festival in Rochester, NY on December 6, 2009:

Michelle Rubich (Women's Chorus), Olivia Glass (Women's Chorus), Chloe Efron (Mixed Chorus), Katherine Schwartz (Mixed Chorus)

Performed with the Westchester County 2009 Area All-State Festival at SUNY Purchase on November 5, 2009:

Women's Chorus:

Jamie Brandel, Michelle Rubich, Helaine Meyer, Jessica Li, Samantha Kahn, Sarah Crosswell, Alexandra Coffey, Samantha Sternschein

Mixed Chorus:

Rebecca Chalsen, Andrew Horowitz, Katherine Schwartz, John Alecci, Chloe Efron, Olivia Glass, Erica James

**Student recognition (continued)**

Band:

Joy Li, Brianna Spencer, Hao Hao, Malcolm Reid, Matthew Golden, Nicholas Brucculeri

Orchestra:

Noah Gordon, Charles Fu, Noel Kim, Emily Levine, Kenneth Wolfson

Performed with the Juilliard Pre-College Orchestra on Saturday, January 9, 2010:

Hiroko Sunamura (Violin)

Selected to perform with the All County Intermediate Band at SUNY Purchase on March 21, 2010:

Sarah Ruthen (Flute), Matthew Bombassei (Percussion)

Selected to perform with the All County Elementary Band at SUNY Purchase on March 21, 2010:

Caroline Pennacchio (Flute)

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On motion by Mr. Rotondo, seconded by Mr. Chittur and passed 5-0, the Board moved to add the following items to the agenda: Fill for Fields Presentation, appointment of environmental law firm and resolution for BTA Supplemental Memorandum of Agreement.

**Presentations**

Ms. Howard, and Mrs. Ross gave a presentation entitled "The Math Forum" which gave an overview of the Middle School math curriculum.

Mr. Bashford gave a presentation entitled "Fill for Fields" related to potential environmental issues involving the Middle and High School athletic fields.

On motion by Mr. Rotondo, seconded by Mr. Chittur and passed 5-0, it is hereby

RESOLVED, that the Board of Education approve the minutes of the January 11, 2010 Board of Education meeting as presented. .

## **Work Session Items**

On motion by Mr. Chittur, seconded by Mr. Bashford and passed 4-1, the Board moved to table the following for discussion in executive session:

- work session item on leave replacements,
- resolution under consent agenda appointing leave replacement staff.

*Mrs. Agona voted nay.*

It was the consensus of the Board to table discussion of Board goals & objectives 2009-10 to the next Board of Education meeting.

## **Financial Work Session Items**

The Board received and reviewed the following financial reports:

Treasurer's Report for December 2009; 2<sup>nd</sup> quarter Appropriation Status Report: Funds A, C, F, H, TE, V; 2<sup>nd</sup> quarter Revenue Status Report: Funds A, C, F, H, TE, V; High School and Middle School Student Activity Treasurer's Report for 2<sup>nd</sup> quarter of 2009-10 school year.

## **RESOLUTIONS**

### **Consent Agenda**

On motion by Mr. Rotondo, seconded by Mrs. Agona, and passed 5-0 the Board moved to approve the following consent agenda items as amended:

RESOLVED, that the Board of education does hereby approve the unpaid child care leave of absence requested by Lilly Lajqui effective February 1, 2010 through June 1, 2010.

RESOLVED, that the Board of Education does hereby approve the unpaid extended child care leave of absence requested by Kim Trickle. Expected date of return May 21, 2011.

RESOLVED, that the Board of Education does hereby approve the request of faculty member, Jeanne Smith to register her child in the Briarcliff Schools in accordance with the provisions in the Briarcliff Teachers' Contract, Article VI, L.

RESOLVED, that the Board of Education does hereby approve a budget transfer of \$12,000 to switch School Physician salary code from payroll to accounts payable.

RESOLVED, that the Board of Education, in connection with the agreement between Briarcliff Manor UFSD and MSG Varsity Network LLC, accept with thanks a grant in the amount of \$2,000. These funds shall be used to support the District's video outreach program and will be placed in the Special Aid Fund.

RESOLVED, that the Board of Education, in connection with the agreement between Briarcliff Manor UFSD and MSG Varsity Network LLC, accept with thanks a stipend payment in the amount of \$1,000. These funds shall be used to pay the Varsity Advisor, Paul Zeidan, for running the District's video outreach program and will be placed in the General Fund.

### **Action Items**

On motion by Mr. Rotondo, seconded by Mrs. Agona, and passed 5-0 it is hereby

RESOLVED, that the Board of Education accept with gratitude an educational grant from Exxon Mobil Corp. in the amount of \$750 for the Todd School. These funds shall be used to support Todd School's Empathy Initiative and will be placed in the Special Aid Fund.

On motion by Mr. Rotondo, seconded by Mrs. Agona, and passed 5-0 it is hereby

RESOLVED, that the Board of Education does hereby approve the Consultant Service Provider Agreement for David Levine to provide training in the teaching of empathy at Todd and Briarcliff Middle School as part of initiative in diversity. [Funding sources are as follows: \$3,000 from PTA; \$1,000 from BMEF and \$5000 from Title 2A federal grant money.]

On motion by Mr. Rotondo, seconded by Mr. Chittur, and passed 4-0 it is hereby

BE IT RESOLVED that the Board hereby approves the provisions of a retainer proposal dated January 25, 2010 to engage the law firm of Sive, Paget & Riesel, P.C. to provide environmental law services as described in the proposal. A copy of the proposal is incorporated by reference within the minutes of this meeting.

*Mrs. Agona abstained*

On motion by Mr. Rotondo, seconded by Mrs. Agona, and passed 5-0 it is hereby

RESOLVED, that the Board President is hereby authorized to execute a supplemental memorandum of agreement with the Briarcliff Teachers' Association, dated January 25, 2010, regarding utilization of sick leave allotments and accruals by a unit member. A copy of this supplemental memorandum of agreement is incorporated by reference within the minutes of this meeting.

On motion by Mr. Rotondo, seconded by Mr. Bashford and passed 5-0, the Board moved to adjourn the public meeting and enter into executive session at 11: 05pm for the purpose of discussing the employment history of a particular person.

On motion by Mr. Rotondo, seconded by Mrs. Agona and passed 5-0, the Board moved to return to public session at 11:28pm

On motion by Mr. Rotondo, seconded by Mrs. Agona and passed 4-0, it is hereby

RESOLVED, that the Board of Education approve the appointment of Adrianna Androsiglio as leave replacement teacher effective February 1, 2010. This is a replacement for Christine Elliott's medical leave.

*Mr. Chittur abstained.*

On motion by Mr. Rotondo, seconded by Mrs. Agona and passed 5-0, the Board moved to adjourn the public session at 11:30pm.

MICHAEL BOGIN  
DIRECT DIAL: (646) 378-7210  
MBOGIN@SPRLAW.COM

January 22, 2010  
[Revised January 25, 2010]

By Electronic And Regular Mail

Janet Marinaccio  
Board Trustee President  
34 Juniper Place  
Briarcliff Manor, NY 10510

Re: Retainer Letter

Dear Ms. Marinaccio:

This letter confirms that the Briarcliff Union Free School District (the "District") has retained Sive, Paget & Riesel, P.C. (the "Firm") to provide legal counsel to the District in connection with environmental conditions on District property. The Firm's representation for this matter will generally include counseling with respect to the alleged presence of contaminated fill material on certain District property, resolving a long outstanding Department of Environmental Conservation ("DEC") Notice of Violation in connection with that fill material, and closing out District obligations in connection with a DEC petroleum Spill Case (which we understand is unrelated to the contaminated fill) that has existed since 1991. The Firm will provide legal counsel as needed to achieve the District's goals in connection with these environmental issues. Specific tasks will include assisting the District in obtaining appropriate technical consulting services; reviewing and evaluating technical reports; meeting with the Board of Education and District representatives; meeting, as necessary, with government agencies, most particularly DEC, preparing portions of the necessary documentation; representing the District at public meetings and hearings; preparing technical consultants who will be appearing at such meetings and hearings; and other related tasks, as requested by the District.

Mark Chertok and I will be principally responsible for this matter, though other partners and associates may work on it as required. The firm will provide these services to the District at special reduced school district rates that reflect an approximately 30%-40% discount from our standard billing rates. The billing rate for partners will be a blended rate of \$375 per hour, and the blended rate for associates will be \$305 per hour. Paralegals will be billed at the rate of \$110 per hour. These rates will not change during 2010.

The Firm does not charge for stenographic services, except in extremely limited

January 25, 2010

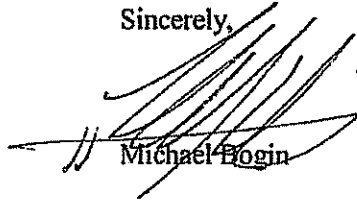
Page 2 of 2

circumstances that would appear to have no applicability to this engagement. Photocopies are typically charged at .25 cents per page, but will be reduced to .10 per page for this matter. Deliveries, etc. by firm clerks will be billed at \$15 per hour; outgoing faxes are typically billed at \$1 per page, but will not be charged for this matter. Other expenses (e.g., Westlaw [computerized legal research], postage, and travel expenses) will be billed at the firm's cost, with no additional overhead; for Westlaw research, in particular, discrete charges will occur only when the research costs the firm beyond our regular plan charges. The District will be billed on a monthly basis and payment will be expected within 30 days of its receipt of the bill. These bills will contain a full description of the services and out-of-pocket disbursements.

In the event that a dispute arises between us relating to fees, the District may have a right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided upon request. Our engagement to represent the District will be deemed to have terminated at any time that a period in excess of nine (9) consecutive months elapses during which the District does not request, and we do not furnish, any billable services. Unless the District advises us to the contrary in connection with any particular matter(s), we shall be free to dispose of all files pertaining to this matter at any time after five years have elapsed after we last performed services on such matter. Such disposal will be accomplished in a manner that will protect the confidentiality of such files.

If this letter is in conformity with your understanding, please sign below at the designated area. We look forward to assisting your firm and the District in this matter.

Sincerely,



Michael Bogin

ACCEPTED AND AGREED:  
Briarcliff Union Free School District

By: Janet Marinaccio  
Janet Marinaccio, Board President

cc: Guy Rotondo  
Eric Bashford

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**SUPPLEMENTAL MEMORANDUM OF AGREEMENT**

**BY AND BETWEEN THE SUPERINTENDENT OF SCHOOL AND BOARD OF EDUCATION OF THE BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT** hereinafter referred to as "the District" and the **BRIARCLIFF TEACHERS' ASSOCIATION** hereinafter referred to as "the BTA";

**WHEREAS**, it is the mutual intent of the parties to resolve the matter of the utilization of sick leave allotments and accruals for the time period up to and ending on June 30, 2010;

**THEREFORE**, the parties agree as follows:

1. The District acknowledges that in the past BTA members have been allowed to utilize sick leave days for illness in the immediate family and that BTA members have done so sparingly.
2. In the past accumulated sick leave has not been utilized by unit members for illness in the immediate family.
3. The parties agree that during the 2009-10 school year only, a BTA member who has been employed in the District in excess of ten (10) years shall be allowed to utilize accumulated sick leave for a catastrophic illness in the immediate family.
4. The District agrees that compensation paid to unit members who utilize their annual sick leave allotment for illnesses in the immediate family during past school years and who utilize it during the current school year shall have such days charged against their personal sick leave annual allotment.
5. This agreement shall be without prejudice to the parties previously stated positions regarding the availability of personal sick leave annual allotment and/or accumulation for use of illness in the immediate family.
6. The parties further agree that this subject matter shall be the subject of negotiations for a successor agreement.
7. This agreement is made on a non-precedent setting basis and shall not be introduced as evidence of a past practice by either party in any future matter of arbitration, administrative proceeding or adjudication in any other legal forum.
8. This agreement shall be subject to approval by Board of Education resolution.

**SO AGREED THIS 25<sup>TH</sup> DAY OF January, 2010.**

**The District:**

**BY:** *Scott Morrison*  
Board President

**The Association:**

**BY:** *Jayne Claire Cotton*  
BTA President



# Briarcliff Teachers' Association

Memo: Re SMOA

January 25, 2010

Pursuant to the SMOA signed on  
January 25, 2010, the teacher named  
is Christopher Quinon.

Jeanne Claire Cotron  
Jeanne Claire Cotron