

## COHOES CITY SCHOOL DISTRICT

**Board of Education  
Cohoes, New York  
Cohoes Middle School – Library**

**Business Meeting  
February 12, 2020  
6:00 PM**

(The Board of Education anticipates entering into executive session at 5:30 PM and returning for public session at 6 PM)

### MINUTES

I. The Meeting was called to order at 5:30 p.m. by Board President, Mr. Nolin.

#### ROLL CALL

Present: Mrs. Giller  
Mrs. Annely  
Mr. Jackson  
Mrs. Dion  
Mrs. Carey  
Mr. Nolin

Excused: Mr. Pascale

Also Present: Dr. Jennifer Spring, Superintendent  
Ms. Peggy O’Shea, Assistant Superintendent for Education Services  
Mrs. Stacy Mackey, School Business Official

**MOTION:** THAT the Board enters into Executive Session at 5:30 p.m. to discuss collective bargaining with the Cohoes Principals’ Association.

Moved by: Mr. Nolin  
All voted “Aye”

Seconded by: Mrs. Giller  
Motion carried 6-0

#### **EXECUTIVE SESSION: TIME: 5:35 PM**

Present: Mrs. Giller  
Mrs. Annely  
Mr. Jackson  
Mrs. Dion  
Mrs. Carey  
Mr. Nolin

Excused: Mr. Pascale

Also Present: Dr. Jennifer Spring, Superintendent  
Ms. Peggy O’Shea, Assistant Superintendent for Education Services  
Mrs. Stacy Mackey, School Business Official

**DISCUSSION**

**MOTION:** To adjourn Executive Session and re-enter Open Session at 6:05 p.m.

Moved by: Mr. Nolin  
All voted “Aye”

Seconded by: Mrs. Giller  
Motion carried 6-0

**OPEN SESSION: TIME: 6:10 PM**

ROLL CALL

Present: Mrs. Giller  
Mrs. Annely  
Mr. Jackson  
Mrs. Dion  
Mrs. Carey  
Mr. Nolin

Excused: Mr. Pascale

Also Present: Dr. Jennifer Spring, Superintendent  
Ms. Peggy O’Shea, Assistant Superintendent for Education Services  
Mrs. Stacy Mackey, School Business Official

II. DISTRICT REPORTS

A. Superintendent Jennifer Spring

- 787 Tragedy - Dr. Spring shared that we were very saddened by the news of the tragic loss of a Green Island student over the weekend. She stated that this was a very horrific accident, one that hit very close to home. As we are very supportive and caring neighbors, our high school sent over a team of counselors yesterday to Green Island to provide assistance as their students returned back to school following the tragedy. Dr. Spring asked the Board and guests in the audience to join her in a moment of silence to honor the Green Island students involved in the accident, as well as their families and friends.
- Participation in Government - Dr. Spring introduced Cohoes High School Social Studies Teacher, Mr. Corwin, and his students from his Participation in Government class. In an effort to engage students in local government, Mr. Corwin stated that one of their assignments was to observe a public meeting. Dr. Spring and the Board welcomed them and invited them to come again.
- NYS Mentoring Program - Dr. Spring reported that she received a certificate of recognition from Governor Cuomo and a letter of commendation from Matilda Cuomo, the former first lady of NYS, on behalf of the district’s mentoring programs. Dr. Spring stated that the district offers the HOPE Mentoring program at the high school and middle school which serves over 60 students. In addition, 75 Future-Ready Pathways students have career mentors as part of that program.
- Census 2020 - I Count in Cohoes Campaign! Dr. Spring stated that the district is working closely with City Hall and has already arranged for census workers to promote the campaign on March 12 at our elementary parent teacher conferences,

CMS Exhibition and many other events.

- Building Future-Ready Capital Project - Dr. Spring stated that she and Stacy Mackey met with Doug Huntley (CSArch Architects) to review the pre-referendum timeline. She said she is currently working on the Request for Proposals (RFP) for a Construction Manager (CM) and, once completed, will send it to the Board for review.
- Father Daughter Dance at Harmony Hill: Dr. Spring reported that there was inclement weather last Friday, and unfortunately, the dance had to be rescheduled for the following night. She and Peggy O’Shea attended the event and were dazzled by the students who were enjoying the event with their dads, and there was a great turnout.
- Snow Ball - Dr. Spring shared that she also had the opportunity to attend the Snow Ball Dance sponsored by the High School National Honor Society over the weekend and was thrilled to see around 160 students in attendance.

B. School Business Official Mrs. Mackey

- Omni Plan Changes - As a result of regulation changes involving eligibility requirements for part-time employees and amendments to the regulations surrounding hardship distributions, our plan document must be amended. The plan amendment is on tonight’s agenda and details the changes.
- Budget Update - Budget committee meetings concluded on February 4. The preliminary line budget was presented to the Board on February 10. Budget adjustments will need to be made to the preliminary line item budget to align with budget goals developed through our long-range financial plan.
- The allowable tax levy and initial state aid runs are not adequate to cover our existing programs. Further, the state’s proposal calls for the collapse of several expense driven aid categories into Foundation Aid (BOCES, software, hardware, textbooks, charter schools). This would further limit district revenues.
- Meeting with City Hall held on January 27 included: OSC Fiscal Stress Report (district status), Projected Assessed Value – 20/21 SY, PILOTS, Tax Certioraris, Shared Service opportunities and collaboration efforts.
- Tax Certiorari Update – Two proceedings were identified as discontinued and two are pending court decision. PILOT agreement estimates will be provided by the end of the month (anticipate two new schedules). The PILOT estimate will impact the final tax cap calculation.
- Tax Cap – Attended OSC Webinar on February 6 and reviewed changes. Preliminary calculations have been prepared and presented tonight. Finalized levy will be determined by February 26 meeting, due to OSC on March 1. First budget presentation is scheduled for February 26.

III. BOARD OF EDUCATION DISCUSSION OF AGENDA ITEMS

The Board expressed their gratitude for the donations on tonight’s agenda.

IV. COMMUNITY DISCUSSION OF AGENDA ITEMS

V. OLD BUSINESS

VI. REPORT FROM MEMBERS OF THE BOARD OF EDUCATION

- A. THAT the Board of Education accepts the Minutes of the Board of Education Meetings of January 22, 2020 and January 29, 2020.
- B. THAT the Board of Education adopts the 2020/2021 School Calendar.
- C. THAT the Board of Education approves an Agreement with Berkshire Union Free School District, 13460 Route 22, Canaan, New York for special education services for the period July 1, 2019 to June 30, 2020 in the amount of \$59,029 for the 2019/20 school year and \$9,236 for the summer school program. Rates are subject to change per NYSED finalized rates.
- D. THAT the Board of Education approves an Agreement with Park Playhouse Inc. to establish the operation of a Summer Youth Arts Program for the period July 6-24, 2020 in the amount of \$12,500 in accordance with the terms and conditions outlined therein. (Grant funded)
- E. THAT the Board of Education accepts a donation in the amount of \$235.36 from Cohoes Middle School parents for transportation of students to the Theatre Institute at Sage in Troy, New York on February 7, 2020.
- F. THAT the Board of Education **amends** the 2019/20 budget in the amount of \$235.36 to cover transportation costs of Cohoes Middle School students to the Theatre Institute at Sage in Troy, New York on February 7, 2020.
- G. THAT the Board of Education accepts a donation in the amount of \$1,338 from the Ellen Sinopoli Dance Co., Inc. for Arts and Education at Abram Lansing Elementary School for the 2019/20 school year.
- H. THAT the Board of Education **amends** the 2019/20 budget in the amount of \$1,338 to cover transportation costs of Arts and Education at Abram Lansing Elementary School for the 2019/20 school year.
- I. WHEREAS, the Cohoes City School District (“Plan Sponsor”) maintains the Cohoes City School District 403(b) Retirement Plan (“Plan”); and

WHEREAS, pursuant to Rev. Procs. 2013-22 and 2019-39, and IRS Notice 2018-95, the Plan Sponsor amends the plan documents in a good faith effort to meet the requirements of law, regulations or other issuances regarding eligibility requirements and hardship distributions; and

WHEREAS, this amendment is intended as a good faith effort to comply with the requirements of eligibility to participate in the Plan and hardship distribution final regulations and is to be construed in accordance with the same. Both the Amendment and the eligibility and hardship distribution final regulations will supersede any inconsistent Plan provisions.

NOW, THEREFORE, BE IT RESOLVED THAT the “Note” provisions set forth in the Adoption Agreement, “Employee Eligibility” is hereby restated and amended to read as follows:

*[Note: An Employee normally works fewer than 20 hours per week if, for the 12 month period beginning on the date the Employee's employment commenced, the Employer reasonably expects the Employee to work fewer than 1,000 hours of service (as defined under section 410(a)(3)(C) of the Code) in such period, and, for each Plan Year ending after the close of that 12-month period, the Employee has worked fewer than 1,000 hours of service in the preceding 12-month period. Under this provision, an Employee who works 1,000 or more hours of service in the 12-month period beginning on the date the Employee's employment commenced or in a Plan Year ending after the close of that 12-month period shall then be eligible to participate in the Plan. Once an Employee becomes eligible to have Elective Deferrals made on his or her behalf under the Plan under this standard, the Employee cannot be excluded from eligibility to have Elective Deferrals made on his or her behalf in any later year under this standard. Careful attention must be paid to compliance with the 20-hour rule by the District as it is necessary to the tax-qualification of the Plan.]*

*[Note: Persons occupying an elected or appointive public office are not eligible for the Plan unless such office is one to which the individual is elected or appointed only if the individual has received training, or is experienced, in the field of education.]*

BE IT FURTHER RESOLVED THAT the “Note” provision set forth in the Adoption Agreement, “Hardship Distributions is hereby restated and amended to read as follows:

*[Note: if hardship distributions under the Plan are allowed, the Plan and Vendors will apply the IRS "safe harbor" rules for such distributions. Effective 1/1/2020, the plan will no longer suspend elective contributions following a hardship withdrawal. See section 5.5 of the Plan for more information.]*

BE IT FURTHER RESOLVED THAT section 5.5 of the Basic Plan Document, “Hardship Withdrawals” is hereby restated and amended to read as follows:

### **5.5 Hardship Withdrawals**

(a) Hardship withdrawals shall be permitted under the Plan to the extent permitted by the Individual Agreements controlling the Account assets to be withdrawn to satisfy the hardship.

(b) Individual Agreements shall provide for the exchange of information among the Employer or Employer’s agent and the Service Provider(s) to the extent necessary to implement the Individual Agreements, including, in the case of a hardship withdrawal that is automatically deemed to be necessary to satisfy the Participant's financial need (pursuant to Section 1.401(k)-1(d)(3)(iv)(E) of the Income Tax Regulations). In addition, in the case of a hardship withdrawal that is not automatically deemed to be necessary to satisfy the financial need (pursuant to Section 1.401(k)-1(d)(3)(iii)(B) of

the Income Tax Regulations), the Service Provider shall obtain information from the Employer or other Service Provider(s) to determine the amount of any plan loans and rollover accounts that are available to the Participant under the Plan to satisfy the financial need.

(c) Safe Harbor Contributions/QNECs/QMACs. Effective 1/1/2020, hardship distributions are permitted from Qualified Non-Elective Contributions, Qualified Matching Contributions or contributions used to satisfy the safe harbor requirements of Code sections 401(k)(12) or 401(k)(13), or 401(m)(11) or 401(m)(12), if available under the Plan and not held in a Custodial Account.

(d) Amount Necessary to Satisfy Need Requirement. Effective 1/1/2020, a distribution will be determined to satisfy an immediate and heavy financial need only if the three criteria listed below are met:

i. The distribution is not in excess of the amount required to satisfy the financial need (including any amounts necessary to pay any federal, state or local income taxes or penalties reasonably anticipated to result from the distribution);

ii. The Participant has obtained all other currently available distributions, other than hardship distributions, under any deferred compensation plan, whether qualified or nonqualified, maintained by the Employer; and

iii. The Participant has represented (in writing or by an electronic medium) that he has insufficient cash or other liquid assets to satisfy the financial need.

(e) Six-Month Suspension. Effective 1/1/2020, the Plan will not initiate a six-month suspension period on Elective Deferrals (and after-tax contributions) following a hardship distribution.

(f) Loan Requirement. Effective 1/1/2020, Participants are not required to take all available nontaxable loans before applying for a hardship distribution.

(g) Modification of Repair Expense. Between 1/1/18 and 2/17/19, the plan modified the safe harbor immediate and heavy financial need expense relating to damage to a principal residence (i.e., §1.401(k)-1(d)(3)(iii)(B)(6) and Basic Plan Document 5.5(g)) to include expenses for the repair of damage to the Employee's principal residence that would qualify for the casualty deduction under Code section 165. Effective 2/19/19, the plan modified the safe harbor immediate and heavy financial need expense relating to damage to a principal residence (i.e., §1.401(k)-1(d)(3)(iii)(B)(6)) to include expenses for the repair of damage to the Employee's principal residence that would qualify for the casualty deduction under Code section 165 (determined without regard to section 165(h)(5) and whether the loss exceeds 10% of adjusted gross income).

(h) New Safe Harbor Financial Need Provision. Effective 1/1/2020, the following immediate and heavy financial need will be considered as a safe harbor criteria for hardship distributions in addition to the safe harbor financial need provisions outlined in 5.5(g) of the Basic Plan Document and §1.401(k) -1(d)(3)(iii)(B):

i. Expenses and losses (including loss of income) incurred by the Employee on account of a disaster declared by the Federal Emergency Management Agency (FEMA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provided that the Employee's principal residence or principal place of employment at the time of the disaster was located in an area designated by FEMA for individual assistance with respect to the disaster.

BE IT FURTHER RESOLVED THAT the Plan, as restated and amended is hereby approved and adopted.

VII. RECOMMENDATIONS FROM THE SUPERINTENDENT – PERSONNEL

**INSTRUCTIONAL**

A. THAT the Board of Education appoints the following individuals to the Substitute Teacher and Tutor list:

Reann Mokey  
Effective: February 3, 2020

Angrisano, Deborah	London, Eric
Bitzer, Matthew	Rose, Hannah
Coons, Rachel	Sinclair, Carly
Cotrona, Mary	
<u>Effective: February 13, 2020</u>	

B. THAT the Board of Education accepts the resignation for retirement purposes of Katya Kats from her position of ESL Teacher (CMS/CHS).  
Effective: June 30, 2020

C. THAT the Board of Education accepts the resignation for retirement purposes of Lauren Merola from her position of Speech Teacher (CMS/CHS).  
Effective: June 30, 2020

D. THAT the Board of Education accepts the resignation for retirement purposes of Catherine Weiss from her position of Music Teacher (Elementary).  
Effective: June 30, 2020

E. THAT the Board of Education appoints the following individual to the 2019-2020 Future-Ready Pathways Extended Learning Program:  
Teacher  
Math- Nicole Lassone

F. THAT the Board of Education approves the following unpaid student teacher placement from the following school:  
THE COLLEGE OF SAINT ROSE  
March 9, 2020-May 1, 2020  
Ashley Atkins with Amanda Barrett at Van Schaick Grade School

**NON-INSTRUCTIONAL**

G. THAT the Board of Education accepts the resignation of Nancy Czepiel from her



position of Part-Time Teacher Aide. (VSGS)  
Effective: January 14, 2020

H. THAT the Board of Education accepts the resignation of Teresa Gendron from her position of Modified Softball Coach.  
Effective: January 27, 2020

I. THAT the Board of Education accepts the resignation of Jessica Strock from her position of Full-Time Teacher Aide. (CHS)  
Effective: January 22, 2020

J. THAT the Board of Education accepts the termination of Sheeba Junaid from her position of Part-Time Teacher Aide. (HH)  
Effective: January 27, 2020

K. Drew Rentz  
Position.....Part-Time School Safety Officer (permanent appointment)  
Effective Date..... February 13, 2020 through June 30, 2020  
Salary..... \$18 per hour  
Reason ..... Received “Certification of Eligibles”  
..... from Cohoes Municipal Civil Service Commission

L. BE IT RESOLVED THAT the Board of Education of the Cohoes City School District hereby provisionally appoints Chad Robillard to the position of Part-Time School Safety Officer subject to the rules of the Cohoes Civil Service Commission on an emergency conditional basis, in accordance with the Civil Service Rules, such appointment is a temporary appointment.

BE IT FURTHER RESOLVED THAT this appointment is made on an emergency conditional basis and subject to both a statement from Mr. Robillard regarding criminal conviction(s) or pending criminal charges and the receipt of criminal background clearance from the Commissioner of Education. His continued employment is specifically contingent upon the District’s receipt of notice from the Commissioner of Education that he is fully cleared for employment.

Chad Robillard  
Position.....Part-Time School Safety Officer (CHS)  
Effective Date..... February 13, 2020 through June 30, 2020  
Salary..... \$17 per hour  
Reason ..... BOE Newly created

M. BE IT RESOLVED THAT the Board of Education of the Cohoes City School District hereby appoints Brigid Waddell to the position of Part-Time Teacher Aide, subject to the rules of the Cohoes Civil Service Commission on an emergency conditional basis, in accordance with the Civil Service Rules, such appointment is a temporary appointment.



BE IT FURTHER RESOLVED THAT this appointment is made on an emergency conditional basis and subject to both a statement from Ms. Waddell regarding criminal conviction(s) or pending criminal charges and the receipt of criminal background clearance from the Commissioner of Education. Her continued employment is specifically contingent upon the District’s receipt of notice from the Commissioner of Education that she is fully cleared for employment.

Brigid Waddell

Position..... Part-Time Teacher Aide (HH)  
Effective Date..... February 13, 2020 through June 30, 2020  
Salary..... \$12 per hour  
Reason ..... Replaces Sheeba Junaid

- N. BE IT RESOLVED THAT the Board of Education of the Cohoes City School District hereby appoints the following individual to the Clerical Substitute list, subject to the rules of the Cohoes Civil Service Commission on an emergency conditional basis, in accordance with the Civil Service Rules, such appointments are a temporary appointment.

Janice Marsett  
Effective: January 22, 2020

- O. BE IT RESOLVED THAT the Board of Education of the Cohoes City School District hereby appoints the following individual to the Cleaner Substitute list subject to the rules of the Cohoes Civil Service Commission on an emergency conditional basis in accordance with the Civil Service Rules, such appointments are a temporary appointment.

Bailey Kufel  
Effective: February 13, 2020

**ADDENDUM**

- P. BE IT RESOLVED THAT the Board of Education of the Cohoes City School District appoints Michele Culletto to a four-year conditional term in the tenure area of Science effective March 16, 2020 and expiring on March 15, 2024 on an emergency conditional basis. Ms. Culletto holds Professional Certification in the areas of General Science 7-12 ext., Chemistry 7-12 and Biology 7-12.

BE IT FURTHER RESOLVED THAT this appointment is made on an emergency conditional basis and subject to both a statement from Ms. Culletto regarding criminal conviction(s) or pending criminal charges and the receipt of criminal background clearance from the Commissioner of Education. Ms. Culletto’s continued employment is specifically contingent upon the District’s receipt of notice from the Commissioner of Education that she is fully cleared for employment.

Michele Culletto

Position..... 1.0 FTE Science  
Certification.....General Science 7-12 ext., Chemistry 7-12 and Biology 7-12  
Tenure Area.....Science

Effective Date.....March 16, 2020  
 Tenure Date .....March 15, 2024  
 Salary.....Step 4 of the current CTA Contract  
 Reason.....Replaces William DeCerce

VIII. RECOMMENDATIONS FROM THE SUPERINTENDENT - BUSINESS/FINANCE

IX. FINANCIAL REPORTS (Recommended by the Superintendent)

**BOARD ACTION ON CONSENT AGENDA**

**MOTION:** THAT the Board of Education adopts the following resolutions of the February 12, 2020 Agenda:

**VI (A-I) and VII (A-P)**

Moved by: Mrs. Dion  
All voted “Aye”

Seconded by Mrs. Carey  
Motion carried 6-0

X. INFORMATION AND CONSIDERATION

THAT the Board of Education is aware of a \$324 donation from Lifetouch to be used for the Positive Behavior and Intervention Supports (PBIS) Program at the Cohoes Middle School.

XI. COMMENTS FROM BOARD OF EDUCATION MEMBERS

Concern was mentioned that enrollment is low in the advance placement classes, and a question was asked if there has been any discussions regarding this matter. Dr. Spring suggested waiting until we see our course selection. Mrs. Dion announced that she had a great visit at the middle school today.

XII. QUESTIONS AND STATEMENTS FROM AUDIENCE

Elaine Flatow announced that this year’s Global Service Day will be held on May 1 and invited the Board and staff to attend the cookout at noon.

XIII. BOARD POLICY REVIEW

**First Reading**  
0200, Commitments and Beliefs  
1741, Home Schooled Students  
4325, Academic Intervention Services

XIV. DATES FOR FUTURE MEETINGS

**February 26, 2020**, Cohoes Middle School Library at 6:00 p.m.

**MOTION:** THAT the Board of Education re-enters into Executive Session at 6:55 p.m. to discuss collective bargaining with the units.

Moved by: Mrs. Annely  
All voted “Aye”

Seconded by: Mrs. Giller  
Motion carried 6-0

**EXECUTIVE SESSION:    TIME:    7:00 PM**

Present:        Mrs. Giller  
                     Mrs. Annely  
                     Mr. Jackson  
                     Mrs. Dion  
                     Mrs. Carey  
                     Mr. Nolin

Excused:        Mr. Pascale

Also Present: Dr. Jennifer Spring, Superintendent  
                     Ms. Peggy O’Shea, Assistant Superintendent for Education Services  
                     Mrs. Stacy Mackey, School Business Official

**DISCUSSION**

XV.    ADJOURNMENT

**MOTION:**    To adjourn at 7:14 p.m.

Moved by: Mr. Jackson  
All voted “Aye”

Seconded by: Mrs. Dion  
Motion carried 6-0

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District Clerk