

**Board of Education  
Regular Meeting  
Wednesday, March 15, 2023  
High School Library  
7:00 p.m.**

**PRESENT:** Holly Barker-Flynn  
Matthew Dreher  
Jason Fernau  
Dr. Julia Routbort Baskin  
Lawrence Ryan  
Timothy Turbiak  
Katie Whittemore

**STAFF PRESENT:** Dr. Gianleo Duca, Superintendent of Schools  
Brian Sirianni, Clerk of the Board

**CALL TO ORDER**

Jason Fernau called the regular meeting to order at 7:01 p.m.

Mr. Fernau reminded everyone of various social media outlets for news and then highlighted the happenings of the District.

**RECOGNITION**

Matthew Lopez introduced staff working on the production of Mean Girls.

Students from The Troupe shared information about the production and thanked everyone for their involvement and support.

Mr. Fernau thanked everyone supporting The Troupe.

**PUBLIC COMMENT**

Kris Dubuque, Kaleen Dr., spoke on behalf of Friends of Wiswall Park. He shared a map showing changes to the park. He asked for information regarding the pavers the District used. He suggested pavers could be donated by senior classes. He invited everyone to help with work that will be done.

**STUDENT GOVERNMENT REPORT**

Student Government reported a successful Dodgeball tournament, and reported the Pops Concert had raised \$2,400 for various senior scholarships with over 1,000 people in attendance.

Student Government reported having attended the Suburban Council Leadership Concert in Saratoga Springs. They announced Ballston Spa would be hosting the event next year.

Student Government announced the Middle School Veteran's Drive would be continuing until next Friday. They shared the items being collected.

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Student Government announced there would be a Leadership Conference and a Spring Fling Dance in the High School.

Student Government announced there would be a fundraiser- “Dine to Donate” at the Speckled Pig tomorrow evening and shared specifics.

Student Government thanked everyone and wished all a happy St. Patrick’s Day.

**APPROVAL OF MINUTES**

MOTION BY, Timothy Turbiak seconded by Holly Barker-Flynn that the Board of Education approve the March 1, 2023 regular meeting minutes

Ayes all

**SUPERINTENDENT’S REPORT**

Dr. Duca announced the School Board election nominating petitions are available for the May 16, 2023 vote. He shared all available relevant information regarding the petitions.

Brian Sirianni shared budget development information regarding the District’s food service program. He shared program revenues from 2018 to the current date. Mr. Sirianni discussed concerns regarding the State ability to provide additional funds and the potential need for the District to subsidize the food program due to increased food costs.

Mr. Sirianni next discussed the Federal Stimulus Grants. He stated CRRSA will be ending this school year, and ARPA will be ending at the end of the next school year. Mr. Sirianni stated there would be a significant impact on planning for the next three years.

Mr. Sirianni discussed the Allowable levy vs the Actual levy. He shared the Allowable cap for 2023 – 2024. He then answered questions from the Board on free and reduced lunch participants in this and other Districts.

**COMMITTEE REPORTS**

Katie Whittemore reported the Policy Committee met before the regular meeting. Old business regarding the Special Education audit was reviewed and she stated no changes would be necessary, and that the District is in compliance. Policies 8320 and 8330 were discussed to potentially add criteria for all instructional and library materials. The Wellness policy revised to make it easier to bring snacks into the classrooms next year. Policy 8280 translation services have been added. Both having a first read on April 5 with approval on May 17.

**CORRESPONDENCE**

Dr. Duca reported there had been 4 emails, shared they had been regarding traffic patterns at the Middle School and student matters.

Mr. Fernau stated there had been 5 emails to the Board regarding Bus Safety issues, the Bilingual program, the Wellness Expo and the Yucatan Science Department trip

**ANNOUNCEMENTS**

Stuart Williams announced the Robotics Team was heading to Rochester for Finger Lakes Robotics Tournament and that the community can view the tournament on different social media platforms.

Mr. Williams announced science Olympiad was to be in Syracuse.

Mr. Williams announced there will be a Substance Uses Education and Prevention event on Wednesday evening and some sessions will be on the live stream.

Mr. Williams reminded everyone of the dates for the Troupe's production of Mean Girls; and announced the next meeting would be held on April 5th.

**OLD BUSINESS**

None

**NEW BUSINESS**

Resolution #466 - Adoption 2023-2024 District Calendar

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District that the District calendar for the 2023-2024 school year be adopted, be and is hereby approved.

MOTION BY Timothy Turbiak, seconded by Holly Barker-Flynn that the Board of Education approve Resolution #466 – Adoption of 2023–2024 District Calendar.

Discussion

Ms. Barker-Flynn reminded the District to consider religious holidays when scheduling events

Dr. Duca stated there had been an additional Superintendent's Day added to next year's calendar. He stated the 4 ½ day parent/teacher conferences had been split into two different sessions.

Dr. Duca stated the District determined the distribution of unused snow days as needed.

Ayes all

Resolution #467 - Board of Education Policy Manual File 7310 Code of Conduct

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District that Board of Education Policy Manual File 7310 Code of Conduct, having been tabled for the required 28-day period, be and is hereby approved.

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #467 – Board of Education Policy Manual File 7310 Code of Conduct

Ayes all

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Resolution #468 - Settlement

RESOLVED, that that the Board of Education hereby authorizes the settlement of all tax certiorari proceedings pending under the caption of Ballston Two LLC v. Town of Ballston in the Supreme Court, Saratoga County, with respect to assessment years 2021 and 2022, pursuant to the terms set forth in the proposed Stipulation and Order of Settlement, and hereby authorizes District counsel to execute said Stipulation and Order of Settlement on behalf of the District.

MOTION BY MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #468 - Settlement

Ayes all

Resolution #469 - State Environmental Quality Review (SEQRA)

WHEREAS, the Board of Education of the Ballston Spa Central School District (“Board”) is considering to undertake a project involving adding air conditioning to select classrooms at Malta Avenue Elementary School at 70 Malta Avenue, Ballston Spa, NY, all of which is in existing space and involves no construction of additions or expansion of existing site facilities (“the Project”); and

WHEREAS, the Board wishes to fully comply with its obligations under the State Environmental Quality Review Act (“SEQRA”) and the regulations thereunder with respect to the proposed action; and

WHEREAS, the Board of Education has reviewed the Proposed Action with respect to the Type II criteria set forth in the SEQRA Regulations at 6 NYCRR Part 617.5 and has determined that the Proposed Action is a Type II action pursuant to Section 617.5(c)(1), (2) and/or (8) of the SEQRA Regulations;

WHEREAS, the Board has carefully considered the nature and scope of the proposed action; and

WHEREAS, upon review of the foregoing, the Board makes the following determinations:

- 1.The proposed action involves adding air conditioning to select classrooms at Malta Avenue Elementary School at 70 Malta Avenue, Ballston Spa, NY, all of which is in existing space and involves no construction of additions or expansion of existing site facilities (“the Project”)
- 2.The proposed Project represents maintenance or repair involving no substantial changes in an existing facility or structure within the meaning of 6 NYCRR 617.5(c)(1); and/or alternatively the replacement, rehabilitation or reconstruction of a structure or facility in kind within the meaning of 6 NYCRR 617.5(c)(2); and/or alternatively a routine activity of an educational institution, including expansion of existing facilities by less than 10,000 square feet of gross floor area, within the meaning of 6 NYCRR § 617.5(c)(8).
- 3.The proposed action will in no case have a significant adverse impact based on the environment based on the criteria contained in 6 NYCRR § 617.7(c), and is not otherwise a Type I action as defined by 6 NYCRR § 617.4.

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4. The proposed action is a Type II action within the meaning of 6 NYCRR 617.5 and is therefore not subject to review under SEQRA and the regulations thereunder.

NOW THEREFORE BE IT RESOLVED, that the Board finds and concludes that the proposed action is a Type II action within the meaning of 6 NYCRR 617.5 and therefore is not subject to review under SEQRA and the regulations thereunder.

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #469 – State Environmental Quality Review (SEQRA)

Discussion

Mr. Fernau conducted a roll call vote.

Jason Fernau-Aye  
Holly Barker-Flynn-Aye  
Matthew Dreher-Aye  
Dr. Julia Routbor-Baskin-Aye  
Lawrence Ryan – Aye  
Timothy Turbiak – Aye  
Katie Whittemore – Aye

Resolution #470 - State Environmental Quality Review (SEQRA)

WHEREAS, the Board of Education of the Ballston Spa Central School District (“Board”) is considering to undertake a project involving adding air conditioning to the Middle School Orchestra Room at the HS/MS Complex at 210 Ballston Avenue, Ballston Spa, NY, all of which is in existing space and involves no construction of additions or expansion of existing site facilities (“the Project”); and

WHEREAS, the Board wishes to fully comply with its obligations under the State Environmental Quality Review Act (“SEQRA”) and the regulations thereunder with respect to the proposed action; and

WHEREAS, the Board of Education has reviewed the Proposed Action with respect to the Type II criteria set forth in the SEQRA Regulations at 6 NYCRR Part 617.5 and has determined that the Proposed Action is a Type II action pursuant to Section 617.5(c)(1), (2) and/or (8) of the SEQRA Regulations;

WHEREAS, the Board has carefully considered the nature and scope of the proposed action; and

WHEREAS, upon review of the foregoing, the Board makes the following determinations:

1. The proposed action involves adding air conditioning to the Middle School Orchestra Room at the HS/MS Complex at 210 Ballston Avenue, Ballston Spa, NY, all of which is in existing space and involves no construction of additions or expansion of existing site facilities (“the Project”)
2. The proposed Project represents maintenance or repair involving no substantial changes in an existing facility or structure within the meaning of 6 NYCRR 617.5(c)(1); and/or alternatively the replacement, rehabilitation or reconstruction of a structure or facility in kind within the meaning of

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6 NYCRR 617.5(c)(2); and/or alternatively a routine activity of an educational institution, including expansion of existing facilities by less than 10,000 square feet of gross floor area, within the meaning of 6 NYCRR § 617.5(c)(8).

3.The proposed action will in no case have a significant adverse impact based on the environment based on the criteria contained in 6 NYCRR § 617.7(c), and is not otherwise a Type I action as defined by 6 NYCRR § 617.4.

4.The proposed action is a Type II action within the meaning of 6 NYCRR 617.5 and is therefore not subject to review under SEQRA and the regulations thereunder.

NOW THEREFORE BE IT RESOLVED, that the Board finds and concludes that the proposed action is a Type II action within the meaning of 6 NYCRR 617.5 and therefore is not subject to review under SEQRA and the regulations thereunder.

MOTION BY Lawrence Ryan, seconded by Matthew Dreher that the Board of Education approve Resolution #470 – State Environmental Quality Review (SEQRA)

Discussion

Mr. Fernau conducted a roll call vote.

Jason Fernau-Aye  
Holly Barker-Flynn-Aye  
Matthew Dreher-Aye  
Dr. Julia Routbor-Baskin-Aye  
Lawrence Ryan – Aye  
Timothy Turbiak – Aye  
Katie Whittemore – Aye

Resolution #471 - Internal Audit

BE IT RESOLVED, that the Board of Education of the Ballston Spa Central School District hereby accepts the Independent Audit Report prepared by the firm of The Bonadio Group, and approves the associated corrective action plan, for the fiscal year ending June 30, 2022, be and is hereby approved.

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #471 – Internal Audit

Ayes all

Resolution #472 - Agreement – Professional Services

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, hereby approves the agreement between Benetech, Inc. and the District to provide Section 125 Plan Management Services, be and is hereby approved.

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #472 – Agreement -Professional Services

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Ayes all

Resolution #473 - Agreement – Professional Services

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, hereby approves the agreement between University of North Carolina at Chapel Hill for its TEACCH Autism Program training and the District, be and is hereby approved.

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #473 – Agreement – Professional Services

Ayes all

Resolution #474 - Agreement – Professional Services

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, hereby approves the agreement between Expressive Journeys, LLC and the District to provide music therapy services, for the 2022-2023 school year, be and is hereby approved.

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #474 – Agreement – Professional Services

Ayes all

Resolution #475 - Agreement – Professional Services

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, hereby approves the agreement between Chelsea Place Psychological and the District to provide evaluation, assessment, consultation, professional development, and crisis intervention services, for the 2022-2023 school year, be and is hereby approved.

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #475 – Agreement – Professional Services

Ayes all

Resolution #476 - Agreement – Professional Services

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, hereby approves the agreement between Chelsea Place Psychological and the District to provide reevaluations/assessments and educational planning services, for the 2022-2023 school year, be and is hereby approved.

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #476 – Professional Services

Ayes all

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Resolution #477 - Establish Award

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, that the following awards are hereby accepted and approved:

<u>Name</u>	<u>Criteria</u>	<u>Amount/Recipient</u>
The National Honor Society Senior Class Award	Awarded to any senior student who excels in at least one of the pillars of the National Honor Society: Scholarship, Leadership, Character, and Service. Open to non- members.	Varies/One

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #777 – Establish Award

Ayes all

Resolution #478 - Scholarship Change

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, that the following award amounts/terms are hereby accepted and approved:

<u>Name</u>	<u>Criteria</u>	<u>Amount/Recipients</u>
The National Honor Society Membership Award	Awarded to any senior student who excels in at least one of the pillars of the National Honor Society: Scholarship, Leadership, Character, and Service. Open to current members of the NHS.	Varies/One

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #478 – Scholarship Change

Ayes all

Resolution #479 - Award of Bid – General Construction, Electrical, HVAC & Plumbing Projects

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, to award the bid for general construction, electrical, HVAC, and Plumbing projects effective March 2023-February 2024, as follows, be and is hereby approved:

<b>Item</b>	<b>Contractor</b>	<b>Amount</b>
Item 1 General Construction	Delta Construction Co. 3 Queen Anne Road Amsterdam, NY 12010	20% over prevailing wage rate
Item 2 Electrical	J. McBain Inc. 2742 6 <sup>th</sup> Ave	15% over prevailing wage rate



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Troy, NY 12180

Item 3 HVAC	BPI Mechanical Service 95 Hudson River Road Waterford, NY 12188	35% over prevailing wage rate
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Item 4 Plumbing	BPI Mechanical Service 95 Hudson River Road Waterford, NY 12188	35% over prevailing wage rate
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MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #479 – Award of Bid – General Construction, Electrical, HVAC & Plumbing Projects

Ayes all

Resolution #480 - Placement of Students with Disabilities

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, that the said Board arrange placement of the following students as recommended by the District Committee on Special Education, effective March 15, 2023, be and are hereby approved:

Student #275270	Student #272997	Student #276513
Student #275922	Student #24536	Student #278765
Student #273527	Student #276087	Student #275254
Student #279842	Student #276973	Student #24338
Student #275548	Student #276375	Student #279451
Student #276777	Student #275224	Student #276651
Student #275300	Student #275559	Student #279691
Student #272976	Student #275164	Student #277432
Student #274980	Student #276497	Student #278443

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #480 – Placement of Students with Disabilities

Ayes all

Resolution #481 - Placement of Preschool Students with Disabilities

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District, that the said Board arrange placement of the following students as recommended by the District Committee on Preschool Special Education, effective March 15, 2023, be and are hereby approved:

Student #279855	Student #279700	Student #279756
Student #279512	Student #279738	Student #279002
Student #279358	Student #279703	Student #279623
Student #279182	Student #279681	

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MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolution #481 – Placement of Preschool Students with Disabilities

Ayes all

**Resolutions #482 - #487 are recognized as a consent agenda for the purpose of Board of Education action.**

Resolution #482 - Appointment – Reorganization

BE IT RESOLVED that the Board of Education of the Ballston Spa Central School District hereby abolishes the position of Executive Director of Personnel Management and Development in the tenure area of Executive Director of Personnel Management and Development, effective March 15, 2023 and creates the position of Assistant Superintendent for Programs and Operations, in the tenure area of Assistant Superintendent for Programs and Operations effective March 15, 2023.

BE IT FURTHER RESOLVED that, upon the recommendation of the Superintendent of Schools, the Board of Education hereby appoints Pamela Motler to the position of Assistant Superintendent for Programs and Operations, in the tenure area of Assistant Superintendent for Programs and Operations effective March 16, 2023. The Board further approves the employment agreement dated March 15, 2023 and authorizes payment thereunder.

Resolution #483 - Permanent Appointment

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District that the following person(s) be granted permanent appointment to the position(s) indicated below with effective date(s) shown, be and is (are) hereby approved:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>
Harmony Rose	Special Education Aide	4/07/23

Resolution #484 - Appointment – Support Services

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District that the following person(s) be granted appointment to the probationary position(s) indicated below, with hours, rate and effective date(s) shown, be and is (are) hereby approved:

<u>Name</u>	<u>Position</u>	<u>Max. Hrs./Wk.</u>	<u>Rate</u>	<u>Effective Dates</u>
James Brann	Bus Driver	25	\$23.59/hr.	3/09/23-3/08/24
Martin Knapp	Bus Driver	26.25	\$23.59/hr.	3/09/23-3/08/24
Thomas Stoll	Bus Driver	26.25	\$23.59/hr.	3/09/23-3/08/24

Resolution #485 - Appointment – Tutor

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District that the following person(s) be appointed to the Tutor position for the 2022-2023 school year, with rate shown, be and is (are) hereby approved:

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<u>Name</u>	<u>Certification</u>	<u>Rate</u>
Natalie Bruno	NYS Teaching Assistant, Level 1	\$35.61/hr.
Marlene Michels	NYS Permanent, Physical Education	\$35.61/hr.
Anita Stevens	NYS Teaching Assistant, Level 3	\$35.61/hr.
Elizabeth VanVolkenburg	NYS Professional, Childhood Ed 1-6, Literacy B-6	\$35.61/hr.
Elizabeth VanVolkenburg	NYS Professional, Childhood Ed 1-6, Literacy B-6	\$40.72/hr.

**Resolution #486 - Appointment – Co-Curricular Clubs and Activities**

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District that the following person(s) be appointed to the advisor position(s) to the following clubs and activities for the 2022-2023 school year, with stipend shown, be and is (are) hereby approved:

<u>Name</u>	<u>Title, Location</u>	<u>Stipend</u>
Andrew Ferrone	Intramurals-Archery (spring), WR	\$622
Brad Fersch	Intramurals-Archery (spring), WR	\$622

**Resolution #487 - Appointment – Extra Duties**

BE IT RESOLVED, by the Board of Education of the Ballston Spa Central School District that the following person(s) be appointed to the position(s) indicated below for the 2022-2023 school year, with rate shown, be and is (are) hereby approved:

<u>Name</u>	<u>Title, Location</u>	<u>Rate</u>
Chelsea Reeves	Pit Musician, HS	\$35.61/hr.
Walter Thiem	Pit Musician, HS	\$35.61/hr.
Samuel Veglia	Pit Musician, HS	\$35.61/hr.

MOTION BY Mr. Turbiak, seconded by Ms. Barker-Flynn that the Board of Education approve Resolutions #482 - 487

**Discussion**

Mr. Fernau congratulated Pamela Motler on her new position; and that her appointment was well-earned and her service is appreciated.

Ayes all

**OTHER NEW BUSINESS**

None

**PUBLIC COMMENT**

Jason Savaria, Ballston Spa, discussed the WSWHE BOCES Board and the responsibilities of the WSWHE BOCES Board. He stated Mr. Fernau is a member to the BOCES Board. He discussed the BCOES School Library System entity with a council and that two Ballston Spa employees are members of the council. He read their mission statement. Mr. Saveria voiced concerns regarding the members of the council and the recent review process performed at the District regarding the

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book Gender Queer. He stated that he did not believe that those responsible for added library books should also be the arbitrator of requests for removal. He stated he was denied in a FOIL request for the names of the committee members and how they voted.

Kris Dubuque, Ballston Spa, stated he wanted to again bring up the issue of books in the library. He stated his wife has read the books and did not find Gender Queer appropriate. He also voiced concern regarding the process of reviewing the book and recommended adding board action/parent committees. He also suggested adding students to the committees.

**BSATA, BSTA, CSEA, and PTA**

Mr. Turbiak shared information regarding PTA events at both Wood Road and Gordon Creek Elementary Schools. He reminded volunteers to contact the PTA.

Ms. Barker-Flynn stated BARC needs additional board members.

**ADJOURNMENT**

MOTION BY Ms. Barker-Flynn, seconded by Mr. Turbiak that the Board of Education adjourn to Executive session to discuss the employment of a particular person and collective bargaining with Teacher Association, not to return at 8:05 p.m.

Ayes all

Respectfully submitted,



Brian Sirianni  
Clerk of the Board