

**NUTLEY BOARD OF EDUCATION  
OPEN PUBLIC MEETING  
MAY 10, 2010**

The Nutley Board of Education held a Public Meeting on Monday, May 10, 2010 in the JHWMS Choir Room located at 325 Franklin Avenue, Nutley, NJ.

President Reilly opened the meeting at 6:36 PM.

**FLAG SALUTE**

President Reilly led the assembly in the flag salute.

**MEETING NOTICE**

President Reilly stated that in compliance with Chapter 231, Public Law 1975 entitled Open Public Meetings Act, adequate notice of this meeting had been provided as specified in the Act. Proper notice of this Open Public Meeting was provided in the notice of April 28, 2010. Said notice was posted at the entrance of the Board of Education offices, mailed to The Star Ledger, The North Jersey Herald & News, The Nutley Journal, The Nutley Sun, Township Clerk advertised in The Nutley Sun on May 6, 2010 and posted on the district website.

This is an official meeting.

**ROLL CALL**

Present: Mr. James Kuchta  
Mr. Charles Kucinski  
Mr. Vincent Moscaritola  
Dr. Robert Reid  
Mrs. Deborah J. Russo  
Mr. Steven Rogers  
Mr. Walter Sautter  
Mr. Thomas J. Sposato  
Mr. Kenneth Reilly

Also Present: Mr. Joseph Zarra, Superintendent of Schools  
Mrs. Mariana Francioso, Assistant Superintendent of Schools  
Mrs. Karen A. Yeamans, Interim Business Administrator/Board Secretary  
Mr. Frank Pomaco, Board Attorney

**Presentations:**

-Chartwells Presentation – John Santiago

Mr. Santiago gave an overview on the food service program and shared his ideas to improve the program next year. After a board discussion it was agreed to send out a survey to the parents on the program.

-Bruno Associates – John Bruno

Mr. Bruno gave an update on their service to the Board. After a discussion among the Board, Mr. Bruno suggested a Board Committee be formed to enhance communication.

-Foreign Language Curriculum – Mr. Ciro Violante

Mr. Violante handed out awards to students for their achievements in foreign language. He then gave an in-depth report to the Board on the ESL and Foreign Language Curriculum.

-Science Curriculum – Mr. Bania and Mr. Jones

Mr. Bania and Mr. Jones gave a power-point presentation on the science curriculum K-12. Mr. Bania spoke about the junior high and high school curriculum in science and Mr. Jones spoke about the elementary school curriculum.

**Committee Reports:**

Green Schools/Fitness - Trustee Rogers spoke about the Mayor's health and fitness resources.

Finance – Trustee Kuchta spoke about the current budget and the effects of retirements on next year's budget.

Academic – Trustee Reid stated that the Committee met and will be meeting again for an on-going review of the curriculum.

President Reilly mentioned that he attended the Town Commission Meeting and stated that the town and the school district plan on discussing shared services.

**MOTION TO ADJOURN TO EXECUTIVE SESSION**

At 7:52 PM Trustee Kuchta moved and Trustee Kucinski seconded the following resolution:

WHEREAS, the Board of Education will be discussing matters exempt from public discussion pursuant to N.J.S.A. 10:4-12,

NOW, THEREFORE, BE IT RESOLVED that the Board of Education recess to Closed Executive Session at this time to discuss the following:

Student Matter  
Contractual  
Legal Issues

BE IT FURTHER RESOLVED that the results of the discussions will be made public by inclusion on the agenda of a subsequent meeting of the Board of Education or when the reasons for discussing such matters in closed session no longer exist.

The motion was approved by voice vote.

## **RECONVENE MEETING**

At 8:33 PM Trustee Kuchta moved, Trustee Russo seconded, and the Board unanimously approved by voice to reconvene the meeting.

## **ROLL CALL**

Present: Mr. James Kuchta  
Mr. Charles Kucinski  
Mr. Vincent Moscaritola  
Dr. Robert Reid  
Mrs. Deborah J. Russo  
Mr. Steven Rogers  
Mr. Walter Sautter  
Mr. Thomas J. Sposato  
Mr. Kenneth Reilly

Also Present: Mr. Joseph Zarra, Superintendent of Schools  
Mrs. Mariana Francioso, Assistant Superintendent of Schools  
Mrs. Karen A. Yeamans, Interim Business Administrator/Board Secretary  
Mr. Frank Pomaco, Board Attorney

## **March 2010 OFAC Report:**

Mr. Pomaco reviewed the procedures the district must follow with respect to the OFAC Report. Mrs. Yeamans read the report to the Board and public.

A discussion ensued among the Board regarding the report.

The OFAC Report and the Corrective Action Plan will be put on the website once it is approved by the Board.

## **HEARING OF CITIZENS (Resolutions Only)**

Joanna Larra started to speak about an unrelated resolutions topic. She was told to come back to speak during Hearing of Citizens.

Resident Alan Thomas inquired about the number of retirements. He mentioned that he appreciated the details given in Board Secretary's Resolution 5 – Nutley High School Electrical Work.

## ***SUPERINTENDENT'S RESOLUTIONS***

President Reilly announced that Resolution 1 – Retirements will be amended to withdraw Dennis A. Sasso from the list.

Trustee Moscaritola moved, and Trustee Kuchta seconded, a motion that the Board approves Superintendent's Resolutions numbers 1 through 3 as amended below.

Trustee Moscaritola asked about the district being lenient with anyone who wants to rescind their retirement.

After a Board discussion Trustee Moscaritola made a motion to table Resolution 1 – Retirements. There was no second so the motion failed.

The Superintendent's Resolutions 1 through 3 were approved by roll call vote with the following exception:

1) Trustee Moscaritola voted "No" on Resolution 1 – Retirements.

**1. RETIREMENTS**

BE IT RESOLVED that the Board of Education approves the acceptance of the retirement of the following personnel, effective July 1, 2010:

Patricia Aduato	Elementary Teacher
Kathleen Bimbi	Elementary Teacher
Pamela Conry	Elementary Teacher
Loretta Douglas	Middle School Teacher
Patricia Griffin	Elementary Teacher
Suzanne Hagert	Elementary Teacher
Adele K. Koci	Elementary Teacher
Moira A. Roberts	Elementary Nurse
Richard SanFillipo	High School Phys. Ed. Teacher
Robert Topolski	Learning Disabilities Teacher
John Vitkovsky	Coordinator of Music
Patricia Wowkanyn	High School Secretary – Eff. August 1, 2010

**2. RESIGNATION – Director of Special Services**

BE IT RESOLVED that the Board of Education approves the acceptance of the resignation of Mr. Paul Palozzola, Director of Special Services, effective July 1, 2010.

**3. AMENDING RESOLUTION – CURRICULUM APPROVAL**

BE IT RESOLVED that the Board of Education approves the amending of the resolution Curriculum Approval, approved at the April 18, 2010 Board Meeting, to reflect the following changes:

**Nutley High School**

**BUSINESS EDUCATION:**

**DELETE**

Personal Finance

Coop.Work Experience  
Coop.Work Related Class I, II

**REPLACE**

FINANCIAL LITERACY

STRUCTURED LEARNING EXPERIENCE I, II

**MATHEMATICS:**

Algebra I, II  
Basic Algebra I, II  
Plane Geometry  
Basic Geometry

ADVANCED ALGEBRA I, II  
ALGEBRA I, II  
ADVANCED GEOMETRY  
GEOMETRY

**SCIENCE**

College Biology  
Biology for Living

ADVANCED BIOLOGY  
BIOLOGY

**4. Memorial:**

**Mrs. Carolyn Foresta**

Trustee Russo moved, and Trustee Kucinski seconded, the following resolution. Upon being put to a roll call vote the resolution was approved.

WHEREAS, it is with a sense of deep sorrow and regret that the Nutley Board of Education records the death of Mrs. Carolyn Foresta on May 5, 2010, and

WHEREAS, Mrs. Foresta had served the Nutley Public Schools as secretary to the superintendent of schools for seventeen years prior to her retirement in July, 1986, and

WHEREAS, Mrs. Foresta won the respect of all those with whom she came in contact for her dedication to the Nutley School District.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Education of the Township of Nutley extends deepest sympathy to the members of her family, and

BE IT FURTHER RESOLVED, That this resolution be made a part of the minutes of this meeting and a copy sent to the members of her family.

***BOARD SECRETARY'S RESOLUTIONS***

Trustee Kuchta moved, Trustee Sposato seconded, a motion that the Board approves the Board Secretary's Resolutions numbers 1 through 5 as listed below.

Upon a roll call vote Resolutions numbers 1 through 5 were approved with the following exception:

1. Trustee Rogers voted "No" on Resolution 2.

**1. AUTHORIZATION TO SUBMIT 2009/2010 COMPREHENSIVE MAINTENANCE PLAN & M-1**

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WHEREAS the Department of Education requires New Jersey school districts to submit a three-year maintenance plan documenting "required" maintenance activities for each of its public school facilities, and

WHEREAS the required maintenance activities as listed in the document for the various school facilities of the Nutley Board of Education are consistent with these requirements, and

WHEREAS all past and planned activities are reasonable to keep school facilities open and safe for use in their original condition and to keep their system warranties valid,

NOW, THEREFORE IT BE RESOLVED that the Nutley Board of Education hereby authorizes the School Business Administrator to submit the 2009-2010 Comprehensive Maintenance Plan and M-1 (Appendix A) for the Nutley School District in compliance with Department of Education requirements.

**2. RESOLUTION AUTHORIZING MEMBER PARTICIPATION IN A COOPERATIVE PRICING AGREEMENT WITH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION**

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WHEREAS N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS on May 10, 2010 the governing body of the Nutley Board of Education, County of Essex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Nutley Board of Education.

**AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Business Administrator/Board Secretary is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

(There is no cost to the District to join this Coop)

**3. APPROVAL OF TRAVEL LIST**

BE IT RESOLVED that the Board of Education approves the travel list and all expenses per (Appendix B).

**4. APPROVAL OF FIELD TRIPS**

BE IT RESOLVED that the Board of Education approves the field trip list and all expenses per (Appendix C).

**5. NUTLEY HIGH SCHOOL ELECTRICAL WORK**

WHEREAS, on April 28, 2010, the Board of Education approved the award of Contract No. 4- Nutley High School Electrical Work to IDJ Construction and Electric, Inc. ("IDJ"), 6018 Jefferson Street, West New York, NJ 07093-1413, as the lowest responsible bidder for bids received on April 22, 2010, in the Total Contract Amount of \$779,425.00, consisting of a Base Bid of \$728,425.00 and Add Alternates - NHS-E1 for \$26,000.00 and NHS-E2 for \$25,000 (the "Contract") and

WHEREAS, the Board of Education's construction manager, EPIC Management, Inc., advised IDJ in writing on April 29, 2010 that a pre-construction meeting would be held on May 3, 2010 at the offices of the Board of Education's architect, Spiezie Architectural Group; and

WHEREAS, IDJ on April 29, 2010 acknowledged in writing receipt of the Board of Education's award of the Contract and asserted for the first time that it was unclear to IDJ that the UPS equipment was part of the Contract work, claiming that IDJ omitted the cost of such equipment from its bid, and that although IDJ received an \$87,000 quote for the cost of the UPS equipment, IDJ learned the actual cost exceeded \$200,000, such that IDJ has failed and refused to execute the Contract properly awarded to it pursuant to the provisions of the Public Schools Contract Law, N.J.S.A. 18A:18A-1, et. seq.;

WHEREAS the second low bid for Contract No. 4- Nutley High School Electrical Work was received from Vespa Electrical Company, Inc. 13 B Great Meadow Lane, East Hanover, NJ 07936 in the Total Contract Amount of \$1,071,400.00, consisting of a Base Bid of \$1,052,900.00 and Add Alternates - NHS-E1 for \$9,500.00 and NHS-E2 for \$9,000.00; and

WHEREAS the bid received by Vespa Electrical Company, Inc. meets all of the bid specifications, and that award of a contract for \$1,071,400.00 to Vespa Electrical Company, Inc. for the Nutley High School Electrical Work has been recommended by the Board's architect, construction manager and construction attorney,

NOW, THEREFORE, BE IT RESOLVED that the Nutley Board of Education, also upon the recommendation of its construction attorney, hereby declares IDJ in default of its obligation to execute the Contract, declares that IDJ has failed to satisfy the essential conditions for relief of its bid due to unilateral mistake, namely that the mistake was of so great a consequence that to enforce the contract as actually made would be unconscionable; (2) the matter as to which the mistake was made must relate to the material feature of the contract; (3) the mistake must have occurred notwithstanding the exercise of reasonable care by the party making the mistake, and (4) IDJ must be able to get relief by way of rescission without serious prejudice to the other party, except for loss of his bargain [Conduit & Foundation Corp. v. City of Atlantic City, 2 N.J. Super. 433 (Ch. Div. 1949)], and instructs its construction attorney to proceed against and make claim upon IDJ and its surety, Colonial Surety Company, on the Bid Bond supplied with the IDJ bid pursuant to NJSA 18A:18A-24; and it is

FURTHER RESOLVED, that the Board of Education approves and awards to Vespa Electrical Company, Inc. 13 B Great Meadow Lane, East Hanover, NJ 07936 in the Total Contract Amount of \$1,071,400.00, consisting of a Base Bid of \$1,052,900.00 and Add Alternates - NHS-E1 for \$9,500.00 and NHS-E2 for \$9,000.00.

## **HEARING OF CITIZENS**

Joanna Larra addressed the Board about a certified letter she sent to all Board Members regarding her move to Belleville. Mr. Zarra asked her to call his office to discuss the matter further.

Resident Alan Thomas asked for the OFAC Report to be placed on the website as soon as possible. Mr. Pomaco responded with his recommendation. Mr. Thomas inquired how the OFAC issues originated.

Resident Alan Thomas asked what languages were offered at the elementary level and how it is coordinated between the grade levels.

## **OLD BUSINESS**

Trustee Moscaritola spoke about legal counsel reviewing all bid specs.

## **NEW BUSINESS**

Trustee Rogers asked about the chain of command for complaints regarding the food service.

Trustee Rogers asked if there are study skills classes for grades 5 and 6 to prepare the students for middle school.

Mrs. Francioso responded on how study skills are infused in the regular classrooms.

A Board discussion ensued on study skills.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:38 PM on a motion by Trustee Kuchta seconded by Trustee Sposato, and unanimously approved by voice vote.

Respectfully submitted,

Karen A. Yeamans  
Interim Board Secretary