

Board of Education
Nutley, New Jersey

November 12, 2001

The Special Meeting of the Board of Education of the Township of Nutley, New Jersey was held in the Board Conference Room, 375 Bloomfield Avenue, on Monday, November 12, 2001 at 7:39 p.m. with Mr. John Cafone, Vice-President, presiding.

ANNOUNCEMENT OF MEETING:

Mr. Cafone read the following:

"According to the provisions of the 'Open Public Meetings Act' (Chapter 231, P.L. 1975), proper notice of this Special Meeting was provided in the Notice of November 7, 2001. Said Notice was:

1. Posted at the entrance of the Board Office.
2. Mailed to The Nutley Sun, the Star Ledger, the North Jersey Herald & News, and the Nutley Journal.
3. Mailed to the Nutley Township Clerk.

"The purpose of this meeting will be for the Board to consider the following matters:

Resignation - Teacher

Resignation - Coaches

Appointments - Substitutes

Amendment to Special Class Placement

Appointment of Bond Counsel

Consideration of Setting Date for Bond Referendum

Consideration of Appointment of Administrative Assistant

"Formal action may be taken."

Following the conclusion of the Special Board meeting, the regularly scheduled Conference meeting will take place.

CALL OF ROLL:

The other members present at roll call were: Mrs. Maria Alamo, Mr. John Cafone, Mr. Alan Genitempo and Dr. Gerard M. Parisi. Absent: Dr. Philip T. Casale, Mr. Vincent A. Moscaritola, Mr. Joseph C. Pelaia, Mr. Alfred R. Restaino, Jr. and Mrs. Agnes Roncaglio. Approximately 8 citizens were present.

Mr. Cafone said that he would prefer to wait to see if any other Board members would show up for the meeting. The Board members present decided they would wait until 9:00 p.m.

At 9:00 p.m., with no quorum still present, the Board members present, pursuant to Board by-laws and state law (NJSA18A:10-6), adjourned the meeting to reconvene on Saturday, November 17, 2001 at 9:30 a.m.

November 17, 2001

The Special Meeting of the Board of Education of the Township of Nutley, New Jersey was continued in the Board Conference Room, 375 Bloomfield Avenue, on Saturday, November 17, 2001 at 9:38 a.m. with Dr. Philip T. Casale, President, presiding.

Dr. Casale stated that this meeting was a continuation of the adjourned meeting of November 12, 2001 and read the following statement from the official meeting notice of November 13, 2001:

The meeting of the Board of Education scheduled for November 12, 2001, at 7:15 p.m. in the Board Conference Room, 375 Bloomfield Avenue, Nutley, New Jersey was adjourned due to the lack of a quorum. Pursuant to N.J.S.A. 18A:10-6, this adjourned meeting has been rescheduled to Saturday, November 17, 2001, at 9:30 a.m. at the same place.

The Notice of the meeting and the agenda relating thereto are enumerated below, which are in all respects the same as in the original notice of November 7, 2001 except for the change of date and time as noted above.

CALL OF ROLL:

The others present at roll call were: Mrs. Maria Alamo, Mr. John Cafone, Mr. Alan Genitempo, Dr. Gerard M. Parisi and Mr. Alfred R. Restaino, Jr. Absent: Mr. Vincent A. Moscaritola, Mr. Joseph C. Pelaia, and Mrs. Agnes Roncaglio. Approximately 6 citizens were present.

HEARING OF CITIZENS (Agenda Items Only):

None

Dr. Parisi questioned why there were so many Special meetings and felt that since they are scheduled at the last minute a lot of times it does not give the public a chance to attend. He suggested that the Board try to prioritize and decide the reasons to call a Special meeting.

Dr. Serafino responded that most of the Special meetings have been scheduled right before an already scheduled Conference meeting. She stated that at times there are certain personnel issues that need to be done quickly.

Dr. Casale said that any item of the magnitude that the Board has to undertake is only going to succeed inasmuch as it relates to the public trust. He stated that certain issues should be done at regularly scheduled public meetings so that the public and the press have an opportunity to take part in the procedure. He noted that any item that is necessary according to Dr. Serafino's parameters to carry on business in the district should be addressed and any other issue should wait until our next public meeting. He also suggested that in order to carry this out in the best public interest and have an optimum amount of coverage from the public and the press that any item that does not have to be done today wait until the scheduled meeting of November 26, 2001.

Dr. Parisi made a suggestion of using Phil White's web page that is updated twice a week as means to let the public know of Special meetings.

Mr. Restaino stated that although the newspapers are provided information regarding Special meetings that he is 90% sure that it was not published in any of the papers.

Mr. Cafone asked whose responsibility it is to call for a Special meeting.

Dr. Casale responded that a special meeting can be called by the President or any five members of the Board.

Mr. Cafone asked who called this Special meeting.

Dr. Casale responded that Dr. Serafino requested it and he said it would be fine.

Mr. Cafone asked who sets the agenda for the Special meeting.

Dr. Serafino responded that both she and the President do.

Mr. Cafone stated that according to our legal counsel when you call a Special meeting the items that are listed on the agenda cannot be removed from the agenda and need to be addressed.

Dr. Casale stated that they cannot be removed from the agenda but the Board can decide not to take action. Dr. Casale asked the Board members that were present on Monday what made them think they could reach as many citizens for Saturday as were reached for Monday.

Mr. Genitempo responded that there were about the same amount of citizens at Monday's meeting that were present today. He noted the only other people present on Monday were the professionals that were being paid to attend the meeting. Mr. Genitempo stated that he notified a couple of PTO Presidents and was at the high school PTO meeting where it was made public that there was going to be a meeting this morning. Mr. Genitempo then went through the chain of events leading to this meeting and stated that he felt it was in the best interest of our children, community and our school district to move forward and there was no reason not to vote on a bond counsel. He

noted that if we do not vote on the two items on the agenda we were told on Monday that we jeopardize the January referendum date. He stated that the public received proper notice and we should move forward.

Mr. Cafone referred to a letter from Tri-Tech dated October 3, 2001 and received by the Nutley Board of Education on October 4, 2001 and in the letter Tri-Tech is recommending a firm to be our bond counsel.

Dr. Casale asked where he got a copy of the letter. Mr. Cafone responded that it was given to him by the Business Administrator in his packet for the Special meeting on November 12, 2001.

Mr. Cafone stated that since October 4, 2001 there have been several meetings that the Board has had and finds it uncomfortable to think that we have had this information since October 4 and we have not moved on bond counsel yet.

Dr. Casale stated that this was the first time he had seen the letter as well. He wanted to make it clear that whoever our professionals recommend that is who we are going to go with. He stated that the position is to move forward but it was his impression that we could not make a December referendum since our plan was not approved until October 16.

Dr. Parisi also asked why the letter from Tri-Tech was not given to the Board until the November 12 meeting when we asked for their recommendation at our September 27, 2001 meeting. He also noted that in the letter they stated that they are recommending the firm that they recommended in May and questioned why the recommended firm was not mentioned to the Board during the summer.

Dr. Casale stated that sometimes information does not get disseminated as quickly as we would like it to. He stated at a previous meeting he needed, and was asked to get, clarification from one of the RFP's. He stated that since it was improper for himself to contact any of these people he asked the attorney to elicit the information. He stated that he did not have an answer on why no one also saw that letter right before a Board meeting since he does not disseminate the information.

Dr. Parisi said Dr. Casale was asked the night of that Board meeting to contact our attorney and ask why that letter sat on his desk. Dr. Casale responded that the attorney said he sent that letter by fax the day he received it.

Mr. Genitempo stated that we have an agenda sitting in front of the Board and suggested they move forward and not discuss things in the past. He added that it was his understanding that if we want a January referendum they have to vote on this bond counsel today.

Mr. Sincaglia responded that there are two things that need to be voted on today to move forward on a bond referendum for January, one being the bond counsel and the other the notice to hold an election. He noted that

whether you want the election in January or not you need a bond counsel to move forward.

Dr. Casale asked for an explanation because when he contacted the Department of Education they told him different information. He stated that he did not want to make the bond counsel an issue and reiterated the fact that they are all on the same page with the bond counsel but he said we do not need a bond counsel to get a funding amount from the state.

Mr. Genitempo said that we should ask our construction manager who spoke at Monday's meeting about how he felt it was imperative that we have a bond counsel.

Mrs. Alamo addressed Dr. Casale and said that if he sat around the table on Monday night and listened to what all the professionals said as well as all that was heard in Atlantic City from this proposed bond counsel, he would know that if this meeting was not rescheduled within seven days the Board would not be acting in the best interest of the district. She noted that based on what was told to them by the professionals they have to give the Board the option of moving forward on this. She added that based on what they were told, if the Board waited until November 26 there was no way the Board could think of going for a referendum in January.

Dr. Casale stated that this Board is about to undertake something that is unprecedented in the history of Nutley and something of this magnitude needs the public trust in order for this referendum to pass. He noted that he is uncomfortable setting a date when we do not have a number or have not had a Facility Committee meeting with the public. He feels to go ahead and set a date before we have a number promotes the underlying feeling that this is a done deal. He added that this is the last thing we need to do is to make the public feel this is a done deal and thinks we are moving faster than we should. Dr. Casale also noted that if the construction management firm can shed some light and make him feel more comfortable then maybe January would be a very realistic date but right now he does not feel confident with the information he received from the Department of Education.

Dr. Parisi reiterated what Mrs. Alamo said that on Monday there was very important information discussed by our construction management firm and added that in their opinion March would be a bad month to have this referendum for a variety of reasons. He added that the advisors said that if we missed the January date the next date would be September which would be another year wasted. He noted that what worries him is that by the time next September rolls around, even if we know we have our numbers from the state and a positive election result for that referendum, that would be the point where the state releases the money and the money might already be given to other districts. He added that the construction

management firm raised a very important issue that even though we know the amount of money we should get from the state does not mean that we will get it if the money is already gone by waiting until next September. He added that we put this whole referendum issue at great risk if we keep stalling.

Dr. Parisi stated that the nine members of this Board do want this referendum to pass so in his mind it is a done deal. He added that the advisors told the Board the night the plans were approved to be submitted to the state that these plans we would like to go with, but if the state's cost factors on those plans is higher than what we think we will carry in our town we can knock certain items down and bring the cost down. He noted that he thinks we are risking too much in not moving forward.

Dr. Casale said that the bottom line is that without the support of the voters we are not going to get anything from the state if the referendum fails. He stated that it might take a little longer to have the public understand that they are the main drivers in this referendum and feels that we cannot go back to the public without numbers.

Dr. Serafino said that was the purpose of picking the bond counsel. She stated that the bond counsel would go down with the construction management firm and get the number from the state. She added that this bond counsel is very knowledgeable with regard to how the state is reimbursing districts. She said that the feeling she got from our construction management firm is that with this bond counsel they would be able to negotiate the most money for our district. She added that until we get the bond counsel and get them down there we will not have a dollar amount so we have to move forward to get things going.

Dr. Casale stated that no one is questioning the ability of the bond counsel that our construction management firm recommended.

Mr. Restaino stated that at the September 27, 2001 meeting, when the Board approved the plans to be sent to the state, he was concerned that the ad-hoc Facilities Committee had not been consulted in some time as it was important to keep these people informed of the process. He questioned if a January referendum was an appropriate date for us to be able to inform and involve the public.

Mr. Sincaglia responded that the process with the Facilities Committee is not over by a long shot.

Mr. Cafone added that at the workshop in Atlantic City which dealt with the bond counsel and funding they said that one of the major mistakes

that the school boards make when they are dealing with this process is that they don't set a date. He noted that if you do not have a date to work towards the process drags on and when the referendum needs to be put forward opportunities are missed along the way. He stated that by setting the date it does not mean that the referendum and election would actually be held on that date. He said that if we do not feel as a Board that the public is not informed enough or the opportunities to fully explain what the referendum would be, we do not have to have the election in January. He feels that if we do not set a January date we are missing another opportunity and slowing down the process because there is not a end date in mind.

Mr. Restaino asked if there was a way to advise the people who participated at the meetings of what it going on.

Mr. Sincaglia stated that the committee performed a very valuable service as far as clarifying what we wanted and it is important to get the people involved again. He noted that in talking to Tri-Tech and our previous architect the key thing they both emphasized to us was the need to get the public informed properly with information.

Mr. Sincaglia stated that we will not get a number until the three expert components go down to the state. He said the overall number is one thing but the only number we are truly concerned about is our share of the taxes. He noted that we need specialists to get us there. He added that we do not need a bond counsel but we were told by both architects a long time ago that it was a critical part of the team to maximize every cent we could get.

Mr. Restaino said that his concern again is that the public will just hear the referendum date and not get the whole picture that the date could even be changed. He reiterated the fact that he feels it is important that information gets out to the public that January 22 is a targeted date and is not etched in stone and we intend to include everyone in the process.

Dr. Casale asked if everyone on the Board was aware that our Planning Board has to comment on our plans. He feels this is a very delicate situation and does not want to give the impression to the commissioners that we are moving ahead without them. He asked the construction management firm the danger of the March referendum date.

Mr. Forziati responded that historically speaking the best time for a referendum is December, because people are in the giving mood. He said in January you still have a decent shot but people are starting to receive their credit card bills and are becoming a little apprehensive

about spending an extra couple of hundred dollars a year in taxes. He said that, historically speaking, March referendums often fail. He noted looking at statistics spring referendums fail because there are too many other things to side track the voters i.e., Board elections, etc.

Dr. Casale asked if they were not able to meet all the hurdles for January 22 would a March referendum take place.

Mr. Forziati responded yes because of the situation that they are left with now. He said we did not stick to our original December date so what they are trying to do is make up for lost time to go for the January date.

Dr. Casale said that missing the December referendum date was nothing that we could control since the five-year plan was not approved until the October 16.

Mr. Forziati said that the five-year plan was an administrative function and until your five-year plan was approved you could not get approval to go for referendum. However, they went down concurrent paths so while one was contingent upon the other it did not hold the other one back. He noted they are two different functions.

Dr. Casale asked if there was a deadline with the state that we need to meet in order to go to referendum in January.

Mr. Forziati responded that there are no established legal deadlines by the state.

Dr. Casale, Dr. Parisi and Mr. Sincaglia had a discussion regarding the wording of the resolution concerning the notification for the special school election.

Mr. Sincaglia said, according to the resolution, we are setting a date but it is not etched in stone. He stated that this is essentially an administrative action and does really not need Board approval, however, that is not the way he feels it should be done.

After a lengthy discussion between Mr. Cafone, Dr. Casale, Dr. Parisi, Mr. Genitempo, Mr. Restatino and Mrs. Alamo whereby each one reiterated their concerns previously mentioned, it was agreed to put the resolution to a vote.

RESIGNATION - Teacher

Christopher Masullo

Mr. Cafone presented and moved the adoption of the following

resolution, seconded by Mrs. Alamo. On a roll call vote the resolution was unanimously adopted:

BE IT RESOLVED, That the Board of Education accepts the resignation of Christopher Masullo, Franklin Middle School teacher, effective January 2, 2002.

RESIGNATION - Athletics

Mr. Genitempo presented and moved the adoption of the following resolution, seconded by Mr. Cafone. On a roll call vote the resolution was unanimously adopted:

BE IT RESOLVED, That the Board of Education accepts the following Athletic resignations:

Addolorato Cicchino	- Head Boys Soccer Coach
Donald Tobey	- Head Girls Soccer Coach

APPOINTMENT - Teacher Substitute

Honor James

Dr. Parisi presented and moved the adoption of the following resolution, seconded by Mr. Genitempo. On a roll call vote the resolution was unanimously adopted:

BE IT RESOLVED, That the Board of Education appoints Honor James as teacher substitute, for the 2001/2002 school year, at the per diem rate of \$70.00, in accordance with the per diem rate established by the Board of Education.

BE IT FUTHER RESOLVED, That the Board approves the application for emergent hiring of Mrs. Honor James as per the state criminal review procedure.

APPOINTMENT - Substitute:

Hector Fullone

Dr. Parisi presented and moved the adoption of the following resolution, seconded by Mr. Genitempo. On a roll call vote the resolution was unanimously adopted:

BE IT RESOLVED, That the following substitute be approved for the 2001/2002 school year:

Custodian

Hector Fullone

BE IT FURTHER RESOLVED, That the Board approves the

November 12, 2001

78.

application for emergent hiring as per the state criminal review procedure.

AMENDING RESOLUTION - Special Class Placement-
Educationally Disabled Student:

Mr. Restaino presented and moved the adoption of the following resolution, seconded by Mr. Genitempo. On a roll call vote the resolution was unanimously adopted:

BE IT RESOLVED, That the resolution Special Class Placement - Educationally Disabled Student (Schedule D), approved at the August 27, 2001 Board Meeting, be amended to reflect a change in tuition to an additional \$22,904.00 (cost of and aide).

APPOINTMENT OF BOND COUNSEL

Mr. Cafone presented and moved the adoption of the following resolution, seconded by Mr. Genitempo.

Dr. Casale stated that if any Board member has any affiliation with the firm, they should abstain from voting.

Upon being put to a roll call vote the resolution was adopted with Mrs. Alamo, Mr. Cafone, Mr. Genitempo and Dr. Parisi voting aye, Mr. Restaino voting nay and Dr. Casale abstaining.

WHEREAS, the Nutley Board of Education has been investigating plans for school construction and renovation, and

WHEREAS, it is anticipated that said plans will require funds authorized by the voting public at a future referendum, and

WHEREAS, there exists a need for the services of a qualified bond counsel in connection with pre-referendum activities, the actual referendum, and the preparation and sale of bonds, if so authorized by the voters, and

WHEREAS, the firm of McManimon and Scotland, LLC, of Newark, NJ is well qualified and fully capable of providing these services, and

WHEREAS, McManimon and Scotland, LLC, has submitted a proposal for bond counsel services acceptable to the Board,

November 12, 2001

NOW, THEREFORE BE IT RESOLVED, by the Board of Education of the Township of Nutley that the firm of McManimon and Scotland, LLC of Newark, NJ is hereby appointed as bond counsel for the Nutley School District pursuant to the terms of their proposal, and

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bidding as a professional service under the provisions of the Public School Contracts Law.

Authorization to give Notification for Special School Election

Mr. Genitempo presented and moved the adoption of the following resolution, seconded by Mr. Cafone. On a roll call vote the resolution was unanimously adopted:

BE IT RESOLVED, That the Board of Education authorizes the Secretary to notify the Essex County Clerk, the Essex County Board of Elections and the Nutley Township clerk of its intention to hold a Special Election on January 22, 2002, provided the Board has received the necessary approvals from the New Jersey Department of Education.

Mr. Restaino agreed to draft a letter and send it out immediately, with Dr. Casale and Mr. Sincaglia's input, to the members of the Facilities Committee to let them know the status of the referendum.

RESOLUTION TO CLOSE MEETING TO THE PUBLIC:

Dr. Casale asked Mr. Sincaglia to read 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,

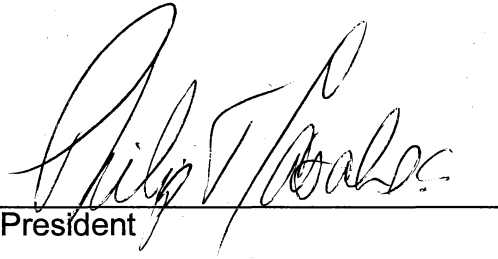
NOW, THEREFORE, BE IT RESOLVED, That the Board of Education recess to closed executive session at this time to discuss personnel matters, and

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.

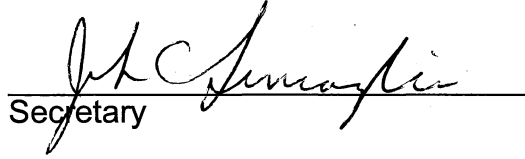
The resolution was moved by Mr. Restaino, seconded by Dr. Parisi and unanimously approved by the Board.

The meeting adjourned at 10:41 a.m.

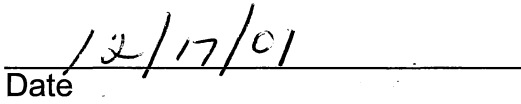
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President



Secretary



Date

November 12, 2001