

Board of Education  
Nutley, New Jersey

January 3, 2002

The Special Meeting of the Board of Education of the Township of Nutley, New Jersey was held in the Radcliffe School Multi-Purpose Room, 379 Bloomfield Avenue, on Thursday, January 3, 2002 at 7:35 p.m. with Dr. Philip T. Casale, President, presiding.

ANNOUNCEMENT OF MEETING:

Dr. Casale 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 on December 21, 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 a resolution providing for a special election to be held on January 22, 2002 for consideration of a school bond proposal .

“Formal action may be taken.”

ROLL CALL:

The other members present at roll call were: Mrs. Maria Alamo, Mr. Alan Genitempo, Mr. Vincent A. Moscaritola, Dr. Gerard M. Parisi and Mr. Joseph C. Pelaia, Mr. Alfred R. Restaino, Jr. and Mrs. Agnes Roncaglio. Absent: Mr. John Cafone. Approximately 7 citizens were present.

Mr. Sincaglia said also present were Mr. Ianuzzi and Mr. Grabowski from Tri-Tech Engineering, Mr. Heckendorn from DCM Architecture, Inc. and Mr. Ianoale from McManimon and Scotland, Bond Counsel. He then introduced Mr. Heckendorn so he could explain what happened to date regarding the amount the state is reimbursing the district.

Mr. Heckendorn explained, in detail, the reasons why there was a difference in our number and the final number from the state. He said the state chose to use a different formula for calculating their reimbursement number for the unhoused student. He said that a year ago when this process was started they thought the district would be entitled to approximately 30% from the state but it turned out to be 29.23%. He noted that the state was very generous in evaluating their calculations for the district.

Mr. Pelaia expressed his disappointment with the lower reimbursement from the state and had a discussion regarding that fact with Mr. Sincaglia

and Mr. Grabowski. He also added that he is concerned about the Board's credibility with regard to the community once they hear that the number is not what was anticipated.

Mr. Restaino stated that the \$215 tax increase per household on a \$50,000 assessed value of a home will be increased since the state will not be giving as much money as anticipated. His concern is how we will distribute the information regarding the difference so the community is aware of the new increase. He then asked Mr. Sincaglia for the new amount it will cost the taxpayers.

Mr. Sincaglia stated that the amount we will be receiving from the state is \$14,588,836 out of \$49,900,730 leaving a local share of \$35,311,894. He stated that we are looking at a \$20 difference of more than what was anticipated. He noted that this was calculated using the same interest rate of 4¾% for the bond over 20 years, but we might be able to obtain a better interest rate.

Mr. Restaino asked several questions regarding the interest rate of the bond to which Mr. Ianoale responded.

#### HEARING OF CITIZENS:

Jack Magnifico, 25 Chestnut Street, asked what is the guarantee that we will get this money from the state with their present financial condition.

Mr. Ianoale said that this money is earmarked as grant money for referendums and is not being touched by the existing or incoming administration.

Mr. Magnifico clarified that this money is there for us if and when we vote for this referendum in January the money will be there for us and will remain there until we use it.

Mr. Sincaglia stated that is why we needed this letter of determination from the state.

Steven Clar, 12 Myrtle Avenue, said that the papers have been reporting a case charging the legality of the bond issue. He asked if there was a possibility that this could be knocked off by the courts because of the legality of it.

Mr. Ianoale said we expect the court to decide within three or four months whether it will uphold the constitutionality of the legislation. He added that if the court rules that the legislation is unconstitutional there could be an outside chance that the school district will not get the grant money. He stated that is why the Proposal is worded in such a fashion that if the district did not get the grant money, they would be entitled to approximately 29.23% of debt service aid. He said that if this happened, instead of getting the money up front, the district would get the same amount of money but spread differently. He noted that the challengers to the legislation are asking for "prospective relief" which means that any school district that has an approved referendum should be allowed to get their grant money.

Mr. Clar responded even though there has been a change in the numbers he is still for the referendum.

Mr. Restaino said he wants to make sure that we are not going to come up with a \$49,000,000 referendum and have no source of assistance.

Mr. Heckendorn said that if that was to happen we would have to reassess the situation and curtail the project.

Mr. Sincaglia stated that Nutley has a borrowing ability for school purposes of approximately \$70 million dollars so if we had to borrow for the whole project we are within that limit.

Mr. Ianoale referred to the resolution stating that what is going to appear on the ballot is lengthy and complicated and it is important that the Superintendent, Business Administrator and all present make sure that the public understands what they are voting on.

Mr. Heckendorn stated that these are the final figures as stated in the letter and will not change.

Mr. Alamo asked Mr. Heckendorn what he can do to help us market this referendum within 19 days.

Mr. Heckendorn said they can assist with any presentations on what the scope of the work will be. He stated you have to market this like you are running for office.

Mr. Sincaglia stated that a flier will be going out to the printers tomorrow morning and the second flier will be going out next week. He said that we have two meetings scheduled one on January 10 and one on January 17. He said that when we market this we have to let the public know that the district has needs and they have to be addressed. He noted that the ages of the buildings should be an eye opener and help the public realize that things need to be done. He added that we started this process without a dime from the state because we knew things needed to be done.

Mr. Genitempo said he was disappointed that the state money was lower than expected and he wanted to clarify his understanding of why the amount was lower. He explained his interpretation of the unhoused student calculations to Mr. Heckendorn to see if he was correct in his understanding. Mr. Heckendorn responded to Mr. Genitempo that he did understand correctly. Mr. Genitempo added that he is disappointed because he would of liked the number to be exactly as anticipated, but he agreed with Mr. Sincaglia that the need is there and he fully supports this referendum.

Mr. Moscaritola asked Mr. Heckendorn if he thought the Board or the Team could have done anything different that would have gotten the district more money.

Mr. Heckendorn stated that everything was done to get the maximum amount of money for the district.

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Dr. Casale stated that he is concerned that we calculated the 10% contingency cost as accurately as we can. He asked if there was anything we could do to ensure that is a solid number.

Mr. Heckendorn said that all the contingency costs are within the state's guidelines so we cannot add to what we already have. He said from earlier estimates to the one that was submitted they went from \$150 to \$160 a sq. ft.

Mr. Heckendorn further stated the concern he has is that there were 27 referendums passed in December which means 27 school districts are going to have projects starting. He added that the sooner we get our project on the street the less competition we will have to fight against and the better the prices will be.

Dr. Casale stated he was not questioning the timing. Mr. Heckendorn responded that timing effects the cost.

Dr. Casale said as we go along if we see that we need to spend a little more money at one site than another, are we locked in or can we take away and cut costs from certain projects.

Mr. Heckdorn responded that the money is not transferable from one project to another and they are always looking to cut costs once the project is being developed. He said they do not want cheap but they will be looking for materials that will last a long time at a good cost.

Mr. Restaino asked for either the Superintendent's Office or the Business Office to develop a schedule of events for civic groups and school groups so we can maximize the coverage to market this referendum.

Mr. Moscaritola stated he is in agreement with Mr. Restaino and he and Dr. Casale stated that they would like to see a calendar by Monday so maximum coverage can be made to market the referendum at all the meetings.

Horst Wiedersich, 52 Oak Street, stated as a taxpayer he had been coming to the meetings and many times he sees the meetings center around the financial technicality. He asked if this will enhance our education system or will we just have better buildings. He stated that the Board should not dwell on the buildings but let the parents know what they will get for their money educational wise.

Dr. Vivinetto said, as stated by Dr. Serafino at previous Board meetings, the upgrading of both the high school and middle school science labs, the media centers, the libraries, the fine arts and music curriculum all will be part of the entire academic scene of improvement in the schools let alone the facilities. He added academics will be put first.

Dr. Casale stated that what they plan to do is get the message out that basically our agenda and curriculum cannot move forward without improving the

current facilities. He added this Board and Administration are dealing with an issue that has been put on the back burner for more than 30 years because it is a difficult decision to make and a difficult process to go through and it asks everyone in the community to sacrifice a little.

Mr. Sincaglia stated that the Nutley Sun, Star Ledger and the Nutley Journal have highlighted important points that Dr. Casale and Dr. Vivinetto are talking about, i.e., science rooms, etc. He added that the buildings are old and have not been upgraded for many years.

Greg Palma, 119 Church Street, asked for clarification on why the Board met on December 20 and will be meeting on January 10 and how the tax increase was calculated. Mr. Sincaglia responded to both questions.

Mr. Palmer is a member of the Shade Tree Organization and asked if consideration could be taken in preserving the trees during the proposed construction.

Bill Klecak, 33 Highfield Lane, stated that with things he read in the paper that he is not on board with this project. He said after reading the "Interpretive Statement" the difference in the money bothers him. He feels that other costs for this project are going to fall on the taxpayers in the future. He said he would like to know the exact amount his taxes will go up in total.

Dr. Casale said that it is his understanding that before we go to a referendum on January 22 that the Commissioner of Finance is going to send a notice to each home letting them know their assessed value and what the tax portion will be. He said the increase as a home owner will be more or less an investment in your property values because if the school district cannot maintain the levels of excellence we have now it will eventually effect your property value.

Mr. Wiedersich asked how much will the taxes increase to furnish and staff the new facilities.

Mr. Pelaia said the one area this Board has discussed and made a decision on is that in this program there is a full-day kindergarten. He stated this was the decision made by the present Board but we cannot bind any future Boards. He said that will necessitate the hiring of some additional staff.

Mr. Sincaglia stated that furnishings are included in the bond issue.

Mr. Klecak asked if full-day kindergarten is going to become state mandated.

Mr. Sincaglia stated that it is in Abbot districts now.

Mr. Klecak asked if the reason why the kindergarten classes are going to be built is in anticipation of the full-day kindergarten.

Dr. Casale stated that the classrooms are being built as a necessity. Mr. Sincaglia stated that it was the decision of the Board and they felt it was the appropriate plan to provide for. He noted that when the rooms are constructed it will be up to the sitting Board to hire the people to put the program in place.

Mr. Pelaia added that the Superintendent has been passionate in her advocacy of full-day kindergarten and he agrees with her.

Steve Picciano, 5 Stockton Place, asked if we were planning to add approximately 15 classrooms would each room need a teacher.

Mr. Sincaglia said we do have a full time art and music teacher in the schools but we do not have a place for them to practice their craft. He added that the only extra staff planned at this time is for full-day kindergarten.

Mr. Picciano asked several questions regarding the changing of grades in the middle school and the building in general. Dr. Casale, Mr. Sincaglia, Mr. Pelaia, Mrs. Roncaglio and Mr. Heckendorn responded to his concerns and comments.

Mr. Picciano commented that at the previous meetings he attended it was stated that this district was just catching up with other districts. He noted that for 50 million dollars it is a tough sell. He asked when is the date and time that this district is going to be on par or above other districts. He added there is no reason to build something to just catch up with the other districts and not be a state-of-the-art facility.

Dr. Parisi stated that the Board wants to demonstrate to the public that this is not a frivolous plan and there is not a lot of frills in it. He added there are a lot of definitions you could put on the word state-of-the-art -- does it mean air conditioning in every classroom or a pool. He noted that the Board keeps on saying that the plans bring the district up to par, but it brings the buildings up to a realistic program to match the education that we want our children to go through. He thinks that many of the additions in the buildings will become state-of-the-art.

Mr. Picciano said that is the projection that should be given to the public.

RESOLUTION PROVIDING FOR A SPECIAL SCHOOL DISTRICT  
ELECTION TO BE HELD ON JANUARY 22, 2002 FOR  
CONSIDERATION OF A SCHOOL BOND PROPOSAL:

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

Upon voting Mr. Pelaia commented that he was dissatisfied with the process and felt the state should have advised our representatives of the recalculation and the way the state was handling things. He is also concerned about the credibility of the Board and he wants it clear on the record that this was a change by the state and does not reflect upon our representative or this Board of Education. He added that the need is overdue in the schools and he commended Dr. Serafino, Dr. Vivinetto, Mr. Sincaglia Dr. Casale and the Board for the courage to do something tonight that should have been done by Boards before.

Upon voting Mr. Restaino said he agreed with Mr. Pelaia's comments.

Dr. Casale thanked his fellow Board members, our Administrators and the team who helped put all this together. He apologized for the difference in the amount and reiterated what Mr. Pelaia said that it is not a reflection on the Board or our representatives. He added that he very enthusiastically votes "yes".

**BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:**

1. It is hereby determined that a proposal, together with an interpretive statement, will be submitted for voter approval at the special election to be scheduled for January 22, 2002 between the hours of 2:30 p.m. and 9:00 p.m. as permitted and required by law. The form of the proposals and the interpretive statement will read substantially as follows:

**PROPOSAL**

The Board of Education of the Township of Nutley in the County of Essex, New Jersey is authorized (a) to undertake the construction of additions and renovations to the Nutley High School, Franklin Middle School, Lincoln Elementary School, Radcliffe Elementary School, Spring Garden Elementary School, Washington Elementary School, and Yantacaw Elementary School; (b) to make the necessary onsite and offsite improvements and purchase the necessary furniture and equipment associated with such additions and improvements; (c) to appropriate \$49,900,730 for such improvements and acquisitions, funded in part by a \$14,588,836 grant from the State of New Jersey; and (d) to issue bonds to finance the School District's local share of the project in the principal amount of \$35,311,894.

The total final eligible costs of the projects approved by the Commissioner of Education is \$36,472,088, consisting of \$5,657,431 for the Nutley High School, \$12,332,683 for the Franklin Middle School, \$3,652,123 for the Lincoln Elementary School, \$1,686,374 for Radcliffe Elementary School, \$4,060,984 for the Spring Garden Elementary School, \$3,920,624 for the Washington Elementary School, and \$5,161,869 for the Yantacaw Elementary School. These projects include a total of \$13,428,642 for school facility construction elements in addition to the facilities efficiency standards developed by the Commissioner of Education, or facilities that are not otherwise eligible for State support pursuant to N.J.S.A. 18A:7G-5(g), consisting of \$716,944 for the Nutley High School, \$5,625,567 for the Franklin Middle School, \$1,227,204 for the Lincoln Elementary School, \$498,181 for Radcliffe Elementary School, \$2,040,213 for the Spring Garden Elementary School, \$1,296,691 for the Washington Elementary School, and \$2,023,842 for the Yantacaw Elementary School.

In the event that the State of New Jersey provides only a portion of the grant amount anticipated to be received for these improvements, bonds and temporary notes of the School District are authorized to finance any shortfall in the grant amount. If the State of New Jersey is unable to provide any

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portion of the grant amount, the School District would be expected to receive 29.23% of debt service aid from the State of New Jersey while the bonds are outstanding. Temporary notes of the School District are authorized to be issued in anticipation of the receipt of the grant from the State of New Jersey. If necessary, the Board of Education is authorized to transfer by resolution General Fund surplus, Capital Reserve amounts, and investment earnings from the bonds and temporary notes authorized herein to complete the improvements listed herein.

### **INTERPRETIVE STATEMENT**

If the proposal is approved by the voters of the School District, the Board of Education will be authorized to undertake improvements in the amount of \$49,900,730, which will be financed with a grant from the State of New Jersey in the amount of \$14,588,836 and bonds issued by the Board of Education in the amount of \$35,311,894.

2. This Board of Education hereby approves and adopts the proposal set forth above to be revised in accordance with the approval from the Commissioner of Education and, subject to the approval of the legal voters of the School District, hereby determines to carry out the same. The final form of this proposal and the interpretive statement are subject to review and revision by Bond Counsel.

3. This Board of Education hereby acknowledges and confirms that in accordance with N.J.S.A. 18A:24-16 and 18A:24-17 a supplemental debt statement has been prepared by the chief financial officer of the Township of Nutley, being the only municipality comprised within the school district giving effect to the proposed authorization of bonds of the school district in the maximum amount of bonds authorized in the proposal. The supplemental debt statement has been filed in the office of the Clerk of the Township of Nutley and in the office of the Business Administrator/Board Secretary of this Board of Education prior to the final adoption of the proposal and will be filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs prior to the date of the special election.

4. The Business Administrator/Board Secretary is hereby authorized and directed to send a certified copy of the proposal with the interpretive statement to the County Clerk as required by the provisions of Chapter 278 of the Pamphlet Laws of 1995 and to request the County Clerk to conduct the special election and is further authorized to request the Municipal Clerk to publish the Military Service and Civilian Absentee Ballot notices in accordance with the requirements of law.



The Business Administrator/Board Secretary is further authorized to act on behalf of the Board to make such determinations required of the Board for the conduct of elections as may be required. The Business Administrator/Board Secretary is further authorized and directed to send the completed form of the proposal and the interpretive statement to the County Clerk upon receipt of the information from the Commissioner of Education necessary to complete it.

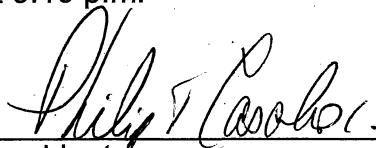
5. This Board of Education hereby authorizes application to be made to the Commissioner of Education for approval of the educational plans, schematic plans and project in accordance with the requirements of the Educational Facilities Construction and Financing Act, P.L. 2000, c. 72, effective July 18, 2000 (the "Act"). The Board hereby elects to receive a grant under Section 15 of the Act as set forth in the proposal authorized herein and to construct the project itself. The Superintendent of Schools, the Business Administrator/Board Secretary, the Auditor, the Project Architect, Bond Counsel and other appropriate representatives of the Board are authorized to submit such applications and to take all actions necessary on behalf of the Board in connection therewith.

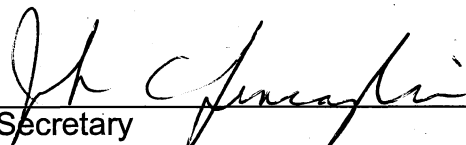
6. The Board hereby accepts the Commissioner of Education's determination of preliminary eligible costs for the improvements contained herein, and waives its right to appeal such costs, pursuant to N.J.S.A. 18A:7G-5(h).

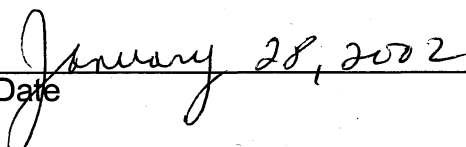
7. The Board hereby authorizes the Superintendent of Schools, the School Business Administrator/Board Secretary, the Auditor, the Project Architect, Bond Counsel, and other appropriate representatives of the Board to take all steps necessary to implement this resolution.

ADJOURNMENT:

There being no further business to come before the Board, on motion made by Mr. Restaino, seconded by Mr. Pelaia, the meeting was adjourned at 9:10 p.m.

  
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 President

  
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 Secretary

  
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 Date

January 3, 2002