

**NUTLEY BOARD OF EDUCATION  
REGULAR MEETING  
NOVEMBER 29, 2004**

The Nutley Board of Education held a Regular Meeting on Monday, November 29, 2004 at the Radcliffe School Multi-Purpose Room, 379 Bloomfield Avenue, Nutley, NJ 07110.

President Alamo opened the meeting at 8:12 PM.

**CALL TO  
ORDER**

**MEETING NOTICE**

**MEETING  
NOTICE**

President Alamo 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 Regular Meeting was provided in the annual notice dated May 3, 2004 and legally advertised in the Nutley Sun on May 13, 2004. Said notice was posted at the entrance of the Board of Education offices, mailed to The Nutley Sun, The Star Ledger, The North Jersey Herald & News and The Nutley Journal and mailed to the Nutley Township Clerk.

This is an official meeting.

**FLAG SALUTE**

**FLAG  
SALUTE**

Trustee Viola led the assembly in the flag salute.

**ROLL CALL**

**ROLL  
CALL**

Present: Mr. John Cafone  
Dr. Philip T. Casale  
Mr. Gerard Del Tufo  
Mr. Sal Olivo  
Dr. Gerard M. Parisi  
Mr. Kenneth J. Reilly  
Mr. Alfred R. Restaino, Jr.  
Mr. James Viola  
Mrs. Maria Alamo

Also Present: Dr. Kathleen C. Serafino, Superintendent of Schools  
Dr. James Vivinetto, Assistant Superintendent  
Mr. Dennis M. Oblack, Business Administrator/Board Secretary  
Miss Shannon Arroyo, Student Representative

**APPROVAL OF MINUTES**

**APPROVE  
MINUTES**

Trustee Cafone moved, Trustee Parisi seconded, and the Board unanimously approved by roll call vote the following motion:

BE IT RESOLVED that the Board of Education approves the following minutes:

November 8, 2004 - Conference Meeting  
October 18, 2004 - Regular Meeting  
October 18, 2004 - Conference Meeting

**CORRESPONDENCE**

**CORRESPONDENCE**

Board Secretary Oblack read, and the trustees acknowledged, the following items of correspondence:

A thank-you note from Anne Laudadio and Family for the Board's expression of sympathy on the passing of her mother.

A thank-you note from Marcy McKenzie for the support shown her during the illness and passing of her mother.

A thank-you note from Law & Order: Special Victims Unit for allowing them to film at Nutley High School.

**BOARD SECRETARY'S REPORT**

**BOARD  
SECRETARY'S  
REPORT**

Board Secretary Oblack discussed the audit report and highlighted the recommendations that the Board's accounting firm Lerch, Vinci and Higgins made on the Corrective Action Plan for future audits.

**SUPERINTENDENT'S REPORT**

**SUPT'S REPORT    A**

Dr. Serafino presented the Superintendent's Report dated November 29, 2004, Schedule A, which is appended to the minutes of this meeting.

**COMMITTEE REPORTS**

**COMMITTEE  
REPORTS**

Student Representative - Student Report  
Trustee Parisi - Policy Committee  
Trustee Viola - Community Relations  
- Priorities Committee  
Trustee Del Tufo - Facilities Committee

**HEARING OF CITIZENS (Resolutions Only)**

**HEARING OF  
CITIZENS**

NONE

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

### **SUPT'S RESOLUTIONS**

Trustee Olivo moved, and Trustee Del Tufo seconded, a motion that the Board approve the Superintendent's Resolutions numbers 1 through 12 as listed below.

The Superintendent's Resolutions 1 through 12 were unanimously approved by roll call vote with the following exception:

1. Trustee Olivo abstained on Resolution 10 – Extra Compensation.

#### **1. RETIREMENT – Bus Aide**

#### **RETIREMENT BUS AIDE**

BE IT RESOLVED that the Board of Education approves the acceptance of the resignation, for reasons of retirement, of Carmela Masucci, bus aide, effective January 1, 2005.

#### **2. RESIGNATION – Athletics**

#### **RESIGNATION ATHLETICS**

BE IT RESOLVED that the Board of Education approves the resignation of Mr. Gerald Ryan as Assistant Winter Track Coach effective October 12, 2004.

#### **3. AMENDING RESOLUTION – Leave of Absence – Teacher**

#### **AMEND RESOLUTION LEAVE - TEACHER**

BE IT RESOLVED that the Board of Education approves the amending of the resolution, approved at the October 18, 2004 Board meeting, to reflect a change in effective date of Mrs. Marisa Tusche to January 10, 2005.

#### **4. AMENDING RESOLUTION (SCHEDULE D) – Reappointments Buildings & Grounds Personnel**

#### **AMEND B&G PERSONNEL**

BE IT RESOLVED that the Board of Education approves the amending of the resolution (Schedule D) approved at the September 27, 2004 Board Meeting to reflect the change in longevity for Kwabena Opong from \$1,400 to \$1,700 for the school year 2004-05.

#### **5. APPOINTMENT – Athletic**

#### **APPOINT ATHLETIC**

BE IT RESOLVED that the Board of Education approves the appointment of Miss Kelli Cerniglia as Assistant Winter Track Coach for the 2004-05 school year, at the salary of \$4,505 Step 3, in accordance with the 2004-05 Athletic Salary Guide.

**6. APPOINTMENTS – Teacher Substitutes**

**APPOINT  
TEACHER SUBS B**

BE IT RESOLVED that the Board of Education approves the appointments of the teacher substitutes listed on the attached Schedule B for the 2004-005 school year.

**7. APPOINTMENTS – Substitutes**

**APPOINT  
SUBS**

BE IT RESOLVED that the Board of Education approves the following substitutes for the 2004-05 school year:

Bus Driver

Anthony Cefalo  
Dolores Dwyer

Bus Aide

Carmela Masucci

Buildings & Grounds

Joseph Castellano

School Aide/Cafeteria

Nancy Stephens

**8. APPOINTMENT – BOE Extended Day Program**

**APPOINT  
EXTENDED DAY**

BE IT RESOLVED that the Board of Education approves the appointment of the School Age Extended Day Program employees listed below for the 2004-05 school year at the salary indicated:

<u>Child Care Nurse (p/t)</u>	<u>Hourly Rate</u>
Katherine Flannery	\$30.00

**9. APPOINTMENTS – SUBURBAN ESSEX JOINT INSURANCE FUND**

**APPOINT  
SUB. ESSEX JOINT  
INSURANCE FUND**

BE IT RESOLVED that the Board of Education appoints Dennis Oblack as the Fund Commissioner and Michael De Vita as the Alternate Fund Commissioner for the Suburban Essex Joint Insurance Fund.

**10. EXTRA COMPENSATION**

**EXTRA  
COMP**

BE IT RESOLVED that the Board of Education approves the following personnel be paid extra compensation in the amounts indicated for services rendered:

**PAYMENT FOR SAT REVIEW CLASSES – October 6, 7,  
13, 14, 20, 21, 27 and 28, 2004 for a total of 24 hours:**

Jenifer Hecht	\$831.36
Leann Martin	831.36

**HEALTH DYNAMICS CLASSES –  
Month of October, 2004**

Rose Cioffi	\$250.00
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**PAYMENT FOR CONDUCTING “ONE STEP WEB PAGE”  
In-Service - October 12, 14, 19, 21 and 26, 2004**

Christina Osieja	\$675.60
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**PAYMENT FOR CONDUCTING “IMPLEMENTING  
CALENDAR MATH into the ELEMENTARY CLASSROOM”  
In-Service – September 29, October 6, 13, 20 and 27, 2004**

Lorraine Rubinstein	\$675.60
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**P.A.T. COMMITTEE – October 7, 2004**

Jolinda Griwert	\$ 51.96
Suzanne Hagert	51.96
Claire Menza	51.96
Rebecca Olivo	51.96
Lisa Rossi	51.96
Janice Schoem	51.96

**LIBRARY/MEDIA CURRICULUM – October 2, 2004**

Erin Barrett	\$103.92
Maria Gernitis	103.92
Sheryl Ives	103.92
Douglas Jones	157.20
Janine Peters	103.92
Camille Sains	103.92
Christina Stendardi	103.92
Louise Walk	103.92

**MATHEMATICS TEST DEVELOPMENT  
October 2, 2004**

Gerard Adubato	\$103.92
Amelia Cerisano	103.92
Dolores Contratas	103.92
Michele Cristantiello	103.92
Mary Lou Dowse	157.20
Patricia Fischer	103.92
Katherine Franks	103.92

Sheryl Holly	103.92
Carol Perrone	103.92
Gail Reilly	103.92
Lorraine Rubinstein	103.92
Lynn Sorrentino	103.92
Carol VonAchen	103.92

**SCIENCE CURRICULUM REVIEW K-6  
October 2, 2004**

Patricia Adubato	\$103.92
Grayce Berk	103.92
Michael Fetherman	157.20
Antoinette Frannicola	103.92
Beverly Masullo	103.92
Linda Moscaritola	103.92
Walter Murray	103.02
Ellen Napoli	103.92
Lorraine Restel	103.92
Kristine Torjussen	103.92

**CENTRAL DETENTION COVERAGE –  
October, 2004**

High School

AnnMarie Kowalski	\$337.86
Deane Stepanski	18.77
Lisa Vallo	18.77

Franklin School

Joseph Cappello	93.85
Tracy Egan	56.31
Louis Manganiello	75.08
Luann Zullo	150.16

**SATURDAY MORNING SUSPENSIONS –  
October , 2004**

High School

AnneMarie Kowalski	\$ 78.45
Lawrence Mitschow	78.45
Lisa Vallo	235.35

Franklin School

Joseph Cappello	78.45
Frank Francia	78.45
Becky Pandolfi	156.90

**LONGEVITY  
PAY**

11. **LONGEVITY PAY**

BE IT RESOLVED that the Board of Education approves the following longevity payment:

Peggy Hollywood - \$1,400(prorated) Eff. Dec. 1, 2004 (10 yrs.)  
Antonio Petracca - \$2,000(prorated) Eff. Sept. 1, 2004 (17 yrs.)

**12. SPECIAL CLASS PLACEMENT – Educationally Disabled Students**

**SPECIAL  
CLASS  
PLACEMENT**

BE IT RESOLVED that the Board of Education authorizes the attendance of a student in out-of-district special education classes for the 2004-05 school year as follows:

<u>School</u>	<u>No. of Students</u>	<u>Classification</u>	<u>Effective Date</u>	<u>Tuition</u>
Institute for Educational Achievement New Milford, NJ	1	Autistic	10/4/04	\$64,064
Allegro School Cedar Knolls, NJ	1	PS	10/15/04	\$51,200

**MEMORIALS**

**13. Memorial**

**Mr. Karekin Bakalian**

Trustee Parisi moved, and Trustee Casale seconded, the following resolution. Upon being put to a roll call vote the resolution was unanimously approved.

WHEREAS, it is with a sense of deep sorrow and regret that the Nutley Board of Education records the death of Mr. Karekin Bakalian on October 14, 2004, and

WHEREAS, Mr. Bakalian was employed in November, 1948 as a teacher and in 1969 as principal of Radcliffe School and had a distinguished educational career until his retirement in June, 1980, and

WHEREAS, Mr. Bakalian won the admiration and respect of his fellow educators and exemplified at all times the finest qualities of his profession.

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

**14. Memorial**

**Mrs. Mary C. Whelan**

Trustee Parisi moved, and Trustee Viola seconded, the following resolution. Upon being put to a roll call vote the resolution was unanimously approved.

WHEREAS, it is with a sense of deep sorrow and regret that the Nutley Board of Education records the death of Mrs. Mary C. Whelan on October 26, 2004, and

WHEREAS, Mrs. Whelan was employed in September, 1947 as a teacher and in 1969 as staff assistant and had a distinguished educational career until her retirement in July, 1982, and

WHEREAS, Mrs. Whelan won the admiration and respect of her fellow educators and exemplified at all times the finest qualities of her profession.

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**

**BOARD  
SECRETARY'S  
RESOLUTIONS**

Trustee Cafone moved, and Trustee Parisi seconded, a motion that the Board approve the Board Secretary's Resolutions numbers 1 through 15 as listed below.

The Board Secretary's Resolutions 1 through 15 were unanimously approved by roll call vote.

1. **BILLS AND MANDATORY PAYMENTS**

**BILLS &  
MANDATORY  
PAYMENTS      A**

BE IT RESOLVED that the Board of Education approves the payment of bills and mandatory payments dated November 29, 2004 in the total amount of \$5,491,779.36 (Appendix A).

2. **REQUESTS FOR USE OF SCHOOL BUILDINGS AND GROUNDS**

**USE OF  
BUILDINGS  
AND GROUNDS      B**

BE IT RESOLVED that the Board of Education approves the requests for the use of school buildings and grounds (Appendix B), that conform to the rules and regulations set by the Board of Education.

3. **TRANSFER SCHEDULE**

**TRANSFER  
SCHEDULE      C**

BE IT RESOLVED that the Board of Education approves, in compliance with NJAC 6A:23-2.11(c)3ii, and NJSA 18A:22-8-1, the transfers in the 2004-05 budget dated October 31, 2004 in the amount of \$97,431.00 as appended (Appendix C).



**4. JOINT TRANSPORTATION AGREEMENT – Belleville Board of Education**

**JOINT  
TRANS  
AGREEMENT**

BE RESOLVED that the Board of Education approve the following Joint Transportation Agreement with the Belleville Board of Education to provide transportation for one special education student from Belleville to Therapeutic School, Belleville, NJ on Nutley Bus Route #2 effective November 15, 2004 through June 30, 2005 at a cost per diem of \$20.00\*. (Subject to approval of the County Superintendent of Schools.)

\*An additional charge of \$10 per diem will be added for each additional student on an established route.

**5. DESIGNATION OF ACCOUNT SIGNATORIES**

**DESIGNATION  
OF ACCOUNT  
SIGNATORIES**

BE IT RESOLVED that the official signatories for the following checking accounts at Valley National Bank be designated as follows:

Franklin School Account

John Calicchio  
or  
Sherrie Tolve  
and  
Catherine Isabella

**6. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS**

**APPROVE  
STATE CONTRACT  
VENDORS D**

WHEREAS, the Nutley Board of Education, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division and Property in the Department of the Treasury; and

WHEREAS, the Nutley Board of Education has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Nutley Board of Education intends to enter into contracts with the attached Referenced State Contract Vendors (Appendix D) through this resolution and properly executed contracts, which shall be subject to all conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Nutley Board of Education authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Nutley Board of Education pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Nutley Board of Education and the Referenced State Contract Vendors shall be from July 1, 2004 to June 30, 2005.

**APPROVE  
CANCELLATION  
OUTSTANDING  
CHECKS** **E  
F  
G**

**7. APPROVE CANCELLATION - OUTSTANDING CHECKS**

WHEREAS our auditor, Lerch, Vinci and Higgins, has recommended that aged bank reconciliation items, including outstanding checks and debit and credit items, be cleared; and

WHEREAS our auditors recommend to cancel outstanding aged checks and take into Miscellaneous Revenue; and

WHEREAS our Treasurer of School Moneys also recommends that we cancel outstanding aged checks and take into Miscellaneous Revenue;

BE IT RESOLVED that the Nutley Board of Education approves the cancellation of outstanding aged checks as follows:

General Account	\$19,132.26	Appendix E
Athletic Account	\$ 717.00	Appendix F
Salary Account	\$ 599.97	Appendix G

**8. CLOSING BANK ACCOUNT**

**CLOSING  
BANK  
ACCOUNT**

BE IT RESOLVED that the Board of Education approves closing out three Wachovia Bank Accounts (2012300009768, 2012300006868 and 2012300053264) and transferring the funds to Commerce Bank Account No. 3450340344. This resolution is dependent on the Board's approval of Resolution 7 – Approve Cancellation – Outstanding Checks.

**9. SUBMISSION OF COMPREHENSIVE MAINTENANCE PLAN**

**SUBMIT  
MAINT. PLAN H**

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

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

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

NOW THEREFORE BE IT RESOLVED, that the Nutley Board of Education hereby authorizes the School Business Administrator to submit the attached (Appendix H) Comprehensive Maintenance Plan for the Nutley Public Schools in compliance with Department of Education requirements.

**10. ADDENDUM – CHAPTER 192/193 – School Year 2004-05**

**ADDENDUM  
CHAPTER 192/193 I**

BE IT RESOLVED that the Board of Education approves the addendum to Chapter 192/193 as attached (Appendix I).

**11. AUTHORIZATION AND DELEGATION OF AUTHORITY FOR EDA AGREEMENT**

**AUTHORIZE  
EDA  
AGREEMENT**

BE IT RESOLVED that the Nutley Board of Education approves the Educational Facilities Construction Financing Act Grant Agreement for the School Facilities Project No. 3750-060-04-1000, for the grant amount of \$8,769,617.00 and authorizes that it be duly executed and submitted to the New Jersey Economic Development Authority, along with the required application and documentation; and

BE IT FURTHER RESOLVED that the Nutley Board of Education hereby authorizes that Mr. Dennis Oblack, School Business Administrator/Board Secretary, supervise the Educational Facilities Construction Financing Act Grant Agreement for the School Facilities Project No. 3750-060-04-1000, for the grant amount of \$8,769,617.00.

**12. APPROVAL OF CHANGE ORDER FOR HIGH SCHOOL WINDOW & DOOR REPLACEMENT**

**APPROVE  
CHANGE  
ORDER J**

BE IT RESOLVED that the Board of Education approves the recommendations from DCM Architecture, Inc., our Architect, and Tri-Tech Engineering, our Construction Manager, for Change Order #3 (Appendix J) for our high school window replacement project. The contract with Levy Construction Company, Inc. will reflect an increase or (decrease) in the amount as follows:

	<u>Date</u>	<u>Amount</u>
Change Order #3	8/23/04	\$ 2,500.00

**APPROVE  
FINAL PAY  
LEVY CONST. CO.**

**13. APPROVAL OF FINAL PAYMENT TO LEVY  
CONSTRUCTION COMPANY**

BE IT RESOLVED that the Board of Education approves final payment in the amount of \$ 24,403.00 to Levy Construction Co., Inc. for the Nutley High School Window Replacement Project as per the recommendation of the Board's architect and construction manager.

**AUTHORIZE ESSEX CO.  
GRANT AGREEMENT**

**14. AUTHORIZATION – GRANT AGREEMENT WITH ESSEX  
COUNTY**

WHEREAS the Essex County Recreation & Open Space Trust Fund Local Aid Program (Open Space Trust) has awarded the Nutley Board of Education a \$105,000 matching grant to fund the installation of aluminum seating/bleachers and the construction of a new retaining wall at Tangorra Field.

NOW THEREFORE BE IT RESOLVED that the Board President and Board Secretary be and are hereby authorized to execute a grant agreement with the County of Essex in a form approved by the Board Attorney.

**15. COMPREHENSIVE ANNUAL FINANCIAL REPORT/AUDIT**

**AUDIT K  
REPORT**

WHEREAS, the district has prepared the Comprehensive Annual Financial Report for the 2003-04 school year, and

WHEREAS, the audit of the financial records of the school district for the 2003-04 school year has been made, according to the requirements of Title 18A, by the firm of Lerch, Vinci & Higgins, and

WHEREAS, copies of a synopsis of this audit have been made available to the public,

NOW, THEREFORE, BE IT RESOLVED, That the Board of Education accepts the 2003-04 Comprehensive Annual Financial Report and the report of the independent auditors,

which includes the audit recommendations which were read aloud and discussed at the public board meeting of November 29, 2004, and

BE IT FURTHER RESOLVED, That the Board approves the Corrective Action Plan as per (Appendix K) responding to the recommendations of the auditor and that a copy of the Corrective Action Plan be submitted, as required, to the County Superintendent of Schools.

**BUILDING  
ENVELOPE  
ASSESSMENTS**

**16. BUILDING ENVELOPE ASSESSMENTS**

Trustee Del Tufo moved, and Trustee Olivo seconded, the following resolution. Upon being put to a roll call vote the resolution was unanimously approved.

WHEREAS the Township of Nutley Public School District is developing a long-range renovation program for the school buildings and requires information on the present condition of the building envelope systems, especially the needs for repair and renewal of these building structures.

WHEREAS the firm of CVM Engineers of Wayne, PA proposes and is capable to render engineering services to the Nutley Board of Education in connection with envelope assessments of Radcliffe, Spring Garden and Yantacaw Elementary Schools, and Nutley High School.

WHEREAS CVM Engineers has submitted a proposal acceptable to the Board for these services, and

WHEREAS N.J.S.A. 18A:18A-5a provides for the award of contracts for this type of professional service without competitive bidding,

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Township of Nutley approves CVM Engineers Proposal No. P2004-03d dated October 11, 2004, and as per the recommendation of architect Lee Heckendorn of DCM Architecture, Inc. and Alan Ianuzzi of Tri-Tech Engineering, Construction Manager.

BE IT FURTHER RESOLVED that fees and expenses for these services will not exceed \$31,500, for engineering services, plus an allowance of \$3,000 for miscellaneous reimbursable expenses as per the proposal.

**CIVIL/SITE  
ENGIN. SVCS.**

**17. CIVIL/SITE ENGINEERING SERVICES**

Trustee Del Tufo moved, and Trustee Parisi seconded, the following resolution. Upon being put to a roll call vote the resolution was unanimously approved.

WHEREAS there exists a need for professional land surveying and civil/site engineering services for the Franklin Middle School addition and renovation project, and

WHEREAS the firm of Pennoni Associates Inc. of Cranford, NJ is qualified and capable of performing these services, and

WHEREAS Pennoni Associates Inc. has submitted a proposal acceptable to the Board for these services, and

WHEREAS N.J.S.A. 18A:18A-5a provides for the award of contracts for this type of professional service without competitive bidding,

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Township of Nutley approves Pennoni Associates Inc. Proposal No. PRO 042080 dated October 26, 2004 as per the recommendation of architect Lee Heckendorn of DCM Architecture, Inc.

BE IT FURTHER RESOLVED that fees and expenses for these services will not exceed \$8,000 for land surveying services; \$45,500 for Civil Engineering services; plus an estimated allowance of \$23,000 for "as needed" work items, as per the proposal, not to exceed a total of \$76,500.

**APPROVE  
457(B)  
PLAN**

**18. APPROVAL OF 457(b) EMPLOYEE DEFERRED  
COMPENSATION PLAN**

Trustee Reilly moved, and Trustee Del Tufo seconded, the following resolution. Upon being put to a roll call vote the resolution was unanimously approved.

BE IT RESOLVED that the President and Secretary of the Nutley Board of Education be and are hereby authorized to execute the Adoption Agreement For Basic Plan Document For The Nutley Board of Education Eligible 457(b) Deferred Compensation Plan For Governmental Employers, a copy of which is on file in the District Business Office.

**19. RESOLUTION AUTHORIZING THE ISSUANCE OF NOT  
TO EXCEED \$1,364,000 GRANT ANTICIPATION NOTES OF  
THE BOARD OF EDUCATION OF THE TOWNSHIP OF  
NUTLEY IN THE COUNTY OF ESSEX, NEW JERSEY**

**GRANT  
ANTICIPATION  
NOTES**

Trustee Casale moved, and Trustee Viola seconded, the following resolution. Upon being put to a roll call vote the resolution was approved with the following exception:

1. Trustee Restaino voted "No".

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

Section 1. Pursuant to Title 18A, Education, of the New Jersey Statutes, N.J.S.A. 18A:22-44.1 and in anticipation of the receipt of a grant from the New Jersey Schools Construction Corporation ("NJSCC") awarded pursuant to the provisions of the Educational Facilities Construction and Financing Act, there are hereby authorized to be issued promissory notes to be called "Grant Anticipation Notes" of The Board of Education of the Township of Nutley in the County of Essex, New Jersey (the "Board") in an amount not exceeding \$1,364,000. The proceeds

of such notes shall be applied only to purposes of the school district's school facilities project for which the grant was awarded.

Section 2. The following matters in connection with the notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the Business Administrator/Board Secretary, provided that no note shall mature later than one year from its date;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Business Administrator/Board Secretary;

(c) The notes shall be in the form determined by the Business Administrator/Board Secretary and the Business Administrator/Board Secretary's signature upon the notes shall be conclusive as to such determination;

(d) Notes issued hereunder may be renewed from time to time provided, however, that no renewal note shall be issued after December 31 or before July 1 of any fiscal year.

Section 3. The Business Administrator/Board Secretary is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution, and the Business Administrator/Board Secretary's signature upon the notes shall be conclusive as to such determination.

Section 4. The Business Administrator/Board Secretary is hereby authorized to sell the notes from time to time at public or private sale in such amounts as the Business Administrator/Board Secretary may determine at not less than par and to deliver them from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 5. The Business Administrator/Board Secretary, in connection with other professionals of the Board acting under the Business Administrator/Board Secretary's direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the Board, as it may be so updated from time to time, to be distributed in connection with the sale of obligations of the Board. The Business Administrator/Board Secretary is hereby authorized to execute such disclosure document on behalf of the Board.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the school district. The full faith and credit of the school district are hereby pledged to the punctual payment of the principal of and the interest on the obligations.

Section 7. The Board hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended, in order to preserve the exemption from taxation of interest on the notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the notes.

Section 8. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the notes are not exempt from the Rule and provided that the notes are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the notes remain outstanding (unless the notes have been wholly defeased), the Board shall provide, for the benefit of the holders of the notes and the beneficial owners, as soon as practicable to the Municipal Securities Rule Making Board (the "MSRB"), and to the State information depository, if one is established, notice of the occurrence of any of the following events with respect to the notes, if material:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions or events affecting the tax-exempt status of the notes;
- (7) Modifications to the rights of security holders;
- (8) Bond calls (other than mandatory sinking fund redemptions previously described with respect to the notes);
- (9) Defeasances;
- (10) Release, substitution or sale of property which secures the repayment of the notes; and
- (11) Rating changes.

In the event that the Board fails to comply with the above-described undertaking, the Board shall not be liable for any monetary damages, remedy of the beneficial owners of the notes being specifically limited in the undertaking to specific performance of the undertaking.

The undertaking may be amended by the Board from time to time, without the consent of the note holders or the beneficial owners of the notes, in order to make modifications required in



connection with a change in legal requirements or change in law, which in the opinion of nationally recognized bond counsel complies with the Rule.

Section 9. The Business Administrator/Board Secretary is authorized and directed to report in writing to the Board at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, the description, the interest rate and the maturity of the notes sold, the price obtained and the name of the purchaser.

Section 10. This resolution shall take effect immediately.

**20. ADOPTION OF POLICIES (First Reading)**

**ADOPT  
POLICIES  
1<sup>ST</sup> READING**

Trustee Viola moved, and Trustee Parisi seconded, the following resolution. Upon being put to a roll call vote the resolution was unanimously approved.

BE IT RESOLVED that the Board of Education adopts the following policies (first reading) on file in the Business Office:

- |                 |   |
|-----------------|---|
| Policy # 2466   | Public Labeling of Educationally Handicapped Pupils |
| Policy # 2467   | Surrogate Parents and Foster Parents                |
| Policy # 2622   | Pupil Assessment                                    |
| Policy # 3431.1 | Family Leave – Teaching Staff Member                |
| Policy # 4431.1 | Family Leave – Support Staff Member                 |
| Policy # 5310   | Health Services – Pupils                            |
| Policy # 5533   | Smoking   |
| Policy # 5620   | Expulsion   |
| Policy # 9110   | Quality Assurance Annual Report                     |

**21. REJECTION OF SEALED BIDS – Modular Classrooms**

**REJECT  
SEALED BIDS**

Trustee Restaino moved, and Trustee Viola seconded, the following resolution. Upon being put to a roll call vote the resolution was unanimously approved.

WHEREAS the Nutley Public Schools opened sealed bids for modular classrooms at the Yantacaw Elementary School and the

Franklin Middle School on July 30, 2004, and again on September 24, 2004, and

WHEREAS in both of these instances the lowest bid substantially exceeded the cost estimates for these projects,

NOW BE IT RESOLVED that the Nutley Board of Education rejects all bids under NJSA 18A:18A-22, and

BE IT FURTHER RESOLVED that the Board abandons the modular classroom project at the Franklin Middle School.

**HEARING OF CITIZENS**

**HEARING OF  
CITIZENS**

Resident Donna Ferrara asked if the decision for the Superintendent would be made before the Board elections.

President Alamo responded that the Board would start interviewing for the position in December.

Resident Terry Quirk asked questions regarding the gas spill by the high school and also if our athletic coaches receive guidebooks.

Resident Rich O'Connor asked if our athletic coaches are fingerprinted and questioned the high school hockey program.

Resident Greg Palmer asked if it was necessary for the Board to hire an outside source for the Superintendent search. He also questioned if the Board was allowing the district to sing religious Christmas songs.

Superintendent Serafino and President Alamo responded to the questions.

**OLD BUSINESS**

**OLD BUSINESS**

President Alamo spoke about the meeting dates for the Superintendent's search.

Trustees Cafone and Casale spoke about the tremendous impact S-1701 will have on the district.

**NEW BUSINESS**

**NEW BUSINESS**

None

**ADJOURNMENT**

**ADJOURN**

There being no further business, the meeting was adjourned at 9:20 PM on a motion by Trustee Casale, seconded by Trustee Viola, and unanimously approved by voice vote.

Respectfully submitted,

Dennis M. Oblack  
Board Secretary