

**NUTLEY BOARD OF EDUCATION
SPECIAL PUBLIC MEETING
JULY 10, 2008**

The Nutley Board of Education held a Special Public Meeting on Thursday, July 10, 2008 at the JHWMS Music Room, 325 Franklin Avenue, Nutley, NJ 07110.

President Casale opened the meeting at 7:35 PM.

**CALL TO
ORDER**

MEETING NOTICE

**MEETING
NOTICE**

President Casale 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 Special Public Meeting was provided in the notice of July 7, 2008. 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**

President Casale led the assembly in the flag salute.

ROLL CALL

**ROLL
CALL**

Present: Mr. Angelo Frannicola
Mr. James A. Kuchta
Mr. Vincent Moscaritola
Mr. Kenneth Reilly
Ms. Patricia Williams
Dr. Philip T. Casale

Absent: Mrs. Maria Alamo
Mr. Walter Sautter

Also Present: Mr. Joseph Zarra, Superintendent of Schools
Mrs. Mariana Francioso, Assistant Superintendent of Schools
Mr. Michael DeVita, Acting Board Secretary
Mr. Anthony Malanga, Board Attorney

Trustee Kuchta stated that since the district will be meeting with the Department of Education on Wednesday, July 16, 2008 he felt that it's not in the best interest of the district to proceed with Tri-Tech's presentation. He suggested tabling the presentation.

MOTION TO ADJOURN TO EXECUTIVE SESSION

**EXECUTIVE
SESSION**

At 7:42 PM Trustee Moscaritola moved, and Trustee Reilly 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:

Legal Matter

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

RECONVENE

At 7:53 PM Trustee Frannicola moved, Trustee Kuchta seconded, and the Board unanimously approved by voice vote a motion to reconvene the public meeting.

ROLL CALL

**ROLL
CALL**

Present: Mr. Angelo Frannicola
Mr. James A. Kuchta
Mr. Vincent Moscaritola
Mr. Kenneth Reilly
Ms. Patricia Williams
Dr. Philip T. Casale

Absent: Mrs. Maria Alamo
Mr. Walter Sautter

Also Present: Mr. Joseph Zarra, Superintendent of Schools
Mrs. Mariana Francioso, Assistant Superintendent of Schools
Mr. Michael DeVita, Acting Board Secretary
Mr. Anthony Malanga, Board Attorney

Tri-Tech Presentation – Mr. Alan Ianuzzi and Mr John Agostini

Mr. John Agostini introduced himself and gave an overview of his professional certifications and experiences. He also gave a summary of the presentation given at the June 9, 2008 meeting.

Mr. Alan Ianuzzi gave a summary of his background and his professional experience. He read a statement from Tri-Tech's arbitration against the district.

President Casale stated that if a judgment was made against the district and a settlement wasn't agreed upon, the funds would have been paid in an increased tax levy against the township.

Mr. John Agostini gave a summary and presented a chart showing the damage claim summary and also the performance timelines for the past referendums.

Mr. Malanga summarized the reasons for the Board's decision of settling the claim against Tri-Tech. He stated that the Board was facing a big expense and felt it was in the Board's best interest to settle.

President Casale stated that at no time did the full nine-member Board vote or have a public discussion on whether Tri-Tech had a contract.

HEARING OF CITIZENS

Time was allowed for the public to ask questions and make comments regarding the construction management issues.

Several residence asked questions and made comments not limited to the following:

- Did any Board Member contact Tri-Tech?
- Did Tri-Tech contact any Board Member?
- Who does Tri-Tech report to?
- Who signed the original contract with Tri-Tech?
- Are any legal issues being filed against the former Board members and BA?
- Is the Department of Education investigating this claim?
- Do any Board Members have a personal relationship with Tri-Tech?
- Did the budget for the elementary school project include a construction manager?
- How did Tri-Tech get such a big settlement?
- During the middle school project did any problems arise?
- Did the Board President ever go to the Board attorney and inform him that Tri-Tech was not performing?
- Who are the individuals that were involved with Tri-Tech negotiations?
- Asked the Board to contact the US Attorney to investigate.
- Asked what duties Tri-Tech performed on a list of duties for construction managers.
- How many proposals were received when the district first hired Tri-Tech?

- What will the Board do to prevent this from happening again?
- Can Tri-Tech recommend anything to the Board to prevent this from happening again?
- Can the Board provide time at all meetings to update the public on the Capital Projects?
- Suggested having an attorney present at all facility meetings.
- Set parameters for the Board to move forward.
- Can the facilities meeting minutes be put on the website for the public to review?
- When were the Tri-Tech invoices ignored?
- When did the Board realize that the Tri-Tech invoices were being ignored?
- Who knew the Tri-Tech invoices were being ignored?
- Did the Board ever ask the attorney if they could ignore the invoices?
- Is over 10% of the 2006 Referendum being paid to Tri-Tech settlement?
- Concern about items being removed from the scope of work.
- Suggested press get more involved with the project.

Several Board Members, Administrators and the Board Attorney answered questions.

ADJOURNMENT TO EXECUTIVE SESSION

ADJOURN

There being no further business, the meeting was adjourned at 10:45 PM on a motion by Trustee Kuchta , seconded by Trustee Reilly, and unanimously approved by voice vote.

Respectfully submitted,

Michael DeVita
Acting Board Secretary