

**NUTLEY BOARD OF EDUCATION
SPECIAL PUBLIC MEETING
AUGUST 12, 2008**

The Nutley Board of Education held a Special Public Meeting on Tuesday, August 12, 2008 at the Board Room, 315 Franklin Avenue, Nutley, NJ 07110.

Vice President Moscaritola opened the meeting at 6:00 PM.

**CALL TO
ORDER**

MEETING NOTICE

**MEETING
NOTICE**

Vice President Moscaritola 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 August 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**

Trustee Williams led the assembly in the flag salute.

ROLL CALL

**ROLL
CALL**

Present: Mrs. Maria Alamo
Mr. Angelo Frannicola
Mr. Vincent Moscaritola
Mr. Walter Sautter
Ms. Patricia Williams

Absent: Dr. Philip T. Casale (arrived 6:09 PM)
Mr. James A. Kuchta
Mr. Kenneth Reilly (arrived 6:09 PM)

Also Present: Mr. Joseph Zarra, Superintendent of Schools
Mr. Michael DeVita, Acting Board Secretary

Also Absent: Mrs. Mariana Francioso, Assistant Superintendent of Schools

**EXECUTIVE
SESSION**

MOTION TO ADJOURN TO EXECUTIVE SESSION

At 6:05 PM Trustee Frannicola moved, and Trustee Alamo 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 Matters
Consideration of Vacant Board Seat

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 8:57 PM Trustee Frannicola moved, Trustee Williams seconded, and the Board unanimously approved by voice vote a motion to reconvene the public meeting.

ROLL CALL

**ROLL
CALL**

Present: Mrs. Maria Alamo
Mr. Angelo Frannicola
Mr. Vincent Moscaritola
Mr. Kenneth Reilly
Mr. Walter Sautter
Ms. Patricia Williams
Dr. Philip T. Casale

Absent: Mr. James A. Kuchta

Also Present: Mr. Joseph Zarra, Superintendent of Schools
Mr. Michael DeVita, Acting Board Secretary

Also Absent: Mrs. Mariana Francioso, Assistant Superintendent of Schools

Trustee Reilly explained the reason for Resolution 3 – Acceptance of CVM Proposals.

President Casale and Trustee Moscaritola explained reasons for Resolution 4 – Acceptance of Accounting Report and Resolution 6 – Approval of Letter to the State of NJ.

RESOLUTIONS:

**ADOPTION
POLICY
1st READING A**

1. ADOPTION OF POLICY (First Reading)

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

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

Bylaw - 0143 Member Election and Appointment

Bylaw - 0144 Board Member Orientation

Bylaw - 0152 Board Officers

Bylaw - 0167 Public Participation in Board Meetings

Policy - 2320 Independent Study Programs

Policy - 2466 Needless Public Labeling of Pupils with Disabilities

Policy - 2631 New Jersey Quality Single Accountability Continuum (QSAC)

Policy - 3221 Evaluation of Non-tenured Teaching Staff Members

Regulation - R 3221 Evaluation of Non-tenured Teaching Staff Members

Policy - 6424 Emergency Contracts

Regulation - R 6424 Emergency Contracts

**APPROVE PARTIAL
PAYMENT
HILT CONST. CO.**

**2. APPROVAL OF PARTIAL PAYMENT TO HILT
CONSTRUCTION CO.**

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

BE IT RESOLVED that the Board of Education approves partial payment in the amount of \$120,221.50 to Hilt Construction Co. for the Exterior Façade Repairs at Washington Elementary School as per the recommendation of the Board's Engineer and Construction Manager.

**ACCEPT CVM
PROPOSALS**

3. ACCEPTANCE OF CVM PROPOSALS

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

BE IT RESOLVED that the Board of Education accepts the proposal from CVM for the facade inspection and temporary stabilization repairs at Spring Garden Elementary School for a cost not to exceed \$18,000.

BE IT ALSO RESOLVED that the Board of Education accepts the proposal from CVM for related additional services for the 2006 Referendum – Repairs and Improvements to Spring Garden Elementary School with an estimated limit of \$10,000.

**ACCEPT
ACCOUNTING REPORT**

4. ACCEPTANCE OF ACCOUNTING REPORT

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

BE IT RESOLVED that the Board of Education accepts the independent accountants' report on applying agreed upon procedures for the review of the middle school, high school and elementary school capital projects as prepared by Lerch, Vinci & Higgins, LLP, Fairlawn, NJ.

**APPROVE FOOD
SERVICE CO.**

5. APPROVAL OF FOOD SERVICE MANANGMENT COMPANY

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

Trustees Moscaritola and Reilly voted "No".

BE IT RESOLVED that the Nutley Board of Education (herein referred to as the Local Education Agency) approve Dowling Food Service Management, Inc. (herein referred to as the Food Service Management Company) as its Food Service Management Company for the 2008/2009 school year.

BE IT FURTHER RESOLVED that the Food Service Management Company shall receive, in addition to the costs of operation, a fee of \$.065 per reimbursable meal and meal equivalent to compensate the Food Service Management Company for administrative and management costs. This fee shall be billed monthly as a cost of operation. The School Food Authority guarantees the payment of such costs and fee to the Food Service Management Company.

BE IT FURTHER RESOLVED that total meals are calculated by adding reimbursable meal pattern meals (breakfast, lunch and after school snack meals) served and meal equivalents. The number of School Breakfast Program, After School Snack Program, and National School Lunch program meals served to the children shall be determined by actual count. Cash receipts, other than from Sales of National Lunch Program and School Breakfast Program meals and After School Snack Program meals served to the children, shall be divided by \$1.00 to arrive at an equivalent meal count.

BE IT FURTHER RESOLVED that the per meal management fee of \$.065 will be multiplied by total meals.

BE IT FURTHER RESOLVED that the Food Service Management Company guarantees the Local Education Agency a minimum profit of three hundred thirteen thousand six hundred sixty dollars and thirty-five cents (\$313,660.35), before employee compensation, benefits and payroll taxes for the school year 2008/2009. This guarantee is contingent upon the guarantee requirements as stated below.

- Proposed pricing schedule as per RFP
- Proposed staffing schedule as per RFP
- Commodity levels stay consistent with current year
- Reimbursement levels stay consistent with current year
- District will have the number of feeding days as stated in the RFP
- District's enrollment and ADA will be at the levels as stated in the RFP
- There will be no limitations on the sale of menu items and a la carte items, except that they meet State and District Nutrition Policies
- Equipment and repairs will be paid by the District
- All current employees will be maintained, Dowling would employ a total of 1 Manager and 5 employees for a total of 6. These 6 employees would not count against the guarantee, neither would any additional employees as Nutley employees leave

- Current Nutley School District employees would remain and through attrition would become Dowling employees
- Cost of food and supplies based on June 2008, CPI. If cost of goods rises above this percentage, Dowling reserves the right to negotiate a mutually acceptable solution to Dowling and the District
- Proposal based on the following:
 1. 5 % a la carte increase
 2. 5 % Satellite increase
 3. Increase in meal prices per RFP

**APPROVE LETTER TO
STATE OF NJ**

6. APPROVAL OF LETTER TO STATE OF NJ

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

BE IT RESOLVED that the Board of Education approves the submission of a letter to the State of New Jersey Department of Education Office of Fiscal Accountability and Compliance regarding potential public school contract law violations.

President Casale opened up the floor for nominations for the open Board Member position.

Trustee Reilly nominated Steven Rogers, Trustee Moscaritola seconded the nomination and upon being put to a roll call vote the nomination was approved by the Board.

HEARING OF CITIZENS

Resident Mike Russo asked about the investigations currently being done.

Resident Alan Thomas asked why Trustees Moscaritola and Reilly voted against the food service contract.

Resident Donna Ferraro asked if the Board would ever go back to a Board run food service operation.

Resident Paul Pezzicola asked when the independent audit would be available to the public.

Resident Mike Russo asked for a timeline for the letter that is going to the state.

Resident Alan Thomas asked for a summary of the independent audit and if criminal charges will be brought forward.

President Casale and Trustees Moscaritola and Reilly spoke about a timeline of past happenings regarding the referendum projects.

Resident Paul Pezzicola asked who would pay if there is a monetary gap that can't be filled with the referendum projects.

Resident Robert Rusignuolo asked about the code of ethics regarding Board Members and also Board Members lying to the public.

Resident Paul Pezzicola asked if meetings could be televised.

Resident Alan Thomas asked if Bill Leary is still working in our schools.

President Casale, Mr. Zarra, Trustees Moscaritola and Reilly responded to the questions.

ADMINISTRATION OF OATH TO NEW BOARD MEMBER

Acting Board Secretary DeVita administered the oath of Office to Steven Rogers.

Mr. Rogers thanked the Board and other candidates for their support.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:56 PM on a motion by Trustee Reilly, seconded by Trustee Alamo, and unanimously approved by voice vote.

Respectfully submitted,

Michael DeVita
Acting Board Secretary

**OATH FOR
NEW BOARD
MEMBER**

ADJOURN