

**NUTLEY BOARD OF EDUCATION
OPEN PUBLIC MEETING
SEPTEMBER 3, 2009**

The Nutley Board of Education held a Public Meeting on Thursday, September 3, 2009 at the JHWMS Choir Room located at 325 Franklin Avenue, Nutley, NJ.

CALL TO

President Casale opened the meeting at 8:00 PM.

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 Open Public Meeting was provided in the notice of August 28, 2009. 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 Russo led the assembly in the flag salute and a moment of silence.

ROLL CALL

**ROLL
CALL**

Present:

Mr. James Kuchta
Mr. Vincent Moscaritola
Mr. Kenneth Reilly
Mr. Steven Rogers
Mr. Walter Sautter
Mr. Thomas J. Sposato
Mrs. Deborah J. Russo

Dr. Philip T. Casale

Absent: Mr. Angelo Frannicola

Also Present: Mr. Joseph Zarra, Superintendent of Schools
Mrs. Mariana Francioso, Assistant Superintendent of Schools
Mr. Michael DeVita, Business Administrator/Board Secretary
Mr. Frank Pomaco, Board Attorney

HEARING OF CITIZENS (Resolutions Only)

**HEARING OF
CITIZENS**

None

RESOLUTIONS

PROF. STAFF

APPOINT

1. **APPOINTMENT – Professional Staff**

Trustee Sautter moved, and Trustee Kuchta 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 appointment of Mrs. Chris Mickens as teacher for the 2009-10 school year, effective September 4, 2009, at the annual salary of \$51,000, B.A.+30 Step 10 in accordance with the 2008-09 Teachers' Salary Guide. Upon conclusion of negotiations, the salary will be adjusted in accordance with the 2009-10 Teachers' Salary Guide. (Replacing Carl Nastasi-H.S.).

**AMEND RESOLUTION
PROFESSIONAL STAFF**

2. **AMENDING RESOLUTION – Professional Staff**

Trustee Kuchta 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 the amending of the resolution Appointments – Professional Staff, approved at the August 24, 2009 Board Meeting to reflect a change in starting date for Miss Stacey Matarazzo to November 1, 2009.

**RESIGNATION - NHS
VICE PRINCIPAL 12 MOS.**

3. **RESIGNATION – Nutley High School
Vice Principal (12—month)**

Trustee Sposato moved, and Trustee Kuchta 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 acceptance of the resignation of Mr. Michael Fetherman, 12-month Vice Principal of Nutley High School, effective September 30, 2009.

Mr. Zarra and Trustee Rogers expressed gratitude and wished Mr. Fetherman luck in his new job.

**RESIGNATION – PERM.
UNASSIGNED SUBS**

4. RESIGNATION – Permanent Unassigned Substitute

Trustee Reilly moved, and Trustee Sposato 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 acceptance of the resignation of Miss Amy Reszka, Permanent Unassigned Substitute, effective September 1, 2009.

**APPROVAL OF
NEW COURSE**

5. APPROVAL OF NEW COURSE

Trustee Rogers moved, and Trustee Kuchta 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 following course presented at the June 8, 2009 Board meeting:

The Modern Middle East Honors

Trustee Reilly asked questions about the course and if it was already approved.

President Casale responded.

Trustee Sposato asked what changes were made to the course.

Mr. Zarra responded.

Trustee Russo asked about the cost of the textbooks.

Mr. Zarra responded.

**DOCTRIN OF
NECESSITY**

**6. RESOLUTION ON INVOKING THE DOCTRINE OF
NECESSITY**

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

WHEREAS, the School Ethics Act (N.J.S.A.) 18A:12-21 et seq.) was enacted by the New Jersey State Legislature to ensure and preserve public confidence in school board members and school administrators and to provide specific ethical standards to guide their conduct; and

WHEREAS, the School Ethics Commission has provided guidance in Public Advisory Opinion A03-98, regarding how a Board should invoke the Doctrine of Necessity when a quorum of a board of education has conflicts of interest on a matter required to be voted upon; and

WHEREAS, the opinion set forth that, when it is necessary for a Board to invoke the Doctrine of Necessity, the Board should state publicly that it is doing so, the reason that such action is necessary and the specific nature of the conflicts of interest; and

WHEREAS, the Nutley Board of Education and the Education Association of Nutley have engaged in collective bargaining negotiations and have reached a Tentative Memorandum of Agreement for a new Contract to commence July 1, 2009 and end June 30, 2012, and

WHEREAS, the Education Association of Nutley has ratified the Tentative Memorandum of Agreement for the new teachers' contract and the Board of Education must now vote on whether or not to approve said Contract; and

WHEREAS, five (5) of the Board of Education members which constitutes a quorum of the board have conflicts that would prevent them from voting on the contract, specifically, Board Member, Angelo Frannicola has a dependent daughter employed as a teacher in the District, Board Member, Walter Sautter has a spouse employed as a teacher in the District, Board Member, Vincent Moscaritola has a spouse employed as a teacher in the District, Board Member, Kenneth Reilly has a spouse employed as a teacher in the District, and Board Member, Deborah Russo has a sister-in-law who is the sibling of her spouse employed as a teacher's aid in the District.

AND WHEREAS, these conflicts result in a quorum of the Board of Education being unable to vote on the teachers' contract unless the Board of Education invokes the Doctrine of Necessity,

NOW THEREFORE, BE IT RESOLVED, that the Nutley Board of Education hereby invokes the Doctrine of Necessity so as to enable all board members to vote on the issue of the teachers' contract, and

BE IT FURTHER RESOLVED, that this Resolution be read into the record of this public meeting of the Board of Education and

that a copy of this Resolution be posted where the Board posts public notices for 30 days and the School Ethics Commission be provided with a copy of same.

Trustees Sposato, Reilly and Kuchta asked questions regarding the resolution and the next steps.

Mr. Pomaco responded.

HEARING OF CITIZENS

**HEARING OF
CITIZENS**

Resident Robert Rusignuolo asked questions about an article in the Nutley Sun regarding the Spring Garden Elementary Principal and also passed out a letter to the Board.

Board Attorney Frank Pomaco stated that the Board would not comment on a personnel matter.

Resident Barbara Martin asked about the Middle Eastern course.

Resident Lisa-Danchak-Martin asked about what was approved as a new courses in a January Board Meeting and when the curriculums were approved.

Mr. Zarra and President Casale responded.

Trustee Sposato asked about the process of approving curriculums.

A Board discussion ensued.

Resident Rob Edmin made a comment regarding the rumors of canceling the Middle East Course. He also asked about President Obama's speech scheduled for next week.

Mr. Zarra said it would be taped and reviewed by the principals and upon request could be shown to anybody else with the permission of parents.

Resident Mike Russo asked if the President's speech would be shown live and if the study guides will be given out to students.

Trustee Sautter asked if the Board would reinstate benefits for the permanent subs.

ADJOURNMENT

ADJOURN

There being no further business, the meeting was adjourned at

8:57 PM on a motion by Trustee Kuchta, seconded by Trustee Rogers, and unanimously approved by voice vote.

Respectfully submitted,

Michael DeVita
Board Secretary