

**NUTLEY BOARD OF EDUCATION  
OPEN PUBLIC MEETING  
MARCH 8, 2010**

The Nutley Board of Education held a Public Meeting on Monday, March 8, 2010 at the Board Conference Room, 315 Franklin Avenue, Nutley, NJ 07110.

Vice President Frannicola opened the meeting at 6:08 PM.

**CALL TO  
ORDER**

**FLAG SALUTE**

**FLAG  
SALUTE**

Vice President Frannicola led the assembly in the flag salute.

**MEETING NOTICE**

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NOTICE**

Vice President Frannicola 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 October 8, 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.

**ROLL CALL**

**ROLL  
CALL**

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

Absent: Dr. Philip T. Casale (Arrived 6:30 PM)

Also Present: Mr. Joseph Zarra, Superintendent of Schools  
Mrs. Mariana Francioso, Assistant Superintendent of Schools  
Mrs. Karen A. Yeamans, Interim Business Administrator/Board Secretary  
Mr. Mark Wenczel, Board Attorney  
Mr. Thomas Cosma, Construction Attorney

**EXECUTIVE  
SESSION**

**MOTION TO ADJOURN TO EXECUTIVE SESSION**

At 6:10 PM Trustee Kuchta 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:

Litigation  
Personnel

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 8:07 PM Trustee Russo moved, Trustee Frannicola seconded, and the Board unanimously approved by voice vote a motion to reconvene the public meeting.

The meeting reconvened in the JHWMS Choir Room located at 325 Franklin Avenue, Nutley, NJ.

**FLAG SALUTE & MOMENT OF SILENCE**

**FLAG  
SALUTE**

President Casale led the assembly in the flag salute & moment of silence.

**ROLL CALL**

**ROLL  
CALL**

Present: Mr. Angelo Frannicola  
Mr. James Kuchta  
Mr. Vincent Moscaritola  
Mr. Kenneth Reilly  
Mr. Steven Rogers  
Mrs. Deborah J. Russo  
Mr. Walter Sautter  
Mr. Thomas J. Sposato  
Dr. Philip T. Casale

Also Present: Mr. Joseph Zarra, Superintendent of Schools  
Mrs. Karen A. Yeamans, Interim Business Administrator/Board Secretary  
Mrs. Mariana Francioso, Assistant Superintendent of Schools  
Mr. Mark Wenczel, Board Attorney  
Ms. Stephanie Urso, Student Representative

Board Attorney Mark Wenczel read a prepared statement regarding the findings of the ethics charges against Board President Casale. Dr. Casale was exonerated from the accusations filed against him.

President Casale spoke about adding two new policies to avoid this from happening to other Board Members.

## **PRESENTATIONS**

NJSBA Representatives Marie Bilik and Jane Kershner presented to the Board the many services NJSBA provides to school districts.

Mr. Zarra gave an academic report and introduced Mrs. Tolve who gave a power-point presentation on the Library Media Curriculum K-12 and introduced the librarian/media teachers throughout the district.

Student Representative Stephanie Urso gave a report on the student activities throughout the district.

## **HEARING OF CITIZENS (Resolutions Only)**

Resident Alan Thomas suggested that the account numbers be identified on the addendum resolution and questioned the procedure for volunteer coaches.

Resident Mike Russo asked how the amount of the settlement agreement with Leary came about.

Mrs. Yeamans explained how the settlement offer was reached.

## ***SUPERINTENDENT'S RESOLUTION***

Trustee Sposato moved, Trustee Moscaritola seconded, a motion that the Board approves the Superintendent's Resolutions 1 and 2 as follows.

Upon a roll call vote the resolutions were unanimously approved.

**SUPT'S  
RESOLUTION**

**APPOINT  
ATHLETICS**

### **1. APPOINTMENTS – Athletics**

BE IT RESOVED that the Board of Education approves the athletic appointments listed below for the 2009-10 school year on the salary guide at the classification and step as indicated in accordance with the 2009-10 Coaches Salary Guide.

<b><u>Sport</u></b>	<b><u>Name</u></b>	<b><u>Step</u></b>	<b><u>Salary</u></b>
<b><u>CREW</u></b>			
Assistant Coach	Frank Sasso	1	\$4,707

**BASEBALL**

Assistant Coach Ryan McMullen 1 4,707

**SOFTBALL**

Assistant Coach Michael DiPiano 1 4,707

**APPOINT  
VOL. COACH**

**2. APPOINTMENT – Volunteer Coach**

BE IT RESOLVED that the Board of Education approves the appointment of Mr. Jarrett D. Vick for the position of Volunteer Baseball Coach for the 2009-10 school year.

**BOARD  
SECRETARY'S  
RESOLUTIONS**

***BOARD SECRETARY'S RESOLUTIONS***

Trustee Kuchta moved, Trustee Frannicola seconded, a motion that the Board approves the Board Secretary's Resolutions numbers 1 through 3 as follows:

Upon a roll call vote Resolutions numbers 1 through 3 were approved with the following exception:

1. Trustee Reilly abstained on Resolution 3 – Approval of Field Trips.

**APPROVAL  
ED DATA SERVICES**

**1. APPROVAL OF EDUCATIONAL DATA SERVICES, INC.**

BE IT RESOLVED that the Board of Education approves Educational Data Services, Inc. to provide the Hazardous Material Record Maintenance Program for Right to Know requirements and compliance including the annual NJ State Report, Material Safety Data Sheet Files, updating of Inventory Records and required Training Sessions at a total fee of \$8,900 for the 2009/2010 and 2010/2011 school years.

**2. APPROVAL OF TRAVEL LIST**

**APPROVAL  
TRAVEL LIST A**

BE IT RESOLVED that the Board of Education approves the travel list and all expenses per (Appendix A).

**APPROVAL  
FIELD TRIPS B**

**3. APPROVAL OF FIELD TRIPS**

BE IT RESOLVED that the Board of Education approves the field trip list and all expenses per (Appendix B).

**4. SETTLEMENT AGREEMENT- WHL ENTERPRISES, INC., t/a  
Bill Leary Air Conditioning & Heating**

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

BE IT RESOVED that the Nutley Board of Education accept and memorialize the recommendation of its Construction Attorney for a settlement agreement with WHL Enterprises, Inc., t/a Bill Leary Air Conditioning & Heating; and

BE IT FURTHER RESOLVED that the Nutley Board of Education authorize and approve the settlement agreement subject to review of closing documents evidencing said settlement agreement by the Construction Attorney, and authorize the Business Administrator/Board Secretary to execute the settlement agreement and issue the appropriate payment pursuant to the settlement agreement, according to the following breakdown:

A) Lincoln HVAC Contract

1) Contract Balance	-	\$49,842.00
2) Change Orders	-	<u>36,338.96</u>
		\$86,180.96

B) Washington HVAC Contract

1) Contract Balance	-	\$27,480.08
2) Change Orders	-	<u>36,338.96</u>
		\$63,819.04

C) John H. Walker Middle School

1) Contract Balance	-	\$ 4,999.00
2) Change Orders	-	<u>18,000.00</u>
		\$22,999.00

**HEARING OF CITIZENS**

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CITIZENS**

Resident Alan Thomas congratulated Dr. Casale on the outcome of the ethics charges, suggested the Board look into the Nepotism Policy, asked for clarification on the conflicts with the Superintendent's Evaluation and asked about the preliminary budget numbers.

Resident Joe Iannini complimented the library media presentation and suggested using an explanation for line item changes in the budget presentation.

Resident Neil Henning asked if the geothermal is part of the Leary Settlement.

**OLD BUSINESS**

Trustee Sposato asked for an update on the grant writer that was hired.

**NEW BUSINESS**

Trustee Sposato asked how the work/study children are going to be addressed.

Trustee Sautter stated that he was surprised by only five candidates running for the Board of Education.

Trustee Rogers suggested not releasing any budget information until we know what the state aid is going to be.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:10 pm on a motion by Trustee Sposato seconded by Trustee Frannicola, and unanimously approved by voice vote.

**OLD BUSINESS**

**NEW BUSINESS**

**ADJOURN**

Respectfully submitted,

Karen A. Yeamans  
Interim Board Secretary