

**NUTLEY BOARD OF EDUCATION  
OPEN PUBLIC MEETING  
DECEMBER 7, 2009**

The Nutley Board of Education held a Public Meeting on Monday, December 7, 2009 at the Board Conference Room, 315 Franklin Avenue, Nutley, NJ 07110.

President Casale opened the meeting at 6:00 PM.

**CALL TO  
ORDER**

**FLAG SALUTE**

President Casale led the assembly in the flag salute.

**FLAG  
SALUTE**

**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 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.

**MEETING  
NOTICE**

This is an official meeting.

**ROLL CALL**

**ROLL  
CALL**

Present:

Mr. Angelo Frannicola  
Mr. James Kuchta  
Mr. Vincent Moscaritola  
Mr. Steven Rogers  
Mrs. Deborah J. Russo  
Mr. Walter Sautter  
Dr. Philip T. Casale

Absent:

Mr. Kenneth Reilly  
Mr. Thomas J. Sposato (arrived 6:20 PM)

Also Present:

Mr. Joseph Zarra, Superintendent of Schools  
Mr. Michael DeVita, Business Administrator/Board Secretary  
Mr. Frank Pomaco, Board Attorney

Also Absent:

Mrs. Mariana Francioso, Assistant Superintendent of Schools

**EXECUTIVE  
SESSION**

**MOTION TO ADJOURN TO EXECUTIVE SESSION**

At 6:05 PM Trustee Rogers moved and Trustee Russo 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:

Construction Legal Issues  
Personnel  
Student 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 8:05 PM Trustee Kuchta moved, Trustee Sposato 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.

**ROLL CALL**

**ROLL  
CALL**

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

Absent: Mr. Kenneth Reilly

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

Absent: Mrs. Mariana Francioso, Assistant Superintendent of Schools

**ACADEMIC UPDATE**

Mr. John Calicchio, JHWMS Principal, and Mrs. Rosemary Clerico, Spring Garden Principal, gave an updated report on the curriculum development and where the district stands.

A discussion ensued among the Board.

Mr. Zarra informed the public that the H1N1 vaccine arrived and would be given out, with a signed permission slip, to the students.

Trustee Russo suggested that the mandatory computer applications course that is taught in the high school be taught in the elementary schools or, at the latest, junior high age.

**HEARING OF CITIZENS (Resolutions Only)**

**HEARING OF  
CITIZENS**

Resident Joan Rubino asked about the School Residency/Resource/Safety Officer position on Schedule A.

Resident Mike Russo stated that there were no supporting documents on the website and he also asked about the date on the Appendix A. He also wished Mr. DeVita luck in his new position at Kearny.

**SUPERINTENDENT'S RESOLUTIONS**

Trustee Frannicola moved, and Trustee Kuchta seconded, a motion that the Board approves Superintendent's Resolutions numbers 1 and 2 as listed below.

The Superintendent's Resolutions numbers 1 and 2 as listed below were unanimously approved by roll call vote.

**TRANSFER  
PERSONNEL**

**1. TRANSFER OF PERSONNEL**

BE IT RESOLVED that the Board of Education approves, upon the recommendation of the Superintendent of Schools, the following transfer effective December 14, 2009:

<u>Name</u>	<u>From</u>	<u>To</u>
Sophie Caprio	Spring Garden	Superintendent's Office

**REAPPOINT  
DISTRICT-WIDE A**

**2. REAPPOINTMENT – District-Wide Personnel**

BE IT RESOLVED that the Board of Education approves the reappointment of District-Wide Personnel, for the period July 1, 2009 through June 30, 2010, retroactive to July 1, 2009 as listed on Schedule A.

**APPOINT ACTING  
HIGH SCHOOL V.P.**

**3. APPOINTMENT – Acting High School Vice Principal**

Trustee Russo moved, and Trustee Sposato 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 approves the appointment of Mr. Denis Williams as acting High School Vice Principal for the remainder of the 2009/2010 school year, at a stipend of \$6,000.00 effective December 15, 2009.

***BUSINESS ADMINISTRATOR/  
BOARD SECRETARY'S RESOLUTIONS***

Trustee Sautter moved, and Trustee Kuchta seconded, a motion that the Board approves Board Secretary's Resolutions numbers 1 through 6 as listed below.

The Board Secretary's Resolutions numbers 1 through 6 as listed below were unanimously approved by roll call vote.

**1. SECRETARY & TREASURER'S REPORT**

**SECY. & TREAS.    A  
REPORTS            B**

BE IT RESOLVED that the Board of Education approves the acknowledgement and acceptance of the reports of the Board Secretary (Appendix A) and Treasurer of School Monies (Appendix B) for the periods ending July 31, 2009, August 31, 2009, September 30, 2009 and October 31, 2009.

**APPROVE PARTIAL PAY  
LEVY CONSTRUCTION CO.**

**2. APPROVAL OF PARTIAL PAYMENT TO LEVY  
CONSTRUCTION CO. INC.**

BE IT RESOLVED that the Board of Education approves partial payment Application 3 in the amount of \$57,878.80 for the Window and Door Replacement at Lincoln, Radcliffe & Yantacaw Elementary Schools and Application 4 in the amount of \$246,948.73 to Levy Construction Co. Inc. for the Window and Door Replacement at Washington Elementary School as per the recommendation of the Board's Architect and Construction Manager.

**APPROVE PARTIAL PAY  
B&B IRON WORKS, INC.**

**3. APPROVAL OF PARTIAL PAYMENT TO B&B IRON  
WORKS INC.**

BE IT RESOLVED that the Board of Education approves partial payment Application 2 in the amount of \$85,104.00 and Application 3 in the amount of \$9,810.00 to B&B Iron Works Inc. for structural steel for the Spring Garden School Project as per the recommendation of the Board's Architect and Construction Manager.

**APPROVE PARTIAL PAY  
SAFEWAY CONTRACTING, INC.**

**4. APPROVAL OF PARTIAL PAYMENT TO SAFEWAY  
CONTRACTING, INC.**

BE IT RESOLVED that the Board of Education approves partial payment Application 2 in the amount of \$166,679.00 to Safeway Contracting Inc. for the Roofing on Radcliffe, Washington, Lincoln, Yantacaw Elementary Schools and the High School as per the recommendation of the Board's Architect and Construction Manager.

**APPROVE PARTIAL PAY  
WOJCHIK ELECTRIC**

**5. APPROVAL OF PARTIAL PAYMENT TO WOJCHIK ELECTRIC**

BE IT RESOLVED that the Board of Education approves partial payment Application 3 in the amount of \$4,878.90 to Wojchik Electric for the Spring Garden School Project as per the recommendation of the Board's Architect and Construction Manager.

**APPROVE PARTIAL PAY  
SUNNYFIELD CORPORATION**

**6. APPROVAL OF PARTIAL PAYMENT TO SUNNYFIELD  
CORPORATION**

BE IT RESOLVED that the Board of Education approves partial payment Application 2 in the amount of \$28,067.20 to Sunnyfield Corporation for the Spring Garden School Project as per the recommendation of the Board's Architect and Construction Manager.

**SETTLEMENT AGREEMENT  
CHANREE CONST. CO., INC.**

**7. SETTLEMENT AGREEMENT – Chanree Construction  
Company, Inc.**

Trustee Kuchta moved, and Trustee Moscaritola 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 accept and memorialize the recommendation of its Construction Attorney for a settlement agreement with Chanree Construction Company, Inc.

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

**APPROVE PARTIAL PAY  
BILL LEARY AIR CONDITIONING  
& HEATING**

**8. APPROVAL OF PARTIAL PAYMENT TO BILL LEARY  
AIR CONDITIONING & HEATING**

Trustee Sposato moved, and Trustee Kuchta 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 approves partial payment to Bill Leary Air Conditioning & Heating in the amount of \$100,000 for the Washington Elementary School and \$100,000 for the Lincoln Elementary School, as per the recommendation of the Board's Construction Attorney and Mediator.

BE IT FURTHER RESOLVED that payment be released only after Bill Leary Air Conditioning & Heating supplies the Business Administrator with "as built" construction drawings for the Washington Elementary School, Lincoln Elementary School and the John H. Walker (Franklin) Middle School.

BE IT YET FURTHER RESOLVED that this is also subject to receipt of appropriate documentation to cover the outstanding municipal mechanics lien claims of Starlite Electric.

**HEARING OF CITIZENS**

**HEARING OF  
CITIZENS**

Resident Joan Rubino asked about the Board's status on the detention policy and if the Board was in debt.

Resident Terry Quirk, representative for the Nutley Parent Advocacy Network (NPAN), said she agreed with Trustee Russo regarding starting the computer applications class in an earlier grade. She asked about teacher recommendations and emergency certifications.

Resident Mike Russo asked about the settlement agreement for Chanree, the partial payment to Leary, the Interim BA and the H1N1 virus.

A student expressed his concerns for the Board using computer disks and software instead of textbooks in the classroom.

**OLD BUSINESS**

**OLD BUSINESS**

Trustee Sposato asked about the status of the grant writer.

Trustee Rogers asked for an update on the website design.

**NEW BUSINESS**

**NEW BUSINESS**

President Casale mentioned his intention of a legislative review committee.

Trustee Rogers spoke about a NHS student, Jayson Levine, who is heading a project of stuffing buses with toys for Christmas from December 4<sup>th</sup> until December 11<sup>th</sup>.

Mr. Zarra and President Casale and several Board Members wished Mr. DeVita good luck in his new position in Kearny.

**ADJOURNMENT**

**ADJOURN**

There being no further business, the meeting was adjourned at 9:35 PM on a motion by Trustee Kuchta seconded by Trustee Frannicola and unanimously approved by voice vote.

Respectfully submitted,

Michael DeVita  
Board Secretary