

An open work session of the Board of Education of the City of Vineland was held in the Board Room, 625 Plum Street, Vineland, New Jersey, Wednesday, April 5, 2017 at 6:00 p.m., pursuant to notice with Mr. Bordley presiding and the following members present: Ms. Acosta, Ms. Codispoti, Mr. Fiocchi, Mr. Medio, Ms. Rios and Mr. Sbrana. Absent: Mr. Jennings.

Also present: Mr. Frangipani, Acting Superintendent, Mr. Frey, Assistant Superintendent, Mrs. Haley, Board Secretary, Dr. Rossi, Executive Director of Personnel, Mr. DeSanto, Board Solicitor, press and public. Absent: Dr. Gruccio due to medical leave.

Mr. Bordley announced that in compliance with the New Jersey meeting law commonly referred to as "The Sunshine Law," the Vineland Board of Education has caused notice of this meeting to be sent to the following, announcing time and place thereof, agenda, etc.: The Daily Journal, the Atlantic City Press, The Grapevine, Clerk - City of Vineland, and Administrative Office Public Bulletin Board.

Flag salute:

Resolution:

Mrs. Haley read a resolution to convene into executive session for the following reasons as outlined in N.J.S.A. 10-4-12. Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public. Provision relied upon discussion of residency committee recommendations regarding M. K. Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body contract is non-certificated supervisors. Any pending or anticipated litigation or contract negotiation in which the public body is or may be a party. If pending/anticipated litigation the matter is Lovecchio claim. If contract negotiation the nature of the contract and interested party is Contracts for Sale of Vacant lots to interested persons. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. **BE IT FURTHER RESOLVED** that the Board of Education hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Board Attorney advises the Board of Education that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the School District or any other entity or person with respect to said discussion.

Motion:

Upon motion by Ms. Codispoti, seconded by Mr. Medio, the resolution was passed. All Members voted "yes".

Special

Presentations:

Mr. Frangipani introduced Mr. Nathan Frey, Assistant Superintendent for Curriculum and Instruction, to honor a Veterans Memorial School teacher and student.

Mr. Frey said tonight it is his pleasure to congratulate Ms. Ivelise Flores and all of her students at Veterans Memorial School. He introduced Ms. Flores to discuss the National Science Award.

Ms. Flores explained the contest and the project that the students had to submit. She said it was agreed that Moesharlynn Torto's model was the best that represented the lab activity done that day. Ms. Flores said that Moesharlynn's model was the National Grand Prize winner. She introduced Moesharlynn to discuss her project.

Moesharlynn explained her winning project to the Board.

Student Liaison

Report:

Miss Galan presented an update on the various activities happening at Vineland High School.

HIB Report:

No discussion.

Comments by

Board Solicitor:

Mr. DeSanto said he was requested to speak on the unintended participation by Mr. Bordley at the March 15, 2017 special meeting. He said the minutes from that meeting will need to be corrected, which should take place next week when they are presented to the Board for approval. Mr. DeSanto said Bylaw 0170 prohibits a Board member from participating by audio or visual device more than 3 meetings in any consecutive 12 month period. He said Mrs. Haley has confirmed that Mr. Bordley participated by audio and/or visual device on June 8, 2016, January 4, 2017, March 8, 2017 and March 15, 2017. Therefore, Mr. Bordley's telephonic participation in the March 15<sup>th</sup> meeting exceeded the expressed limitation under the bylaw. Mr. DeSanto said assuming that the technical violation in Bylaw 0170 precluded Mr. Bordley from participating from voting at the March 15<sup>th</sup> meeting, then the question is "What effect did this have on the motion to approve the preliminary budget?"

Mr. DeSanto said he researched this issue and conferred with Mike Kaelber of the NJ School Boards Association legal department. The general rule is that all actions by a Board of Education require a majority vote of the quorum unless a particular statute or code requires a greater number of votes. Mr. DeSanto said there were eight members present on March 15<sup>th</sup>. If Mr. Bordley was removed from that number, seven people would be in attendance voting. A quorum of seven is four people voted in favor of the preliminary budget. Mr. DeSanto said since four people voted to approve the preliminary budget the motion should be considered adopted. Mr. Bordley's disqualification did not affect the passage of that motion. Mr. DeSanto said when the Board votes on the final budget that statute requires five votes, which is the majority of the full membership of the Board. He said the minutes of that meeting will reflect that eight people participated and the vote was five to three. Mr. DeSanto said the minutes will need to be corrected for approval next week.

Mr. Medio left the meeting at 6:25 p.m. and returned at 6:26 p.m.

Items for Review:

A. Superintendent

1. **PERSONNEL**

1.1 **Personnel Items** - No discussion.

1.2 **Pay Rates – a. Substitute Guidance Counselors, b. Substitute Bus Drivers, c. Long-Term Substitute Clericals** – No discussion.

2. **PROCEDURES & OPERATIONS**

2.1 **Travel** – No discussion.

2.2 **2017-2018 School Calendar for Pupil Attendance** – No discussion.

3. **BUILDINGS & GROUNDS**

3.1 **Submission of VHS North W-104 Printing Room Alternations Project** – No discussion.

4. **FINANCE**

- 4.1 **Budgetary Transfers** – No discussion.
- 4.2 **Board Secretary/Treasurer’s Report for February 2017** – No discussion.
- 4.3 **Placement of Special Education Students** – No discussion.
- 4.4 **Submission of the following Grants – a. NJ Child Assault Prevention Program, b. Kohls Grant Mennies, c. Gannett Foundation Grant Durand, d. NJ School Insurance Group Safety Grant, e. Carl Perkins Amended Grant** - No discussion.
- 4.5 **School Nutrition Program Vended Meals Contract** – No discussion.
- 4.6 **Sodexo Management Inc. Summer Food Service Program** – No discussion.
- 4.7 **Salem County Vocational Technical School Agreement** – No discussion.
- 4.8 **Complete Care Health Network Agreement** – No discussion.
- 4.9 **Influenza Vaccines to Preschool Students** – No discussion.
- 4.10 **Marine Shale Processors Settlement** – Mr. Bordley asked Mr. DeSanto to explain this item.

Mr. DeSanto said around 15 to 20 years ago materials were hauled from the Board of Education property on West Avenue to Louisiana. The US Environmental Protection Agency (EPA) cited the hauler and site for violations of the federal laws regarding environmental protection. Mr. DeSanto said a settlement was reached with the EPA and the amount that was allocated for minimal participants was \$8,500. The Vineland Board of Education was involved in one load, therefore the minimal was assessed. Mr. DeSanto said we obviously did not know where our hauler was going to take this, which was contaminated items. He said it is his recommendation to the Board that this amount be paid and we would receive a full release in any further liability regarding the EPA assessment.

- 4.11 **PG Super25 Mid-Atlantic, LLC Rental** – No discussion.

- 4.12 **Purchase in Excess of Bid Threshold** – Mr. Sbrana asked Mrs. Haley to explain this item.

Mrs. Haley said this is a standard item that is approved each year. She said often we purchase things on state contract, from educational service commissions or coops. Mrs. Haley said those organizations do their own bids and have an approval list you can purchase from, which saves us the time from going out to bid. She said this item allows me to approve a purchase order with them instead of having to get approval each time. Mr. Sbrana said there is a presumption that someone is reviewing these prices so they are reasonable and the tax payers are well served. Mrs. Haley said these organizations have gone out to bid but we often compare other prices to these to make sure they are good.

- 4.13 **Cumberland County Regional Cooperative Transportation – a. Record/Award Bid #8/2016-2017, b. 2016/17 Quoted Contracts, c. 2016/17 Out of District Joint Agreement, d. Transportation Statistics February 2017** – No discussion.

- 4.14 **Asphalt Paving Services Bid #09-17/18** – No discussion.

- 4.15 **Rejection of Locksmith Van Bid #13-17/18** – No discussion.

- 4.16 **Acceptance of Bid from John F. Scarpa Revocable Trust** – No discussion.

- 4.17 **Acceptance of Bid from Ryan Flaim** – No discussion.

## 2. **REGULAR AGENDA**

- b. Items proposed by the Board President or an individual Board Member – None.

Review of bills incurred during February 2017 – No discussion.

Public Comments – None.

Committee Reports – None.

Old Business – None.

New Business: Ms. Codispoti asked about the sizable revenue we will be receiving from the sale of the properties. Mrs. Haley explained that in her budget presentation included on the revenue side was \$650,000 for proceeds on the sale of the properties. She said that revenue was used to help balance the budget for next year, which is why the timing of the closing is scheduled for July.

Mr. Sbrana said in regard to the vacancy on the Board the deadline for submission of applications is Friday. He asked what the process is in terms of a committee to review the questions, schedule interviews and vote. Mr. DeSanto said under the vacancy law a Board of Education has 65 days from the date of the vacancy, which in this case was April 1<sup>st</sup> the date of Mr. Pagano's resignation, to appoint a substitute. If the Board fails to do so the county superintendent can step in and make the appointment or give an extension. Mr. DeSanto said in terms of the Board's process an advertisement was put in the newspaper in regards to Board candidates. Interested candidates are to submit a letter of interest and resume by the deadline of April 7<sup>th</sup>. He said the Board determines the process to be used from there, which is an appropriate discussion for tonight under new business. Mr. DeSanto said in past situations the Board has developed a set of five common questions for all of the candidates to complete themselves. He said then the Board President asks a sixth question and the candidate has to give a live verbal response from the podium. Mr. DeSanto said the Board can discuss the questions in public or by a committee of four. Mr. Sbrana said he asked Mr. Jennings if he could be on this committee. He would like to see a protocol established so we can move forward to fill the vacancy as quickly as possible. Ms. Codispoti said she also asked Mr. Jennings if she could be on the committee. Mr. Bordley said tomorrow he will discuss with Mr. Jennings who his selection is for the committee. He said four or five people have offered to be on the committee. Mr. Sbrana said his concern was if he had what he considered to be a reasonable question there is no guarantee it would be selected, which is why he wanted to be on the committee. Mr. DeSanto said it is up to the Board whether or not you want to go with a committee of the whole or an ad hoc committee. Mr. Medio said this work session took about 25 minutes so to move this process along maybe the committee can be established tonight to come up with some questions for next week's Board meeting. Mr. DeSanto said the only thing the Board would have to consider if whether there is enough time to notify the candidates. Mr. Sbrana asked how many candidates we have. Mrs. Haley said we currently have four. Mr. Bordley asked if the resumes will be emailed to the Board to review. Mr. DeSanto said they will be hand delivered to the Board after 4:00 p.m. on Friday.

Mr. Sbrana asked Mr. DeSanto to explain why we cannot vote and have someone sworn in the same night. Mr. DeSanto said Board members must undergo a criminal background check, which is required by the Department of Education (DOE). He said as a result of processing time the DOE permitted Board members to be sworn in subject to the successful completion of the background check. Mr. DeSanto said a communication was received by the DOE in regards to that exemption. He said a Board member within 30 days of appointment must submit a criminal background check and can be sworn in only after successful completion of the background check. Mr. DeSanto said if the Board appointed someone next week we could not swear them in because they would have to await the criminal background check. He said the process is that the interviews take place in public. The deliberations by the Board on the merits and qualifications of the candidates get discussed in executive session and the appointment is made in public.

Mr. Bordley said in reference to the Ad Hoc Committee he will appoint Mr. Sbrana, Mr. Fiocchi, Ms. Codispoti as the Chair and himself.

Adjournment: The meeting was adjourned by voice vote at 6:43 p.m.

Respectfully submitted,

Helen G. Haley  
Board Secretary

HGH:dt

