

**MONTGOMERY TOWNSHIP BOARD OF EDUCATION**  
**Skillman, New Jersey 08558**

**Meeting, Tuesday, December 14, 2010**  
**6:30 p.m. Executive Session**  
**7:30 p.m. Public Session**  
**Upper Middle School Media Center**

**WORKSHOP AND BUSINESS MEETING A G E N D A**

OPENING OF THE MEETING

Call to Order - Board President

Statement of Open Meeting and Public Participation - In accordance with the State's Sunshine Law, adequate notice of this meeting was provided by mailing notice of the meeting on April 28, 2010 and December 7, 2010. Notice was provided to Board of Education Members, Montgomery Township Clerk, Rocky Hill Borough Clerk, Public Library, Township Posting, School Postings, PTSA Officers, Courier News, Princeton Packet, Trenton Times, The Spectator and The Star Ledger.

The Board reserves the right to enter into Executive Session during all meetings of the Board of Education.

This meeting is being tape-recorded for the purpose of Board review and future reference and to assist in the preparation of minutes.

It is the School Board's intention to conclude this meeting no later than 10:00 p.m.

EXECUTIVE SESSION

It is recommended that the Board convene in Executive Session for the purpose of discussing the high school construction litigation, negotiations with various bargaining groups and employment of personnel matters. When the need for confidentiality no longer exists, the matter will be disclosed to the public.

RECONVENE IN OPEN SESSION – 7:30 p.m.

SALUTE THE FLAG

ROLL CALL

SUPERINTENDENT'S REPORT

- Block Scheduling at MHS

COMMITTEE/REPRESENTATIVE REPORTS

Board Committee Reports

- Assessment, Curriculum and Instruction Committee Report
- Finance and Budget Committee Report
- Human Resources Committee Report
- Operations and Facilities Committee Report
- Policy Committee Report
- President's Report

Representative Reports

- Student Representative Report
- MTEA Report
- Board Member Delegate/Representative Reports  
(SCSBA, PTSA, Legislative, NJSBA, Ed. Services Commission, etc.)

BOARD/PUBLIC COMMENTS – Members of the public are allotted one opportunity to address the Board regarding **Board Committee, Representative Reports, Superintendent’s Report or any other business** for a maximum of five (5) minutes during this period of the meeting.

APPROVAL OF MINUTES – It is recommended that the Board approve the minutes of the following Board Meeting(s):

November 9, 2010	Executive Session Meeting
November 9, 2010	Workshop Meeting
November 11, 2010	Special Public Meeting
November 23, 2010	Executive Session Meeting
November 23, 2010	Business Meeting

ACCEPTANCE OF CORRESPONDENCE – It is recommended that the Board of Education accept the correspondence as follows:

1. E-mail from K. Kevorkian dated November 16, 2010 regarding increased revenue
2. E-mail from A. Messineo dated November 22, 2010 regarding sources of revenue
3. E-mail from A. Crispino dated November 25, 2010 regarding activity fee

**ACTION AGENDA**

PUBLIC COMMENTS

Members of the public are allotted one opportunity to address the Board regarding the **Action Agenda** for a maximum of five (5) minutes during this period of the meeting.

**1.0**     **ADMINISTRATIVE**

The Superintendent recommends that the Board of Education approve the administrative items as follows:

1.1     Routine Monthly Reports – as attached

1. Student Care and Control Report
2. Teacher Absences Report
3. Fire Drill Report
4. Timeline of Critical Activities

1.3     Policy First Reading – Approve the following new or revised policy as a first reading:

0173	Duties of Public School Accountant
2431.3	Practice and Pre-Season Heat-Acclimation for Interscholastic Athletes
2431.4	Concussion Testing and Return-to-Play
2624R	Grading System
5512.01	Harassment, Intimidation and Bullying
6112 & 6112R	Reimbursement of Federal and Other Grant Expenditures
6830	Audit and Comprehensive Annual Financial Report

- 1.4 Policy Second Reading and Approval – Approve the following policy and regulation following a second and final reading:

0146	Board Member Authority
0171	Duties of Board President and Vice President
3144 & R3144	Certification of Tenure Charges
4159	Support Staff Member/School District Reporting Responsibilities
5516	Use of Electronic Communication and Recording Devices
6362	Contributions to Board Members and Contract Awards
8310	Public Records
8600 & R8600	Pupil Transportation
9122	Flyer Distribution

- 1.5 Approval to Submit Letter Surrounding Charter School Legislation – That the Board of Education supports submitting a letter to the Governor, Acting Commissioner of Education and State Legislators urging them to review research on charter schools and to share our belief that the existing and proposed charter legislation is unduly broad in its application and as such will do more harm than good. We propose several refinements that might improve the outcome for all students and taxpayers in New Jersey.

**2.0 CURRICULUM & INSTRUCTION**

The Superintendent recommends that the Board of Education approve the curriculum and instruction agenda as follows:

- 2.1 Rescind Out-of-District Placement – Special Education 2010/2011 as follows:

<u>Pupil ID#</u>	<u>Class.</u>	<u>School</u>	<u>Effective Date</u>	<u>TUITION</u>			
				<u>ESY</u>	<u>RSY</u>	<u>Total for Year</u>	<u>Reason</u>
9255	MOC	New Roads School of NJ	12/31/10	NA	\$22,131.74 Approx. savings	\$22,131.74 Approx. savings	Returning to district as of 1/3/11

- 2.2 Exchange Trip Proposal Approval – Approve the German Exchange 2011 Trip Proposal to Gottingen, Germany, for three weeks in June/July 2011 at no cost to the Board. Students from Gottingen, Germany, will spend three weeks in Montgomery during October of 2011.
- 2.3 Robotics Trip Proposal Approval – Approve the MHS Robotics Team Trip Proposal to the FIRST Robotics Regional Competition from March 16-19, 2011 in Baltimore, Maryland, at no cost to the Board.
- 2.4 Cheerleading Trip Proposal Approval – Approve the MHS Cheerleading Trip Proposal to the National Championship Competition in Orlando, Florida, from February 10 – 14, 2011 at no cost to the Board.
- 2.5 Fieldwork Approval/UMS – Approve Jennifer Delnero, Rutgers Graduate School of Education, to perform fieldwork at Upper Middle School during the spring semester in accordance with the attached guidelines.
- 2.6 Donation Acceptance – Accept the donation of 14 pallets of copy paper from Ricoh Business Solutions to be used throughout the district.

### 3.0 FINANCE

The Superintendent recommends that the Board of Education approve the finance agenda as follows:

3.1 Financial Reports - As prepared by the School Business Administrator and Treasurer of School Moneys which are in agreement, and presented by the Superintendent, approve the following reports as of November 30, 2010:

- Board Secretary's Report
- Treasurer's Report
- Investment Report
- Food Services Report

3.2 Ratification of Transfers - ratify the transfer of funds among the general, special revenue and capital projects funds' line items as of November 30, 2010.

3.3 Receipt of Certification from Board Secretary - Pursuant to NJAC 6A:23-2.12 (c) 3, I, Thomas M. Venanzi, certify that as of November 30, 2010 no line item account has encumbrances and expenditures, which in total exceed the line item appropriation in violation of 6A:23-2.12 (a).

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
Date

3.4 Certification of Board of Education - Pursuant to NJAC 6A:23-2-12 (c) 4, we certify that as of November 30, 2010 after review of the Board Secretary's and Treasurer's monthly financial reports, in the minutes of the board each month that no major account or fund has been over expended in violation of NJAC 6A:23-2.12 (b).

3.5 Approval of Monthly Bills for December – approve the monthly bills as follows:

General Operating	\$4,114,809.61
Food Services	\$127,053.31

3.6 Travel Reimbursement – 2010/2011 – approve the Board member and/or staff conference and travel expenses as per the attached list.

3.7 Appointment of Grinspec Consulting, a division of Brown & Brown as the broker-of-record for our dental program - appoint Grinspec Consulting, a division of Brown & Brown, as our broker-of-record for our Horizon group dental insurance program, group # 096728-000 effective January 1, 2011.

Grinspec Consulting's duties will include plan marketing, renewal rate negotiation, collective bargaining consulting, and resolving claim, enrollment, and billing issues.

Grinspec Consulting is authorized to receive commission payments commensurate with this appointment, percentages for which are already include in our rate.

All appropriate Board of Education employees are authorized to make such arrangements and affect such documents as are required to implement this resolution.

This resolution rescinds any prior broker-of-record appointments.

3.8 Agreement between Montgomery Township Board of Education and the Township of Montgomery regarding the High School Pool – approve the revised agreement between Montgomery Township Board of Education and the Township of Montgomery granting the Recreation Department access to and use of the swimming pool located at Montgomery High School for the benefit of the residents of the Township of Montgomery. The term of the agreement shall be from the date the contract is signed to June 30, 2011.

3.9 Approval of Change Order – approve the following change order:

Contract: Village Elementary Addition  
Contractor: Apex Enterprises of Union  
Change Order Number: 002  
Change Order Amount: \$ 3,005.29 (part of allowance – no change in contract amount)  
Description: AE # 3R - Installation of electronic hold opens as requested by local code official.

Total amount of this change order: \$3,005.29

Amount to be deducted from this allowance:	\$30,000.00
Previous change orders:	\$ 4,906.00
Amount of this change order:	\$ 3,005.29
Remaining allowance:	\$22,088.71

3.10 Resolution Approving a Settlement on the High School Construction Litigation – approve the following resolution authorizing the settlement of the high school construction litigation:

**WHEREAS**, the Montgomery Township Board of Education (“Board”) is engaged in litigation pending in the Superior Court of New Jersey, Law Division, Somerset County, captioned Donald C. Rodner, Inc. v. Montgomery Township Board of Education, et al., Docket No. SOM-L-234-06 (the “Litigation”); and

**WHEREAS**, in the Litigation, which arises out of the construction of the new high school and related renovations to existing buildings (“Project”), claims have been asserted by and among various parties including Donald C. Rodner, Inc. (“Rodner”), Thomas P. Carney, Inc. (“Carney”), Liberty Mutual Insurance Company (“Liberty Mutual”), the Board, and MRM Architecture, Inc. (“MRM”) in connection with the Project; and

**WHEREAS**, the Board has determined that it is in its best interest and in the best interest of the taxpayers of the district to resolve the Litigation by a voluntary settlement on terms that, as between and among the Board, Rodner, Carney, Liberty Mutual, and MRM, include the following:

- 1) The Board shall pay the sum of \$950,000 to fund, in part, the settlement of the Litigation.
- 2) MRM shall pay the sum of \$250,000 to fund, in part, the settlement of the litigation.
- 3) The parties shall release all claims that they have brought against one another in the Litigation, including, without limitation, Rodner’s claims against the Board and MRM, and any counterclaims and cross-claims asserted by and between the Board, Rodner, Carney, Liberty Mutual, and MRM in the Litigation.
- 4) Upon the execution of a settlement agreement by the Board, Rodner, Carney, Liberty Mutual, and MRM, Rodner shall be paid the sum of \$600,000 and Carney shall be paid the sum of \$600,000 in full settlement of all claims asserted in the Litigation.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Board hereby approves the settlement of the Litigation as described above, to be implemented by a form of agreement to be approved by the Board's special counsel and consistent in all material respects with the terms set forth above.
2. The Superintendent, the Business Administrator/Board Secretary, and the Board's staff and counsel are hereby authorized to take all actions and execute all documents necessary to effectuate the settlement authorized by this Resolution and implemented by the form of agreement referred to above.

**This Resolution shall take effect immediately.**

- 3.11 Receipt/Award of Bid – HVAC Upgrades at Orchard Hill and Village Elementary Schools (PSA #4221 OH-M) – Bids were received on December 8, 2010, for HVAC upgrades at Orchard Hill and Village Elementary Schools as follows:

See Schedule A

Approve the following resolution regarding the awarding of a contract for the HVAC upgrades at Village Elementary School and Orchard Hill Elementary School

WHEREAS, the Montgomery Township Board of Education (hereinafter referred to as the "Board") advertised for bids for HVAC Upgrades at Orchard Hills Elementary School and Village Elementary School (hereinafter referred to as "the Project"); and

WHEREAS, on December 8, 2010 the Board received bids for the Project; and

WHEREAS, Thassian Mechanical Contracting, Inc. (hereinafter referred to as "Thassian") submitted the lowest overall bid for the Project, with a base bid in the amount of \$2,229,000, together with Alternate OH-M1 in the amount of \$48,000, Alternate OH-M2 in the amount of \$48,000, Alternate OH-M3 in the amount of \$48,000, Alternate OH-M4 in the amount of \$460,000, Alternate OH-M5 in the amount of \$125,000, Alternate OH-M6 in the amount of \$125,000, Alternate OH-M7 in the amount of \$240,000, Alternate VES-M1 in the amount of \$60,000, Alternate VES-M2 in the amount of \$39,000, Alternate VES-M3 in the amount of \$101,500, Alternate VES-M4 in the amount of \$110,000 for a total contract sum of \$3,703,500; and

WHEREAS, Thassian has requested to withdraw its bid due to a mathematical error in the base bid, which should have been an amount of \$2,999,000 instead of \$2,299,000, which error is evident on the face of the bid; and

WHEREAS, the second lowest overall bid was submitted by Preferred Mechanical, Inc. (hereinafter referred to as "Preferred") with a base bid in the amount of \$2,766,000, together with Alternate OH-M1 in the amount of \$33,000, Alternate OH-M2 in the amount of \$37,000, Alternate OH-M3 in the amount of \$37,000, Alternate OH-M4 in the amount of \$429,000, Alternate OH-M5 in the amount of \$27,000, Alternate OH-M6 in the amount of \$94,000, Alternate OH-M7 in the amount of \$226,000, Alternate VES-M1 in the amount of \$38,000, Alternate VES-M2 in the amount of \$32,000, Alternate VES-M3 in the amount of \$86,000, Alternate VES-M4 in the amount of \$106,000 for a total contract sum of \$3,911,000.

WHEREAS, the Board finds that the bid submitted by Preferred is responsive in all material respects and the Board is desirous of awarding the bid for HVAC Upgrades at Orchard Hills Elementary School and Village Elementary School to Preferred.

NOW, THEREFORE, BE IT RESOLVED, that the bid submitted by Thassian Mechanical Contracting, Inc. is hereby withdrawn and that the Board hereby awards the bid for the HVAC Upgrades at Orchard Hills Elementary School and Village Elementary School to Preferred Mechanical, Inc. in the amount \$3,911,000, representing a base bid in the amount of \$2,766,000, together with Alternate OH-M1 in the amount of \$33,000, Alternate OH-M2 in the amount of \$37,000, Alternate OH-M3 in the amount of \$37,000, Alternate OH-M4 in the amount of \$429,000, Alternate OH-M5 in the amount of \$27,000, Alternate OH-M6 in the amount of \$94,000, Alternate OH-M7 in the amount of \$226,000, Alternate VES-M1 in the amount of \$38,000, Alternate VES-M2 in the amount of \$32,000, Alternate VES-M3 in the amount of \$86,000, Alternate VES-M4 in the amount of \$106,000.

BE IT FURTHER RESOLVED, that this award is expressly conditioned upon the contractor furnishing the requisite insurance certificate and labor and materials/performance bond as required in the project specifications, together with an AA201-Project Manning Report, a Political Contribution Disclosure Certification, an executed A-101-Standard Form of Agreement Between Owner and Contractor and A-201-General Conditions of the Contract for Construction, as prepared by the Board Attorney, within ten (10) days of the date hereof.

BE IT FURTHER RESOLVED, that the Board Attorney is hereby directed to draft an agreement with the successful bidder consistent with this Resolution and with the terms contained in the bid documents approved by the Board for this project. The Board President and the Board Secretary are hereby authorized to execute such agreement and any other documents necessary to effectuate the terms of this Resolution.

#### 4.0 PERSONNEL

The superintendent recommends that the Board of Education approve the personnel agenda following discussion in Executive Session.

#### ANNOUNCEMENTS BY THE PRESIDENT

#### ADJOURNMENT