

NESHAMINY SCHOOL DISTRICT  
Langhorne, Pennsylvania

PUBLIC WORK SESSION MINUTES  
NESHAMINY BOARD OF SCHOOL DIRECTORS  
June 2, 2015

The Neshaminy Board of School Directors met in public work session on June 2, 2015 in the District Offices Board Room at the Maple Point Middle School. The following persons were in attendance:

**BOARD MEMBERS:**

Mr. Scott E. Congdon, President  
Ms. Irene Boyle, Vice President  
Mr. John Allen  
Mrs. Susan Cummings  
Mr. Mike Morris  
Mr. Stephen Pirritano  
Mr. Ron Rudy  
Mr. Mark Shubin  
Mr. Anthony Sposato

**ADMINISTRATORS:**

Mr. Robert L. Copeland  
Mrs. Barbara Markowitz  
Mr. Don Harm  
Mrs. Theresa Hinterberger  
Dr. Gloria Hancock

**BOARD MEMBERS ABSENT:**

**OTHERS:** Approximately 75 persons from the public, staff and press

**SECRETARY:** Mrs. Jennifer Burns

**SOLICITOR:** Thomas J. Profy, III, Esquire  
John Torrente, Esquire

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**1. Call to Order**

Mr. Congdon called the meeting to order at 7:09 p.m.

**2. Pledge of Allegiance**

Mr. Congdon requested those in attendance join in the salute to the flag.

**3. Announcements**

Mr. Congdon read the following statements:

Robert J. Mellon, Judge, did, on May 19, 2015, hold a Hearing on the Motion of the School District for Peremptory Judgment in the Mandamus Action filed by Natalie G. Chamberlain, Karen A. Saraullo, Christy Dougherty, Jennifer A. Wilityer, Kimberly Mason which the Plaintiffs requested the Court to reverse the Decision of the Neshaminy School Board to close Samuel Everitt Elementary School at the end of 2014 - 2015, enter an Order and Decree Dismissing the Complaint of the Plaintiffs with Prejudice.

Plaintiffs did not dispute that the School Board complied with all procedural requirements of the School Code to permanently close Samuel Everitt Elementary School but, rather, sought to have the case remanded to the School Board for further consideration of public comment, to conduct discovery and to hold a new evidentiary hearing regarding the permanent closure of the School. The Court, however, dismissed the Complaint of Plaintiffs, and thus, recognized the basic principle of Pennsylvania law that School Boards have broad discretionary powers to close schools, and that the actions of School Boards are not reviewable by the courts unless the action of the board is fraudulent or arbitrary and capricious. None of which elements were present in the decision of the School Board to close Samuel Everitt Elementary School.

The School Board has complied in all respects with the requirements of the Pennsylvania School Code to close Samuel Everitt Elementary School. The Board conducted numerous studies, heard many presentations, held a hearing, and duly voted for the School closure.

The School District and Bucks County Intermediate Unit #22 have entered into a Lease for the Everitt Elementary School for five (5) years beginning on July 1, 2015, pursuant to which the School District will receive basic rent in an amount of \$1,667,616. The School will be used for the programs of BCIU which provide educational services to special needs children throughout Bucks County, including those of the Neshaminy School District. There will be no interruption of BCIU's Special Education Programs planned to be provided at Samuel Everitt Elementary School.

While there has been controversy in the community about the closing of Samuel Everitt Elementary School, we believe Judge Mellon did the right thing in this case by upholding the decision of the School Board to do what they think is best for all the students in the District and deal with long term student population decline. We hope that the community can now come together and focus on the needs of our students as we implement plans to provide each of them with new learning opportunities and academic excellence in all schools and grade levels.

#### Arbitrator's Decision

The Neshaminy Board of School Directors has unanimously agreed to appeal the decision of Ralph Coleflesh, Arbitrator in the matter of Jared Katz who had been terminated by this Board last year. Arbitrator Coleflesh, in the Board's opinion, has a history of bad decisions. Mr. Coleflesh is apparently willing to allow clearly inappropriate behavior and does not see that a public employer has a right to sanction overtly bad behavior. The behavior displayed by this former employee, in the Board's opinion, would have easily resulted in termination if it had occurred in the private sector but, according to the Arbitrator, must apparently be tolerated in our public schools.

Rogue arbitrators like Mr. Coleflesh are ruling against employers who are willing to take strong action against employees who engage in highly inappropriate misconduct. Just look at the discharge of a teacher in Northampton County who hung a sign on a child, ridiculing a special needs child, and the arbitrator reinstated the employee. One wonders if these arbitrators, and Mr. Coleflesh, would take such little notice if their children or family were being mistreated.

While we know litigation is expensive, the Board and Administration stand firmly behind our teachers who were, in our opinion mistreated and we will not be frightened by Mr. Ralph Coleflesh.

#### **4. Superintendent's Report**

Mr. Copeland advised the Board on the following:

- Thirty Neshaminy High School Business, Computer and information Technology (BCIT) students were awarded full scholarships to attend the Pennsylvania Free Enterprise Week (PFEW) Program this summer. Each scholarship is valued at \$1,500 and is funded by a Pennsylvania business or community organization.

Jerry Broll, Maria Calderon, Stephen Caldwell, Brianna Cunningham, Emily Curran, Thomas Farrell, Eva Fisher, Nicholas Foraker, Grace Hitchen, Taylor Hoyer, Emily Martin, Danielle McGlynn, Shawn Morris, Meghan Moyer, Saim Mumtaz, Timothy Odgers, Robert Orwig, Kyle Pennock, Fred Polis, Sarah Pringle, Shelby Prizer, Victoria Repoley, Kieran Ricciardi, Alexander Schettino, Matt Smeck, Emma Stewart, Taylor Stroup, Crystal Teoh, Joseph Verrechio, Stefania Ursu

- Zach Williard, Senior Managing Consultant for the PFM Group gave a presentation on Neshaminy School District Basis Swap Termination.

#### **5. Public Comment**

Howard Lindner, resident of Langhorne, stated that although the court ruled against the action filed by a group of taxpayers against the closing of Samuel Everitt Elementary School, he still congratulates the efforts of this group. Mr. Lindner said the Board should have suspended their plans after the primary election,

because they will be responsible for a huge cost to the district once some of the plans are reversed by a new Board.

Ed Kern, retired, resident of Levittown, commented that the people have spoken and shown that they are not happy with the consolidation plan. He said that there will be a new Board after the November elections and if the current Board continues with the plan, they are being defiant and disregarding the will of the community. He urged the Board to put the project on hold and let the new Board make the decisions.

Bob Tull, resident of Levittown, urged the Board to take action on the bond issue without delay. He also said the Board should not move ahead with their plans because he has great concerns about the cost to the district should a new Board reverse the decisions.

## **6. Items for Approval Tonight**

### **a) Overnight Trip**

1. Neshaminy High School to represent the State of Pennsylvania at the FBLA National Leadership Conference and Competition, Chicago, Illinois - June 27 - July 3, 2015

According to Board Policy #618, trips extending overnight are permitted by authorization of the Board of School Directors only.

**NOW, THEREFORE, BE IT RESOLVED**, that the Neshaminy Board of School Directors approves the following overnight trip:

- Neshaminy High School to represent the State of Pennsylvania at the FBLA National Leadership Conference and Competition, Chicago, Illinois - June 27 to July 3, 2015

Mr. Congdon made a motion to approve said trip.

Mr. Sposato seconded the motion.

The Board unanimously approved said motion by a vote of 9 ayes, and 0 nays.

### **b) Approval of Sunday Facility/Field Usage**

According to Board Policy #800, Facilities/Fields may not be scheduled on Sundays without School Board approval.

**NOW, THEREFORE, BE IT RESOLVED**, that the Neshaminy Board of School Directors approves Sunday usage for the following event:

- Bucks County Challenge Mustangs Flag Football - NHS - Harry Franks Stadium - 9/20, 9/27, 10/4, 10/11, 10/18, 10/25, 11/1, 11/8, 11/15 and 11/22/15

Mr. Congdon made a motion to approve the Sunday Facility/Field Usage.

Mr. Allen seconded the motion.

The Board unanimously approved said motion by a vote of 9 ayes, and 0 nays.

### **c) Approval of Suspension (Furlough) & Demotion of Certified Staff**

**WHEREAS**, The Board of School Directors directed the Superintendent, the Business Administrator and such other members of the School District's Administration team who the Superintendent deemed necessary to undertake various studies related to program requirements, staffing capacities and needs; and

**WHEREAS**, the School District Officials did conduct such studies and prepared for consideration by the Board, a plan detailing such findings and recommendations to these matters; and

**WHEREAS**, the Board hereby concurs with the Superintendent's recommendations and authorizes the Superintendent to undertake such measures as are necessary and prudent in order to notify the Department of Public Instruction of the Pennsylvania Department of Education for the recommended courses of action and to undertake such other actions as are necessary to advance the purposes of this resolution.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of School Directors concurs with the recommendation of the Superintendent to curtail or alter the educational programs in the School District, which will affect a change in the School District's organization.

The Board hereby authorizes the Superintendent of the School District to notify the Pennsylvania Department of Education of the reduction of professional staff to meet the circumstances outlined above.

Mr. Congdon made a motion to approve the Suspension (Furlough) & Demotion of Certified Staff.

Mr. Shubin seconded the motion.

The Board unanimously approved said motion by a vote of 9 ayes, and 0 nays.

**d) Change Order Procedure for the New Elementary School Project**

Mrs. Cummings read the following motion:

**WHEREAS**, the Neshaminy Board of School Directors approved the New Elementary School Project and hired an architect and construction management company; and

**WHEREAS**, in any construction project there will be change orders, which are budgeted under the contingency, and they usually require a quick response so they do not delay the project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Neshaminy Board of School Directors adopt the following:

Under \$10,000 – Facilities staff and construction manager will approve and record in Change Management Log.

Between \$10,000-\$50,000 – Administration will review with consulting engineers and facilities staff and approve or disapprove, and ensure that we are getting the best price and verify the need for the change order. Then provide Board with regular written updates on the status and running totals of change orders along with contingency budget.

Over \$50,000 – Administration will review with Architect and Construction Manager as indicated above to recommend approving or disapproving and then requesting approval from Board Members. The Business Administrator will contact the Finance Committee Chair by email/phone. The committee Chair will review/inform the Board.

Mr. Congdon made a motion to approve the Change Order Procedure for the New Elementary School Project

Mr. Pirritano seconded the motion.

Mr. Damion Spahr from Reynolds Construction answered several questions from the Board.

Mr. Congdon called for a roll call tally and the tally indicated the motion passed by a vote of 7 ayes, (Mr. Allen, Ms. Boyle, Mr. Congdon, Mrs. Cummings, Mr. Pirritano, Mr. Shubin, and Mr. Sposato) and 2 nays, (Mr. Morris and Mr. Rudy.)

**7. Items for Approval at the June 16th Public Board Meeting**

- a) Approval of Contracted Substitute Nursing Services for the 2015 - 2016 School Year
- b) Approval of Budgetary Increase for Federal & Other Programs (2014 - 2015)
- c) Facilities Professional Service/Consultants for 2015 - 2016
- d) Approval of Year End Budget Transfers
- e) 2015 Homestead and Farmstead Exclusion Resolution
- f) Local, State and National Contract Participation Authorization for 2015 - 2016
- g) Approval of Fund Balance Commitment for PSERS
- h) Approval of the Bucks County Technical High School budget for 2015 - 2016
- i) Confidential Agreement for student
- j) Acceptance of the Wellness Funds from the Consortium Wellness Committee
- k) Bids-Budgets Transfer
- l) Adoption of the 2015 - 2016 Final Operating Budget

Mr. Congdon stated that items A through I will all be agenda items at the June 16th Public Board Meeting.

**8. Committee Reports**

**a) Board Polices**

Ms. Boyle stated to the Board that the next meeting has not yet been scheduled.

**b) Educational Development**

Ms. Boyle stated to the Board that the next meeting is scheduled for June 9th, at 6:30 p.m.

**c) Finance/Facilities**

Mr. Congdon stated that at the last meeting discussions included the Change Order Procedure for the New Tawanka Elementary School and also the refinancing of the 2006 Bonds.

**d) IU Board**

Mrs. Cummings stated that the next meeting will be June 16th, at the IU in Doylestown.

**e) Neshaminy Education Foundation**

Mr. Shubin said that the next meeting will be on June 8th, at 4 p.m.

**f) Technical School**

Mr. Morris stated that there was some question as to what students would be participating in a field day held at the technical school and clarified that all students who wish to participate would be able to do so at their own individual levels of ability.

**g) Technology**

Mr. Shubin stated to the Board that there will be no further meetings for this school year.

**h) Facilities Ad Hoc Committee**

Mr. Pirritano announced that the next meeting has not yet been scheduled.

**i) Legislative**

Mr. Shubin stated that no date has been set for the next meeting.

**4. Other Board Business**

Mr. Damion Spahr gave an overview on the GESA Phase 1 Update and also the GESA Phase II Preview.

Mr. Spahr answered several questions from the Board.

**5. Public Comment**

Ed Kern, retired, resident of Levittown, commented that he recently had the opportunity to view the Albert Schweitzer Elementary School building. He stated that he was disturbed by the appearance and condition of the school noting there were weeds, graffiti, etc., particularly in the rear of the building. Mr. Kern said he would like to see this matter corrected.

Howard Lindner, resident of Langhorne, advised the candidates from the primary election to stay in touch with the public and keep them informed.

Tina Hollenbach, resident of Feasterville, congratulated the students who won scholarships from BCIT. She urged the Board to continue to look for innovative programs and events to further the experience of all the students in all grade levels.

Bob Tull, resident of Levittown, expressed concern about the redistricting of students when Samuel Everitt is closed and implementing the 5th through 8th grade middle school model.

**6. Future Topics**

None.

**7. Board Comment**

Mr. Shubin expressed his appreciation for Mr. Lindner's interest and involvement in matters of the school district. Mr. Shubin congratulated Wynona Weber, secretary at Poquessing Middle School, on her retirement after 50 years of loyal service to Neshaminy. He also advised the public of the Summer Jump Start Program, which is an enrichment program to assist students who want to get a head start on their course work for the upcoming year. Mr. Shubin also said the Summer STEM Expo was a huge success and is a worthwhile program for students K-6.

Mr. Sposato congratulated the students who won scholarships from the BCIT. He said great things are happening in Neshaminy and his hope is to leave the district in better shape than it was previous to his involvement and for Neshaminy to continue on the right path.

Mr. Allen thanked the Neshaminy football team for accompanying the American Legion in placing flags on the graves of Veterans for Armed Services Day. He said the families greatly appreciate this kindness.

Mrs. Cummings informed the public of an article in the Philadelphia Enquirer newspaper reporting the public interest in real estate in Middletown Township has recently increased significantly due in part to the Neshaminy School District.

Mr. Morris expressed his disappointment at the court ruling of Judge Mellon dismissing the complaint filed by a group of taxpayers regarding the closing of Samuel Everitt Elementary School. Mr. Morris said, in his opinion, the court made a wrong decision. He also expressed his extreme dissatisfaction with the decision of Ralph Coleflesh, arbitrator for Jared Katz, to reinstate his employment.

Mr. Pirritano congratulated the scholarship winners on their awards. Mr. Pirritano clarified that redistricting has been examined and steps will be taken to insure that no student should have to go through redistricting multiple times. He also said the Board is working with the Neshaminy Kids Club to provide a program for fifth graders who need after school supervision. Mr. Pirritano thanked the staff and students who participated in the STEM Expo. He also said that Albert Schweitzer Elementary School is one of the schools in GESA Phase I and it will be selected for repair and restoration over the summer months.

Ms. Boyle congratulated the scholarship winners and thanked Mr. Spahr for his clarification. Ms. Boyle said although one may disagree with a person's decision there should still be respect for the person's position or office. Ms. Boyle said it is a little premature to be placing blame on the current Board because each Board has responsibility and no one knows what the future may bring.

Mr. Copeland said the fifth grade will be on a separate schedule than the main middle school. He said the information is on the website and it is very informative.

Mr. Congdon assured the public that the members of the Board are serving because they believe in Neshaminy and providing students with the best opportunities and they are certainly not serving to achieve a power trip. He also asked members of the public not to assume they know his position on issues unless they have personally spoken to him regarding the matter. Mr. Congdon thanked the administration and professionals for their work in moving the district forward and he has great hope that they can continue to work together for the betterment of Neshaminy.

#### **8. Adjournment of Meeting**

Mr. Congdon moved the meeting be adjourned and Mr. Shubin seconded the motion. The Board unanimously approved the motion. Mr. Congdon adjourned the meeting at 9:01 p.m.

Respectively submitted,

Jennifer Burns  
Board Secretary