

NESHAMINY SCHOOL DISTRICT  
Langhorne, Pennsylvania

PUBLIC BOARD MEETING MINUTES  
NESHAMINY BOARD OF SCHOOL DIRECTORS  
(WORK SESSION/PUBLIC MEETING)  
November 9, 2004

The Neshaminy Board of School Directors met in public session on November 9, 2004, in the Board Room of the Maple Point Middle School. The following persons were in attendance:

**BOARD MEMBERS:**

Mr. Richard M. Eccles, President  
Dr. William H. Spitz, Vice-President  
Mrs. June R. Bostwick  
Mr. Jason Bowman  
Ms. Carol A. Drioli  
Mrs. Susan Cummings  
Mrs. Kimberly A. Jowett  
Mr. Ritchie Webb

**ADMINISTRATORS:**

Mr. P. Howard Wilson  
Dr. Louis T. Muenker  
Dr. Sandra Costanzo  
Mr. Joseph V. Paradise  
Mrs. Jacqueline Rattigan  
Mr. Bruce Wyatt

**BOARD MEMBER NOT PRESENT:**

Mrs. Sue C. Barrett

**SOLICITOR:**

Thomas J. Profy, III, Esquire

**SECRETARY:** Mrs. Anita E. Walls

**OTHERS:** Approximately 12 persons from the public, staff and press

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**1. Call to Order**

Mr. Eccles called the meeting to order at 7:00 p.m.

**2. Pledge of Allegiance**

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

**3. Public Comment**

Mr. William O'Connor, Langhorne, PA, questioned board members whether back in high school they were ever setup on a blind date. Mr. O'Connor was sure that some members did and you would ask some of your friends about whom you were meeting and trying to discover what you were getting yourself involved with. It is important to know about a person's reputation and the people they associate with. Mr. O'Connor stated that the school district is considering which construction management firm to represent us as the CM in the high school project. It will be a nice pay check to some company. It is very important to learn about the reputation of any company that the district would be considering. Mr. O'Connor performed a simple Google search on the six companies vying for the business. Most of the information available is positive press; however, there is one firm that stood out from the rest because they drew quite a bit of negative attention. The New Jersey based firm of Joseph Jingoli & Son, Inc. is very active in making very large political campaign contributions and it is speculated that they actively participate in a pay to play strategy in order to gain contracts. Mr. O'Connor stated that in "Politics New Jersey.Com" from August 2004, "the pay to play scheme prompted the New Jersey Freeholders to call for an investigation into how top state campaign donors manage to win a multi million dollar contract." According to published reports Jingoli donated over \$800,000 to state and county campaigns. It was also reported in the Trenton Times that because of Jingoli's fundraising ties to the governor's administration one of the companies would reap about \$300M in no-bid state school construction contracts. This was also obtained from the Philadelphia Daily News in November 2002, "The cash strapped Philadelphia School District paid at least \$3.1M for eight contracts awarded to politically connected consultants and Jingoli and Sons were one of the firms listed." The Courier Post, on-line site, November, 2003, "Jingoli was the construction manager of four

community and school redevelopment projects for which the state will kick in \$250M.” Mr. O’Connor clearly stated that he is not accusing Jingoli or any other firm of any illegal activity. Mr. O’Connor understands that political contributions are probably quite common place. The Neshaminy School District has barely brushed off the controversy surrounding the high school issue and now the district may enter into a partnership that will lead to speculation, and quite frankly the district can do without. Mr. O’Connor researched what contributions Jingoli made in the 2004 election and they donated \$12,000 to a local congressional candidate. Why would a New Jersey based organization be interested in a local Pennsylvania politician? Mr. O’Connor noted that whether Jingoli and Sons is a qualified firm is irrelevant at this point because if they are chosen for the Construction Manager it will be seen as a political plum and the only other question of the minds of the public will be who was the check made out to. Mr. O’Connor urged the board to choose the best firm for the Neshaminy project.

**4. Announcements**

Mr. Eccles advised that Mrs. Barrett was ill and would not be attending the meeting this evening.

**5. Items for Discussion**

**a. NCLB High School – School Improvement Plan**

Mr. Wilson stated that for two years in a row special education high school students have not improved in the proficiency rating on the PSSA scores and as a result of legislation the district had to provide an attempt for the school improvement plan to raise the proficiency level of the district’s special education students. Every district across the County is in the same situation except for one. The district has developed a plan and it has been approved by the Bucks County Intermediate Unit. Mr. Wilson advised that the President will sign off on the plan and the district will submit same to the Department of Education in an attempt to bring the special education students up to state standards. The district will offer additional support, tutoring, etc. Those programs will be supported by the grant received from Harrisburg. Mr. Wilson suspected that it will be ongoing. Mr. Wilson noted that the No Child Left Behind legislation is poorly written and it is not quite understood how to get special education students to 100% proficiency. Mr. Wilson heard that there will be no relaxation in those standards.

**6. Items for Approval**

**a. NHS Youth Services, Inc. v. Neshaminy School District – Commonwealth Court Declaratory Judgment/Shared Legal Representation Request**

Mr. Profy provided an overview of the litigation. Certain students are placed at NHS Youth Services, Inc. through the Juvenile Court system and there is a controversy between NHS Youth Services, Inc. and the Shamokin Area School District in which the facility is located as to how to calculate and what is included in the determination of the tuition for the students placed. Neshaminy School District has paid its full and complete contributions as it has been billed; however, it and 269 other school districts have been sued. The district’s insurance carrier, “SBA Insurance Trust School Leaders Legal Liability Program, has put together a program whereby all of the school districts which are part of the PSBA Leaders Liability Program will be represented by single counsel. Mr. Profy would estimate that the fees would be \$200-\$500 rather than several thousands of dollars if his firm represented the district. Mr. Profy’s strong recommendation is that the district participates in the shared legal representation. It is cost effective and there is minimal, if any, exposure to the Neshaminy School District.

Ms. Drioli questioned why Neshaminy was named as a defendant. Mr. Profy advised that not only is this retrospective, it is also prospective. What is the formula going to be? Other school districts have not paid retrospectively, but there is the open issue which is applicable to Neshaminy School District, is how the formula will be calculated.

**b. Contracted Transportation Services for 2004-2005**

Mr. Paradise advised that each year at this time the board is asked to approve a motion for contracted transportation services for Lakeside Educational Network and Middle Earth, Inc. These services are for students that need transportation to other facilities and the district uses private contractors since it is more practical and less expensive to do so with other than district vehicles. Mr. Paradise advised that the transportation is for three students for Lakeside and twenty for Middle Earth.

**c. Bids/Budget Transfers**

Information distributed prior to the meeting. Mr. Paradise reviewed the following bids:

Bid No. 05-24 Asbestos Floor Tile Removal at Pearl Buck and Hoover Elementary Schools

Bid Amount: \$92,700.00

The bid is for removal of all remaining asbestos containing floor tile and carpeting from Pearl Buck Elementary and from one hallway at Hoover Elementary.

Bid No. 05-25 Floor Tile Installation at Pearl Buck Elementary School

Bid Amount: \$94,600.00

The bid is for installation of vinyl floor tile in all hallways and classrooms at Pearl Buck Elementary School.

The two bids will be presented for approval later this evening.

Mr. Paradise advised that the Intrusion and Surveillance Camera Security System is a big project that has been worked on throughout the school district and will be presented to the board sometime in the winter or spring of 2005. It is a complete camera and security system for district buildings and there will be a recording of who is gaining access and provide complete security for all the elementary and middle schools.

Mr. Paradise further reviewed with board members other upcoming bids for the 2005 year. These bids will be presented to the board at a future time.

**7. Items for Information**

No items were presented.

**8. Superintendents Report**

Mr. Wilson advised that there has been a good fall season at the high school in the co-curricular area. The Soccer team made the playoffs. The Field Hockey team did well, however lost in the semi-finals to Hatboro Horsham. The Boy's Football team is 9-1 this year and they open up Friday night at Central Bucks West in the District 1 playoffs. The band has won numerous awards in their competitions. Mr. Wilson advised that a young lady finished third in the state golf tournament. Boy's Cross Country has done very well and has advanced to the state level in certain events. Mr. Wilson thanked the board for supporting all the co-curricular activities.

Mr. Wilson advised that the district is continuing to advance in technology. The Food Services area has been able to provide lunches to be purchased on-line. Parents Access Module has been provided at the middle schools and, hopefully, will also be provided at the high school. Parents will have access to check on grades, schedules, class rank, etc.

Mr. Wilson assured the board members that there will not be an exclusive contract for only one group of people to volunteer at the school district. The district welcomes any and all parent volunteers to come into the schools and help and also student volunteers.

**9. Committee Reports**

a) **Board Policies**

Mr. Bowman advised that a meeting is scheduled for December 9, 2004 at 7:30 p.m. Items for discussion will be updating policies regarding No Child Left Behind and review existing policies dealing with handicapped students, as well as staff and community members with disabilities.

b) **Finance/Facilities**

Mr. Webb addressed the issue regarding the construction manager. Assuming it is correct that some of the firms make political contributions, this will have no bearing whatsoever on the decision process that this district will make regarding the construction manager. Mr. Webb advised that it is true and he is pushing forward with the process since he would like to bring to the board by December or January the architect and CM. The committee has narrowed down the candidates to three. Mr. Webb advised that he is the one who recommended to leave Jingoli in the process since their fees are considerably the lowest. Mr. Webb is aware that Jingoli did work at the Tech School. Mr. Webb advised that no deal has been made and no preference has been given to Jingoli, however, if their offer is the best I will support same. Mr. Webb noted that he still has many outstanding questions regarding each of the companies. Mr. Webb advised that a meeting is scheduled for next week and further consideration will be given to the selection of the construction manager. Mr. Paradise has prepared a long questionnaire (request for proposal) to be completed by the firms. Mr. Webb further advised that this is not the first time the district has dealt with politically active firms. Mr. Webb just wanted to be assured that the integrity of the Finance and Facilities Committee was not an issue.

Mrs. Bostwick stated that she has not been able to make the meetings and she is unaware of the source of the names. Mr. Webb advised that the committee attempted to stay with local firms. Mr. Paradise provided a couple names, Mr. Minotti provided some, and other firms have recently done projects in the area.

Dr. Spitz commented regarding the process that the district went from six firms to three firms. Dr. Spitz was unable to make the last meeting where the cut was made from six to three. Dr. Spitz is concerned that there was not a consensus reached cutting the list from six to three. Dr. Spitz's understanding was that Mrs. Cummings and Mrs. Barrett both discussed the possibility of sending out the questionnaire (RFP) that Mr. Paradise prepared to all six of the firms. A decision was made not to do that. Dr. Spitz noted that the board as a whole and the committees act and should act based on consensus and based on majority.

Mr. Webb advised that all six firms came before the committee and gave a presentation. A decision was made based upon fees, etc. Dr. Spitz is concerned that the board did not make that decision.

Dr. Spitz is aware that there is a goal to try to select an architect and construction manager by the end of the year, however, if the goal is met, great, but it does not justify subverting the consensus mechanism that the board always uses to move forward. Dr. Spitz noted that the high school project has been in discussion for three years.

Mr. Eccles recommended that further discussions take place at the Finance and Facilities meeting on November 17, 2004. The Finance Committee consists of Mr. Webb, Dr. Spitz, Mrs. Jowett and Mrs. Barrett.

Discussion further ensued regarding the committee and its recommendations. Mr. Eccles noted that every board member has been working diligently to have the high school issue wrapped up.

There was board consensus to move the issue back to committee for further discussions.

c) **Educational Development**

Dr. Spitz advised that a meeting is scheduled for November 29, 2004 and the agenda will be finalized in the upcoming days.

**d) IU Board**

Mrs. Drioli advised that the new laws regarding gambling and Homestead Act were explained at the last meeting. The laws will be difficult to implement. Ms. Drioli will ask the IU to give another presentation on the subject. Dr. Spitz advised that the intent was excellent and the presentation contained a great deal of information, however, there were many school board members there from other districts who have already concluded that this is not good legislature and they were more interested in trying to get boards across the county to rise up and reject same. Dr. Spitz noted that it was supposed to be an informational meeting.

Ms. Drioli thanked Mr. Wilson for taking a stand on the volunteer program. Ms. Drioli noted that the police department is getting results from the Kids First program.

**e) Educational Foundation**

Mrs. Cummings advised that \$5,000 was raised at the fundraiser. Mrs. Cummings thanked Dr. Costanzo and her staff for all their hard work to make the event successful.

**f) Technical School**

Dr. Spitz advised about the contract for the new administrative director at the Tech School. On December 9, 2004 the Semi-Annual Joint Board Convention will take place.

**g. Technology**

Mrs. Jowett advised that there was no report.

**10. Future Topics**

**a) Tax Collector's Salary Program**

Memo provided to Board members regarding the Tax Collector compensation program. An approval on this issue will be necessary by February 15, 2005.

**11. Agenda Development for the November 9, 2004 Public Meeting**

**12. Other Board Business**

**13. Adjournment of Meeting**

Dr. Spitz moved the meeting be adjourned and Ms. Drioli seconded the motion. The Board approved the motion with eight ayes. Mr. Eccles adjourned the meeting at 7:50 p.m.

**PUBLIC MEETING**

**Call to Order**

Mr. Eccles called the meeting to order at 7:50 p.m.

**Announcements**

No Announcements.

**Student Representative Report**

Danielle Cope provided the following report:

- Heating conditions at high school – some classrooms are extremely warm and others do not have enough heat.
- Neshaminy High School held the Kaleidoscope of Bands on October 23<sup>rd</sup>

- SADD/SAVE, Students Against Destructive Decisions and Stopping Aids Via Education, an organization at Neshaminy High School held its annual Red Ribbon Week on October 25-29<sup>th</sup>
- First Marking period closed on November 5<sup>th</sup>
- Fall Drama production "Proposal" premieres next Thursday, November 18<sup>th</sup>
- Powder Puff football game will be held the Wednesday before Thanksgiving

#### **Approval of Minutes**

Upon motion of Mr. Bowman and seconded by Mrs. Jowett, the Board unanimously approved the minutes of the October 26, 2004 Public Meeting. Mrs. Barrett was not present.

#### **Approval of Treasurer's Report, Bills for Payment, Investments, and Exonerations of Personal and Per Capita Tax** – Mr. Paradise presented the following for approval:

- October 2004 Treasurer's Report, subject to audit
- Bills for payment Check Register – October 2004
- Escrow Fund, Three Capital Project Funds, Several Investment Funds, New Investments
- Personal and Per Capita Tax Exonerations – October 2004

Ms. Drioli moved the October 2004 Treasurer's Report be approved, subject to audit, and the October 2004 bills for payment, Budget, Escrow Funds, Capital Project Funds, Investments Funds. Mrs. Cummings seconded the motion.

The Board unanimously approved the Treasurer's Reports, subject to audit, bills for payment, investments, escrow funds, and three capital project funds. Mrs. Barrett was not present.

#### **Bids**

Mr. Paradise presented the following bids for approval:

##### **Bid No. 05-24 Asbestos Floor Tile Removal at Pearl Buck and Hoover Elementary Schools**

Bid Amount: \$92,700.00

The bid is for removal of all remaining asbestos containing floor tile and carpeting from Pearl Buck Elementary and from one hallway at Hoover Elementary.

##### **Bid No. 05-25 Floor Tile Installation at Pearl Buck Elementary School**

Bid Amount: \$94,600.00

The bid is for installation of vinyl floor tile in all hallways and classrooms at Pearl Buck Elementary School.

Dr. Spitz moved the two bids be approved and Ms. Drioli seconded the motion.

The Board unanimously approved the bids. Mrs. Barrett was not present.

#### **Certified and Support Personnel Actions**

Mr. Wilson presented the following for approval:

- Elections of Certified Personnel
- Resignations/Leaves of Certified Personnel
- Elections of Support Personnel
- Resignations/Leaves of Support Personnel

Mr. Wilson requested approval of the personnel report as presented.

Mrs. Jowett moved the personnel report be accepted. Mr. Bowman seconded the motion.

The Board unanimously approved the personnel report. Mrs. Barrett was not present.

**Motion: NHS Youth Services – Northwestern Academy Residential Facility**

Mr. Eccles presented the following motion:

**WHEREAS**, NHS Youth Services, Inc. sued the Neshaminy School District and numerous other School Districts for a determination of the obligations of the School District for resident students of school Districts who have been and who may hereafter be placed under the Pennsylvania Juvenile Act in Northwestern Academy Residential Facility which is located within the boundaries of the Shamokin Area School District in Northumberland County, PA and

**WHEREAS**, the PSBA Insurance Trust has retained counsel to defend the lawsuit on behalf of approximately 252 Pennsylvania School Districts who are Defendants in the litigation and participate in the PSBA Insurance Trust School Leaders Legal Liability Program, and

**WHEREAS**, School District such as the Neshaminy School District which are insured through the PSBA Insurance Trust can be represented in the lawsuit by shared counsel under the PSBA Program and can share the total cost of defense on a pro rata basis thereby greatly reducing the potential litigation expense to each participating School District.

**NOW, THEREFORE, BE IT RESOLVED**, that Neshaminy School District participate in the Shared Legal Representation Program of the PSBA Insurance Trust for the lawsuit captioned NHS Youth Services, Inc. v. Department of Education of the Commonwealth of Pennsylvania and that the Board of School Directors approve the annexed Shared Legal Representation Agreement for the litigation and authorize the Board President and Board Secretary to execute the Agreement.

Dr. Spitz seconded the motion. The Board unanimously approved the motion. Mrs. Barrett was not present.

**Motion: Contracted Transportation Services for 2004-2005**

Mrs. Jowett presented the following motion:

**WHEREAS**, the school district transports public, private, and parochial school students in accordance with the applicable state laws; and

**WHEREAS**, private contractors are sometimes used if it is more practical and less expensive to do so with other than district vehicles.

**NOW, THEREFORE, BE IT RESOLVED**, that the Neshaminy Board of School Directors authorizes the school district to enter into private contracts for the 2004-2005 school year for the transportation of certain students in accordance with state regulations as follows:

Contract #04-05-02	Lakeside Education Network	\$22,289
Contract #04-05-03	Middle Earth, Incorporated	\$84,619
	Total	\$106,908

**BE IT FURTHER RESOLVED**, that the Business Administrator is authorized to sign these contracts on behalf of the school district.

Mr. Bowman seconded the motion.

The Board unanimously approved the motion. Mrs. Barrett was not present.

**Federal Programs**

Mr. Wilson advised that there was no change in the federal programs.

**Other Board Business**

None.

**Public Comment**

Mr. Kevin Yeingst, Feasterville, PA inquired what the plan was for the Poquessing facility and when will same be implemented.

Mr. William O'Connor, Langhorne, PA stated that he appreciated Mr. Webb's comments and wanted to clarify a few items. Mr. O'Connor expected to find information regarding one company or another; however so much information was found regarding one company in particular. Mr. O'Connor does not question how any of the companies were chosen, although there is some concern how the final three were derived at. Mr. O'Connor stated that everything he has stated can be documented back to the websites. Mr. O'Connor stated that he does not challenge the integrity of Mr. Webb or the board. Mr. O'Connor is just asking that all board members should be very concerned about the perception and that politics do not get in the way of the decisions.

Mr. Howard Lindner, Langhorne, PA congratulated Mr. Webb on a fine job with the Finance and Facilities Committee, opening the meetings to the public, etc. Mr. Lindner noted that Mr. Webb has been a credit and Mr. Eccles selecting Mr. Webb as Chairman was an outstanding decision. The community is behind the committee. The amount of money that the taxpayers will be saved and the type of building that can go on for the next 50 years at the new high school is great. Mr. Lindner saluted and praised the committee. The community is behind this project.

Mr. Solis Basen, Langhorne, PA advised that he has attended all the Finance meetings and Mr. Basen expressed his thanks and gratitude to the committee, Mr. Paradise, Mr. Minotti, community, school and faculty. A wonderful job has been done. The six firms have made presentations and are very similar; however, the three selected have lawsuits against them, companies that have had time discrepancies. Mr. Basen thanked the board for a great job!

**Board Comment**

Mrs. Cummings responded to Mr. Yeingst inquiry that at one of the Finance and Facilities meeting one hour was devoted to the Poquessing project. Discussions with the Principal, Mr. Paradise and Mr. Minotti will take place and will be brought back to committee at a future date.

Ms. Drioli noted that she is unable to make all the meetings due to work commitments. Ms. Drioli would hope that she would receive all the handouts from every company being considered.

A request from the audience was made to videotape the Facilities and Finance committee meetings. Mr. Eccles responded that he would not recommend filming committee meetings due to the expense of same. However, if there is consensus on the board to look into that issue, it would be looked into.

**Adjournment**

Mrs. Jowett moved the meeting be adjourned and Ms. Drioli seconded the motion. The Board unanimously approved the motion. Mr. Eccles adjourned the meeting at 8:15 p.m.

Respectively submitted,

Anita E. Walls  
Board Secretary