

NESHAMINY SCHOOL DISTRICT
Langhorne, Pennsylvania

PUBLIC BOARD MEETING MINUTES
NESHAMINY BOARD OF SCHOOL DIRECTORS
March 18, 2013

The Neshaminy Board of School Directors met in public session on March 18, 2013, in the District Offices Board Room at Maple Point Middle School. The following persons were in attendance:

BOARD MEMBERS:

Mr. Ritchie Webb, President
Mr. Scott Congdon, Vice President
Ms. Irene M. Boyle
Mrs. Susan Cummings
Mr. Kim Koutsouradis
Mr. Mike Morris
Mr. William Oettinger
Mr. Mark Shubin
Mr. Anthony Sposato

ADMINISTRATORS:

Mr. Robert L. Copeland
Dr. Jacqueline A. Rattigan
Dr. Geeta Heble
Mrs. Barbara Markowitz
Mrs. Theresa Hinterberger
Mr. Anthony Devlin

BOARD MEMBER ABSENT:

OTHERS: Approximately 40 persons from the public, staff and press

SECRETARY: Mrs. Jennifer Burns
Mrs. Debby Spadaccino

SOLICITOR: Thomas J. Profy, III, Esquire

Mr. Webb announced that prior to the meeting an Executive Session was held from 6:15 p.m. to 7:05 p.m. regarding personnel and contract issues.

Call to Order

Mr. Webb called the meeting to order at 7:15.

Pledge of Allegiance

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

Announcements

None

Mr. Webb read a statement regarding side letters:

Late last week, we released some preliminary information about the side bar agreements with the NFT that have accumulated over the years. Virtually all of these agreements, or MOU's as some people call them, were made between the NFT and members of past district administrations. In almost every single case, each of these 201 agreements was made without the knowledge or approval of the sitting school board members.

In some cases, these MOU's are job descriptions for ad hoc staff positions. I'm not even sure why these would be treated as additions to the contract, but they were. It seems like every internal memo became part of the contract.

If you haven't read Christian Menno's article in yesterday's Courier Times, I encourage you to do so because it gives some important background about these side bar agreements. As you will see with your own eyes, these MOU's have significant financial and educational effect on our district, but they do not really do anything to benefit our students.

Currently our superintendent, Mr. Copeland, is reviewing each of these agreements to understand the complete impact to the district and he will report back to the board on his findings. As soon as that review is completed, we will release all 201 side bar agreements to the public.

Our reason for releasing this information is more than simply transparency to the public. Yes, it is important that parents and tax payers know what is going on, but it is equally as critical that all of our teachers understand why our district can no longer operate under the grip of past practice.

I bet that most of our teachers had no idea that there were over 200 side bar agreements. And since teachers are educated people, I think they can understand that no district can function efficiently with so many restrictions.

Earlier today, the NFT issued a statement saying they were “stunned by the district’s confusion” over not knowing about all these side letter agreements. On that point, I would have to agree.

I can tell you that on several occasions under past administrations, the Board had asked if there was a comprehensive record of the MOU’s on file, and the simple answer was no. But aside from showing that there is confusion, a “no” answer also reveals something else – that these side letter agreements were not reviewed with the Board when they were enacted. If they were, our attorney would have reviewed them, made comments and language changes, and then the agreements would have been logged.

I ask you – since when do school districts make written changes to a labor agreement without running it by their attorney first? So despite what Ms. Boyd and NFT officials said today, these agreements were not – as she says – “carefully created over 30 years by past teachers, administrators and Boards.”

There is one more point that I want to address from today’s NFT press release. Ms. Boyd says that they have urged us to bring any of these MOU issues that we want to discuss to the bargaining table. Allow me to respond as follows:

Ms. Boyd, this school board has no desire to sit down and haggle out 201 side agreements with you. As far as we are concerned, we do not recognize these MOU’s as part of the future contract we are negotiating with you. You refer to them as “contractual safeguards,” which is an absurd reference because our teachers’ contract is 78 pages long but we have more than 390 pages in so-called safeguards. In fact, we have more “safeguards” than we do contract.

Understandably the public is very frustrated by the revelation of these MOU’s. Trust me when I say that all 9 members of this board are equally frustrated. How did these agreements happen? Why did they happen? And why did past administrations seemingly walk into every meeting with the NFT waiving a white flag of surrender?

These are difficult questions to answer. These agreements cover many years, and many different people have been involved, most of them no longer associated with the district. I can certainly appreciate why the public would want answers. All of us up here would like those answers, too. But the important thing we must focus on is not the past, but rather we must learn from the past as we look to the future of this district. Accordingly, we are taking the following steps:

1) In the near future, we will be voting on a motion which prevents the district from entering into any more side bar agreements with the NFT without expressed consent from the school board.

2) This board wants to acknowledge and encourage the authority of our superintendent and all of our administrators. While it is important that each of you operate within the framework of the current contract, we want you to know that this board recognizes YOU as the day-to-day decision makers of our district. You must never again feel that you should have to apologize for that authority. We fully expect that you will run this district with both leadership and compassion.

3) At this time, I want to reiterate our contractual offer to the NFT: We have modeled an offer based on the Council Rock CBA that is both generous in its financial reward, and reasonable in its language. That is our offer. THAT is our COMPLETE offer – no more 201 MOU’s, no more past practices. We now call upon union officials to stop hiding behind the parliamentary maneuver of a voice vote where people can be intimidated and shouted down. The time has come to allow your members a proper vote on this proposal.

I remind you that the month of May is fast approaching, and if we do not have a signed agreement in place by that time, we will vote to remove salary increases from our offer for the current school year. If our teachers are to lose another year's hike in pay, you should at least let that be their decision. More importantly, we believe there is a very good chance that our offer will be accepted by a majority of the rank and file, and we can finally end this 5-year impasse.

In closing, all of us on your school board want to thank the public for its unwavering support throughout these negotiations. These past 5 years have been difficult on everyone. All of us are tired, and we all wish this was over. But we must remain vigilant.

Each night before I go to bed, I remind myself that there are 9,000 kids in this district who depend on us to give them a good education. We can never give up on them, and that is why this Board is committed to seeing this through to the end.

Thank you!

Superintendent's Report

Mr. Copeland advised the Board on the following:

- Maple Point student, Eric Daughterman wins Scope "Dickens" Contest
- Neshaminy School District thanks local business and organizations who supported the 2013 Challenge Day Program
- 2013 Bucks County Science Research Competition
- Thanked parents for coming out to Breakfast with Superintendent.
- Inaugural meeting for Kindergarten Task Force meeting for full-day kindergarten held March 18th

Comments from the Public

Almando Carrasquillo, Middletown Township, retired State Trooper, stated that he is in the process of examining the issues of the 201 side letter of agreement with the NFT over the past years to learn if any illegal actions have occurred. Mr. Carrasquillo said that he believes the school district's attorneys should look into the matter to determine if any civil or criminal prosecution should be pursued for fraudulent actions.

Larry Pastor, Middletown Township, business executive, asked the Board to address various questions regarding the previous side letters of agreement including if any MOU's occurred since 2008, (when the contract expired) and if so, who signed and agreed to them. Mr. Pastor also asked if the Board sees the pre-2008 MOU's as violation of public trust by prior Boards and Administrations. He said it is important to examine these issues to learn from past mistakes and determine who was responsible in order to fix the future. Mr. Pastor said the taxpayers want to know the answers to these questions and the community will support the investigation.

Steve Pirritano, Feasterville, self-employed, expressed his extreme dissatisfaction over the way the district was mismanaged in the past. Mr. Pirritano questioned where was the leadership, the legal representation and the transparency of the past School Boards while unethical side letters of agreement were being written, which gave away millions of dollars in freebee benefits at the expense of innocent taxpayers and students. He said no one had accountability for these actions and the legacy of the Neshaminy School District has to be wiped clean.

Approval of Minutes

Mrs. Spadaccino presented the minutes of February 19 and March 5, 2013. Upon motion of Mr. Congdon and seconded by Mrs. Cummings the Board unanimously approved the minutes of the February 19 and March 5, 2013.

Recess meeting at 7:35 p.m. to convene Charter School Hearing:

Mr. Webb made a motion to recess the Public Meeting to convene Charter School Hearing.

Mr. Shubin seconded the motion.

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

Public Comments Regarding the MaST Application:

Charles Alfonso, Middletown Township, semi-retired, stated that the decision to reject the MaST Charter School application was based on financial reasons. Mr. Alfonso suggested as an alternative solution that MaST would accept the same student fee of \$9,000 per student from Neshaminy that they now accept from the Philadelphia School District, instead of the \$12,000 that it costs to educate a student in Neshaminy.

Ruth Somogyi, Feasterville, Human Capital Analyst, remarked that the current contract dispute is hindering progress in the school district and she does not foresee a resolution in the near future. For this reason, she urged the Board to rethink their findings and approve the MaST Charter School application in an effort to give parents a better choice for their children.

Holly Kimball, Middletown Township parent, explained that her son has a learning disability and that Neshaminy failed to properly address the situation. She said she was forced to send her son to a private school in order to get him the needed help, which resulted in him succeeding and achieving remarkable progress in a short amount of time. She stated that a school such as MaST is something that is greatly needed in Neshaminy, because the technology and skills that should be available are simply not here in Neshaminy.

Larry Pastor, Middletown Township, business executive, said that the Board has a big decision to make regarding the charter school and it comes at an inconvenient time because of the current contract negotiations. Mr. Pastor stated that Neshaminy has to correct its deficiencies and the funding is going to be needed to accomplish this. He asked the Board to consider teaming with MaST to support Neshaminy's STEM program.

Deb Harker, Middletown Township, expressed her disappointment that she was unable to read the Board's findings on the MaST Charter application before the meeting. Ms. Harker questioned why Neshaminy would not want to open the opportunity for one of the best rated charter schools to come into the district. She remarked that MaST students are taught with better techniques, which result in a better academic outcome. Ms. Harker said it is evident that the decision to reject the MaST Charter application is for financial reasons and this is wrong because the funds belong to the students and not the district.

Stephen Pirritano, Feasterville, self-employed, said he understands how an issue of charter schools can tear a district apart. He said he fears that a lottery system would ultimately hurt some students and he is more in favor of preserving and enhancing the Neshaminy School District in order to improve the quality of education for everyone.

Mr. Webb made a motion to approve the Findings of Fact, conclusions of law, and conclusions of the denial of the charter school application of the MaST Science and Technology Charter School - Neshaminy.

Mr. Congdon seconded the motion.

Mr. Webb called for a roll call tally and the tally indicated that the motion passed by a vote of 5 ayes, (Ms. Boyle, Mr. Congdon, Mrs. Cummings, Mr. Shubin and Mr. Webb) and 4 nays, (Mr. Koutsouradis, Mr. Morris, Mr. Oettinger and Mr. Sposato).

Mr. Webb made a motion to re-convene the regular School Board Public Meeting.

Mr. Koutsouradis seconded the motion.

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

Approval of Treasurer's Report, Check Register, and Exonerations of Personal and Per Capita Tax

Mrs. Markowitz presented the following for approval:

- February, 2013 Treasurer's Report, subject to audit

- February, 2013 Check Register
- Budget Transfer Report (Working Copy) 13-3
- New Investments
- Personal and per capita tax exonerations for February

Bids

Mrs. Markowitz presented the following bids:

Bid: 14-09

Bid Amount: \$26,104.21

Bid Description: Classroom and art supplies

Bid: 14-11

Bid Amount: \$317,000

Bid Description: 20 - 78 passenger Model Year 2013 Buses under a 2 year Buy-Back Agreement.

Mr. Sposato moved the February, 2013 Treasurer's Report be approved, subject to audit, Check Register for February, 2013, Budget Transfer Report (Working Copy) 13-3, New Investments and the Personal and Per Capita Tax Exonerations for February and the bids be approved and Mr. Koutsouradis seconded the motion.

Mr. Oettinger asked for clarification on the bus bid.

Mrs. Markowitz reviewed the Buy-Back Agreement.

The Board unanimously approved said reports.

Certified and Support Personnel Actions

Mr. Copeland presented the following for approval:

- Elections – Certified Personnel
- Resignations and Leaves of Absence – Certified Personnel
- Elections – Support Personnel
- Sabbatical Leaves – Certified Personnel
- Extra Curricular Staff and Salary Report

Mr. Copeland recommended the approval of the personnel report for certified and support personnel and the extracurricular staff and salary report.

Mr. Koutsouradis moved the Certified and Support Personnel Reports and the extracurricular staff and salary report be approved.

Mrs. Cummings seconded the motion.

Mr. Morris asked for clarification on the girls' track assistant position.

Mrs. Hinterberger responded that one person resigned and one person is replacing the other.

The Board unanimously approved said reports.

Solicitor Report

Mr. Profy advised the Board on the following:

- Recommendation to settle pending 2011 through 2013 Tax Year Assessment Appeals of GMR Rest Pa, Inc, as follows:

GMR Rest PA, Inc.
22-040-025-002

Settlement Assessment
\$561,350 - 2011 Tax Year
\$581,950 - 2012 Tax Year
\$556,200 - 2013 Tax Year

Mr. Webb made a motion to settle pending 2011 through 2013 Tax Year Assessment Appeals of GMR Rest PA, Inc.

Mr. Congdon seconded the motion.

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

- Appointment of Spiezle Architectural Group Inc., as the architect for the new Tawanka Elementary School project, subject to solicitor review and Board approval of the definitive agreement with the architect for services and compensation to the architect.

Mr. Koutsouradis made a motion to appoint Spiezle Architectural Group Inc., as the architect for the new Tawanka Elementary School project.

Ms. Boyle seconded the motion.

Mr. Congdon asked if the motion is an approval to move forward with the hiring of said firm.

Mr. Profy explained that this motion appoints an architect for the project subject to an architectural services agreement that will then come back again to the Board for approval.

Mr. Koutsouradis commented that this is standard procedure.

Mr. Congdon asked if the delay is due to a time constraint.

Mr. Webb said it involves negotiations and time constraint and Mr. Profy is very thorough about the fine details.

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

Motion: APPROVAL OF JOINT TERMINATION AND RELEASE AGREEMENT WITH SUNLOGICS ENERGY SOLUTIONS, LLC

Ms. Boyle presented the following motion:

WHEREAS, in order to provide Solar Energy to Neshaminy High School and Maple Point Middle School, the District entered into a Solar Rooftop Lease and Power Purchase Agreement on February 28, 2012 with Sunlogics Energy Solutions, LLC and Sunlogics, Inc. ("Sunlogics"), and

WHEREAS, Article 2.2 Condition Precedence of the Agreement was not satisfied by December 31, 2012 and Sunlogics has not obtained the Solar Energy Grants required to establish economic feasibility for the Project,

NOW, THEREFORE, be it resolved that Neshaminy Board of School Directors approves the annexed Joint Termination and Release Agreement between the School District and Sunlogics Energy Solutions, LLC and Sunlogics, Inc. in the form attached to this Resolution.

Mr. Shubin seconded the motion.

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

Federal Programs

Mr. Copeland advised the Board that the current amount for Federal Programs was \$1,691,082.

Other Board Business

None

Public Comment

Stephen Pirritano, Feasterville, self-employed, continued his comments regarding the side letters of agreement. He conveyed his disgust and anger at the total lack of regard for the best interest of the taxpayers and students by those individuals responsible for these MOU's. He said that all that the community has been asked to give to the school district has been squandered by those who claimed to know what they were doing. Mr. Pirritano said that the district must totally analyze this matter and make sure that the past is never repeated again.

Deb Harker, Middletown Township asked why the minutes from the meetings are not posted on the website in a more timely manner.

Charles Alfonso, Middletown Township, semi-retired, requested that the transcript from the meeting be posted verbatim and the video of the meeting be completely uncut or unedited. Mr. Alfonso also demanded an apology from the Board.

Almando Carrasquillo, Middletown Township, retired State Trooper, asked if the Board has changed their position on the contract negotiations in light of the disclosure of the 201 MOU's. He suggested that the Council Rock contract offer be pulled and the Board take a more stern approach to negotiations.

Board Comment

Mr. Congdon asked for clarification on whether the MOU's that were signed after the 2008 contract expired are legal.

Mr. Sweet replied that the question requires a long, extended answer that is not attainable at this time.

Mr. Congdon also asked what is the next step in hiring the architect.

Mr. Profy explained that the architect has been chosen, but now the process of negotiating the expenses and his contract will take place before the deal is finalized.

Mr. Webb concurred with Mr. Profy on the explanation.

Mrs. Cummings asked for a date of the next Finance and Facilities Meeting.

Mr. Webb said that had not yet been determined.

Mr. Oettinger asked if there were any MOU's signed after 2008.

Mr. Copeland verified that there were MOU's after 2008.

Mr. Shubin apologized to the Board and the community for his transgression. He further stated that he wants the educators in the district to understand the direction that the Board wants to take the Neshaminy School District. Mr. Shubin cautioned that the vote for MaST could change if the NFT does not cooperate with the Board. He said that although he is pro-choice for parents, he believes that the district can improve the educational system in Neshaminy with the help and cooperation of the district's professionals.

Mrs. Cummings asked when the public will be able to view the 201 MOU's on the website.

Mr. Webb said that documents such as this are not posted on the website until all Board members have obtained their copies and had a few days to review them.

Mr. Koutsouradis expressed the astonishment of the Board members over the issue of MOU's and they will do their due diligence to insure that this never happens again without the knowledge and consent of Board members. He also said that he supports an investigation into past side letters and deal appropriately with the persons responsible.

Mr. Sposato said that Neshaminy is moving in the right direction and has come a long way in a short period of time. He urged the public to come to the Educational Development Committee meetings and they will come to be more optimistic about Neshaminy's future.

Mr. Oettinger expressed his dismay over the revelation of the MOU's created since 2008 and asked if they are all included on the disc that was given to Board members.

Mr. Webb confirmed that everything is on the disc.

Mrs. Cummings remarked that the MOU's will be discussed at the next Policy Committee meeting, which has yet to be determined. She invited the public to attend the meeting.

Mr. Morris asked if the Administration is aware that no new MOU's will be acceptable. Mr. Morris said that someone has to be held responsible for the MOU's. He thanked Mr. Copeland for his continual efforts and said the Board is behind him. Mr. Morris said that he was in support of the MaST Charter School because it is an excellent alternative choice and if Neshaminy is going to progress then competition is what is needed.

Ms. Boyle explained that while she believes that MaST is well regarded and choice is a positive thing, she thinks that the lottery system would leave some students behind. She said that the vote was not taken lightly and she is in favor of preserving and improving the Neshaminy School system.

Mr. Webb said that the MOU's of past were a result of the Administrators surrendering to the NFT for the sake of peace making. He assured that the Board will be reviewing and making decisions regarding the matter.

Adjournment

Mr. Webb moved the meeting be adjourned and Ms. Boyle seconded the motion. The Board unanimously approved the motion. Mr. Webb adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Jennifer Burns
Board Secretary