

OPRA Request

Board of Education of Franklin

Submitted on 11/15/10 via E-Mail to jgomez@ftschoool.org

To the Custodian of Records: Please accept this as my request for government records. Please note that the Open Public Records Act (OPRA) is not the only basis for my request. I claim entitlement to the records sought under both OPRA and the Common Law right of access.

Requestor's Name: John Paff
Address: DO NOT use regular mail either for replying to this request or or sending me the responsive records.
Please use e-mail or fax instead.
Phone: 732-873-1251
FAX: 908-325-0129
E-Mail: paff@pobox.com

Background:

As reported in the November 15, 2010 Democrat, I have threatened to sue the Board if it goes into closed session this evening and tells the public nothing more than that it is going to discuss "contract negotiations and related issues subject to attorney-client privilege." My contention is that although the Board is permitted to discuss contract negotiations in private, it must at least inform the public--in the resolution that authorizes the closed session--the identities of the contractors being discussed.

My understanding of the matter at hand is limited to what I have read in the newspaper, particularly the November 11, 2010 Democrat story entitled "Franklin Township School officials reveal possible lawsuits over \$10.8 million school construction project." That article states that a) that there have been "persistent rumors that there have been recent significant problems or cost overruns" with a \$10.8 million construction project, and b) that the Board has thus far "refus[ed] to name the specific contractors that are being discussed."

In the Democrat's November 15, 2010 article, Board President Chris Piparo said that the closed session will be used to "review the change order proposals and invoices that have been received from contractors" which, he says are for "at least double what we expected."

The way I view this is as follows:

1. If a citizen were to make a request, under the Open Public Records Act, for the "change order proposals and invoices that have been received from contractors" that President Piparo refers to, he or she would be entitled to the "invoices" immediately (N.J.S.A. 47:1A-5(e) states: "Immediate access ordinarily shall be granted to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information.") and would also be entitled to see the "change order proposals" within seven business days after making the request.

2. The invoices and change order proposals would necessarily disclose the names of the contractors who are going to be discussed at tonight's closed session as well as information revealing the amount of any change orders and alleged cost overruns.

3. Yet, the Board has thus far refused to provide the public with either the names of the contractors who will be privately discussed this evening or any details regarding any alleged cost overruns, change orders, etc.

Therefore, I am at a loss to understand why the Board is so steadfastly refusing to release this information to the public when, if an OPRA request as described was submitted, the same information would be public either immediately or in a very short while.

Moreover, President Piparo says, in the November 15, 2010 article, that "he expects to summarize the outcome of the closed meeting at the public session that will follow at 7:30 p.m." To the extent that the summary is going to name the contractors, why is it so important to deprive the public, at 6 p.m., of information that will be readily available at 8 p.m.?

Further, the on-line agenda of tonight's meeting identifies several change orders that will be discussed, for example "Tekton Development for general trades in the amount of \$120,535.30." Are the change orders set forth on the agenda the same ones that the Board is going to discuss in executive session? If so, then what is the purpose of not identifying the contractors that submitted those change orders in the executive session resolutions.

I am not seeking a lawsuit against the Board. Rather, I'm seeking compliance with the Open Public Meetings Act and to make sure that Franklin taxpayers are advised, as completely as possible, of important issues that face the Board. Based on the reasoning expressed above, I don't see any reason why the Board can not advise the public, in the closed meeting's resolution, of the names of the contractors who will be privately discussed.

Therefore, I need to make this OPRA request to see if I am able to obtain the information to which the public has thus far been deprived.

Records Request:

Any change order proposals and invoices from contractors that will be discussed at November 15, 2010 Board's executive session.

I invite your attention to the fact that N.J.S.A. 47:1A-5(e) requires that you give me "immediate" access to at least some of the records within the scope of my request. Accordingly, I ask that you fax or e-mail me the records that are in this category prior to the closed of business today.

Change Orders to approve 11-15-10

Tekton

Added demolition in A & B	9,697.30
Credit for reduction of ceramic tile	(2,874.26)
Added PEP piping	11,500.00
Delete marker boards	(11,407.95)
Flooring removal 100.2 & 100.4	962.77
Footing & foundation changes	19,143.72
Correcting soft spots in driveway	7,223.98
Paving overtime costs	4,277.35
Added fencing	1,827.85
Curb & sidewalk @ water tanks	1,864.56
Hardware changes	10,919.46
Temp. Ext. partitions & ceiling repairs	4,516.49
Temp interior partitions & doors	10,635.67
Added demolition	6,000.00
Added demolition & joint covers	2,493.91
new HVAC pad per inspector	11,500.00
tekton overtime	6,000.00
Delete fume hood	(2,929.00)
Temp. generator & fuel	5,029.00
Temp. line striping	694.37
flooring for rooms 119.2, 119.3, 124	1,510.96
Unsuitable fill - west parking lot	9,000.00
added asphaly paths	6,966.94
Hardware part II	5,982.18
Total	120,535.30

Dumont

Mixing valves in Kitchen	1,169.00
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Direct Digital

Controls for boiler room	3,100.00
Flue pipe in boiler room	1,160.00
Controls for units in 120, 122, Library & Nurse	13,950.00
Credit for fume hood	(1,500.00)
New exhaust fan E-17	7,720.00
Curb & duct for room 212	1,450.00
Total	25,880.00

Power with Prestige

Relocating area B electric room	2,754.00
Kitchen ceiling changes	1,607.00
Library temporary electric feed	4,041.00
Library temporary fire alarm	3,225.00
Library temp. F/A & P/A	5,883.00
All disconnects	2,270.00
Lighting circuits in Library	5,932.00
Outlet for copier in Temp. Office	876.00
Emergency & egress lights	20,885.00
Front door interlock	1,359.00
Locate PA head end in Temp. office	1,528.00
Locate temp. fire annunciator - east ent.	1,243.00
T&M tickets	6,503.00
Total	58,106.00

JG Schmidt

Metal pan stairs	14,250.00
Overtime to erect outside areas	2,420.00
Loose lintels	4,727.09
Total	21,397.09

TM Brennan

DCA comments	14,500.00
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Miscellaneous

Dominick Rusillo - water tank slab	7,400.00
Scientific Water - yearly water treatment	850.00

Grand Total **249,837.39**