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LETTERS TO THE EDITOR

Has board learned a lesson ?

I am pleased that the Phillipsburg Board of Education decided to pay a reduced fine of \$128,540 rather than pursue appeals of the original \$759,741 fine assessed against it as a result of the board's decision to lease classroom trailers from GE rather than purchase them outright (and for less money) from Coopersmith Bros. Inc.

In this way the board can spend its money on educating students rather than on penalties for the board's misdeeds. I can even rationalize how The Express Times would award the New Jersey Department of Education a Trophy ("Turkeys and Trophies," March 20) for allowing this result so that money earmarked for education may be spent on education.

One must not forget, however, that it was the board's own actions that caused this fine to be levied in the first place. Indeed, board President Rod Pianelli's claim that he sought to do what was "morally right" in this instance ("P'burg dispute comes to close, March 23) rings particularly hollow given that the report upon which the fine was based found no basis to support the board's rationalizations that Coopersmith could not provide the school's trailers on time or that leasing would cost less than owning in the long run.

Instead, that report explicitly faulted the board for failing to bid this project sufficiently in advance of the school year.

The purpose of the state's fine was to ensure that the board not repeat its mistakes. If the board believes that its only mistake was "to consider Coopersmith's bid at all" as Mr. Pianelli contends, then the board has learned nothing from this experience. The board's decision to reject the Coopersmith bid cost the board \$128,000 outright, caused them to incur a fine of the same amount (\$128,000), and will continue to be a financial drain as these leases are extended as they recently were at an additional cost (as valued by the state's report) of \$254,000 per year. I am hard-pressed to see how Mr. Pianelli thought that this was "the right thing to do" under any circumstance, as he states.

MICHAELA. OXMAN
Becker Meisel LLC
Livingston, NJ

EDITOR'S NOTE: *Coopersmith Bros. Inc. is a client of Becker Meisel's construction law and commercial litigation divisions. Becker Meisel represented Coopersmith Bros. in this litigation matter.*