

**LOWER TOWNSHIP BOARD OF EDUCATION  
MINUTES  
REGULAR MEETING  
JANUARY 28, 2020  
Time: 7:15 p.m.**

Regular Meeting was called to order at 7:15 p.m. in the Carl T. Mitnick School, 905 Seashore Road, Cape May, NJ 08204.

**Roll Call:**

**Roll Call- Board Members:**

Monica DiVito  
Steve Lewis  
Charles Utsch  
Jonathan Vile  
Sally Yerk  
Patricia Smith  
Gary Douglass

**Also in Attendance:**

Jeff Samaniego, Superintendent  
John Hansen, Board Secretary  
William Morlok, Board Attorney

**Absent:**

Nichole Koch  
Michael Mader

**Salute to the Flag.**

**Statement:**

Notice of this meeting of the Lower Township Board of Education, listing the Agenda as known, was duly sent to the Cape May County Herald - Times Newspaper, The Press of Atlantic City, posted at the Municipal Building, and a copy thereof delivered to the Township Clerk; in accordance with the Open Public Meetings Act.

**District Mission Statement:**

*"Dedicated to academic excellence, Lower Township Elementary Schools will nurture and challenge all students in a safe and innovative learning community. By encouraging respect and responsibility, students become self-directed, passionate, lifelong learners who will reach their potential. We are dedicated to supporting all students in exceeding the New Jersey Student Learning Standards."*

**Vision Statement:**

*Every Student, Every Day, Learning, Teaching, Exploring, Succeeding.*

**2019-2021 Board Goal:**

*"To continue the progression to become a highly functioning school board."*

1/28/2020

**2019-2022 Board Goal:**

*"Expand the knowledge and understanding of Board of Education Policies and its relationships to the effective management of this school district."*

**2019-2021 District Goal:**

*"To maximize student achievement in our current challenging financial situation."*

**2019-2020 District Goal:**

*"To decrease the percentage of Below Grade Level students in Reading by 10% annually over the next two years."*

**OPEN MEETING TO THE PUBLIC**

***PLEASE NOTE:*** *Each speaker shall identify him/herself by giving their name and address and will be allowed to speak once for a period not to exceed four minutes. The public comment portion of all Board Meetings shall not exceed forty minutes in total. None*

**REGULAR MEETING:**

**1} REPORTS:**

- A} Board President:
- B} Superintendent: Mr. Samaniego reviewed the monthly activities of the school.
- C} School Business Administrator: Mr. Hansen reviewed the agenda.
- D} Presentations: Mrs. Sherry Bosch, made a presentation about the activities at Memorial School.

**2} ROUTINE MATTERS:**

**R-1 Approval of Minutes:**

January 7, 2020  
Reorganization Meeting  
Regular Meeting

**R-2 Approval of Financial Statements:**

Secretary's and custodian's reports for **December 31, 2019**, which are in agreement as certified by the Board Secretary, that no budgetary account has been over expended, in violation of NJAC 6:20-2.12 (a), (d).

**R-3 Approval of Transfers:** December 31, 2019 - January 28, 2020 {Backup R-3}

**R-4 Approval of Bill List:** January 7, 2020-January 28, 2020 {Backup R-4}

**R-5 Approval of Cafeteria Report:** December 2019 and January 2020 {Backup R-5}

**R-6 Approval of Travel:** February 2020{Backup R-6}

**MOTION ON ROUTINE MATTERS R-1 TO R-6**

**Motion: Vile Second: Lewis**

**Discussion: None**

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**Voting Yes:**

Monica DiVito  
Steve Lewis  
Charles Utsch  
Jonathan Vile  
Sally Yerk  
Patricia Smith  
Gary Douglass

**3} SUGGESTED MOTIONS:**

**P. Personnel:**

*The following items are believed to be items of a routine nature and will be moved as a block of action items. Prior to the roll call vote, any member may ask for discussion on any of the items within the block.*

1. On the recommendation of the Superintendent, that the following substitutes be approved for the 2019-2020 school year, pending receipt of required documentation: (Backup P-1)

**SUBSTITUTES WITH COMPLETE DOCUMENTATION**

**SUBSTITUTE TEACHER**

*Rabiha King*

**SUBSTITUTE CUSTODIAN**

Liam Robinson

2. On the recommendation of the Superintendent, that the Lower Township Board of Education accept, with regret, the retirement of Eileen Roussos, Principal's Secretary at the Carl T. Mitnick School, effective September 30, 2020. (Backup P-2)
3. On the recommendation of the Superintendent, that the Lower Township Board of Education approve Joseph Filacheck, School Psychologist at the David C. Douglass Veterans Memorial School, for Family Leave Act, effective February 19, 2020 to March 13, 2020. (Backup P-3)
4. On the recommendation of the Superintendent, that the Lower Township Board of Education approve Bonnie Barcas, Special Education Teacher at the Maud Abrams School, for placement of MA on the LTEEA Teachers' Salary Guide, to reflect an increase of credits to her degree, effective March 1, 2020. (Backup P-4)
5. On the recommendation of the Superintendent, that the Lower Township Board of Education approve Lauren Magnavita, Self Contained Teacher at Maud Abrams School, for placement of BA+15 on the LTEEA Teachers' Salary Guide, to reflect an increase of credits to her degree, effective March 1, 2020. (Backup P-5)

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- 6. On the recommendation of the Superintendent, that the Lower Township Board of Education approve Sharon Matteucci, BSIP Teacher at the David C. Douglass Veterans Memorial School, for Family Medical Leave Act, effective January 6, 2020 to March 6, 2020. (Backup P-6)
- 7. On the recommendation of the Superintendent, that the Lower Township Board of Education approve the continuation of Amanda Lorenz as a 4<sup>th</sup> Grade Teacher at the Maud Abrams School, commencing December 21, 2019 through June 30, 2020. (Backup P-7)

**H. Harassment, Intimidation & Bullying: None**

**L. Legislative and Internal Policies:**

- 1. On the recommendation of the Superintendent, that the Lower Township Board of Education approve the first reading for the following revisions to existing or new Policies and Regulations: (Backup L-1)

<b>NUMBER</b>	<b>TYPE</b>	<b>TITLE</b>
<i>0151</i>	<i>Policies</i>	<i>Organization Meeting</i>
<i>0153</i>	<i>Policies</i>	<i>Annual Appointments</i>
<i>0154</i>	<i>Policies</i>	<i>Annual Motions and Designations</i>
<i>5331</i>	<i>Policies &amp; Reg</i>	<i>Anaphylaxis of Food and Other Substances</i>

**E. Education:**

- 1. On the recommendation of the Superintendent, that the Lower Township Board of Education approve the following placement for the 2019-2020 school year: (Backup E-1)

**Case #4732-A:** Four year old preschool special education student is awaiting placement at Cape May County Special Services School District, Ocean Academy.

**MOTION: P-1 to P-7/ L-1/E-1**

**Motion: Smith Second: Vile**

**Discussion: None**

**Voting Yes:**

- Monica DiVito
- Steve Lewis
- Charles Utsch
- Jonathan Vile
- Sally Yerk
- Patricia Smith
- Gary Douglass

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**F. Finance and Insurance:**

*The following items are believed to be items of a routine nature and will be moved as a block of action items. Prior to the roll call vote, any member may ask for discussion on any of the items within the block.*

**Regular Business:**

1. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve Bonnie Phillips, Occupational Therapist in the District, on an intermittent, as needed basis for the 2019-2020 school year, pending receipt of required documents. (Backup F-1)
2. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the Resolution to join in the filing of an OPRA request with the State of New Jersey concerning the calculation and allocation of State Aid. (Backup F-2)
3. On the recommendation of the Superintendent and Supervisor of Curriculum and Instruction, that the Lower Township Board of Education approve the issuance of a Purchase Order Contract in the approximate amount of \$27,000 to Heinemann for the following: (Backup F-3)  

Reading Units of Study-Teacher Spirals-Grades K-4  
Phonics Units of Study-Teacher Spirals-Grade K-2
4. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve a Tuition Contract with Middletown Township Board of Education for a CFD placement to receiving school –New Road School of Ocean County, including Tuition, Aide, and Transportation, for the 2019-2020 school year. (Backup F-4)
5. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorize a Professional Services Contract with Dignity Nursing Services to provide both RN & LPN services from January 29, 2020 to June 30, 2020. (Backup F-5)

**MOTION: F-1 to F-5**

**Motion: Vile Second: Lewis**

**Discussion: None**

**Voting Yes:**

Monica DiVito

Steve Lewis

Charles Utsch

Jonathan Vile

Sally Yerk

Patricia Smith

Gary Douglass

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**4} OLD/NEW BUSINESS:** Mrs. Smith reminded about Cape May County School Board Meeting to be held Wildwood High School.

**5} OPEN MEETING TO THE PUBLIC: None**

**6} EXECUTIVE SESSION: None**

**7} Good of the Order:**

**A}** Next Board Meeting: Work session: February 25, 2020 @ Note Regular Session commences immediately after the Work Session, but not earlier than 6:45 pm

**B}** Emergency Drill: 1/13/20 – Shelter In Place  
Fire Drills – Memorial: 1/6/20 - Sandman, Maud Abrams & Mitnick: 1/10/20

**8} ADJOURNMENT**

**MOTION TO ADJOURN THE MEETING**

**Motion: Vile Second: Smith**

**All in Favor**

**Time: 7:40 p.m.**

Respectfully Submitted,

John J. Hansen  
School Business Administrator/Board Secretary

**WORK SESSION MINUTES – 1/28/2020**

**6:00 pm**

**Call to Order:**

**Roll Call:**

**Roll Call – Board Members:**

Gary Douglass, President  
Patricia Smith, Vice President  
Monica DiVito  
Steve Lewis  
Charles Utsch  
Jonathan Vile  
Sally Yerk

**Also in Attendance:**

Jeff Samaniego, Superintendent  
John J. Hansen School Business  
Administrator/Board Secretary  
William Morlok, Board Attorney

**Absent:**

Nichole Koch  
Michael Mader

**1) Administration:**

- a) Mr. Samaniego: Mr. Samaniego reviewed a report on teaching, reading and professional development.
- b) Mr. Hansen: Mr. Hansen reviewed the Adequacy report, 2020-2021 Preliminary Budget, Health Insurance, and an update on the PreK-Modular Unit.

**2) Old Business:** There was brief discussion on the review of the District's policies.

**3) New Business:**

**4) Policies:**

DP: 5331 Anaphylaxis to Food and Other Substances  
DP: 6220 Budget Preparation  
DP: 0166 Executive Sessions

**5) Close Session: See Authorizing Executive Session 11/26/2020**

**MOTION: Utsch Second: Vile**

**All in Favor**

**Time: 6:42 p.m.**

Employees #4238 #4868 #5156# 5275#5591#5595

HIB Report Sandman 2019-2020 #2

HIB Report Maud 2019-2020 #1

Contract Negotiations

6) **Board Comment:**

**Motion to Adjourn and proceed to Regular Meeting at 7:15 p.m.**

**MOTION: Vile Second: Smith**

**All in Favor**

Respectfully submitted,

John J. Hansen  
School Business Administrator/Board Secretary

**LOWER TOWNSHIP BOARD OF EDUCATION  
RESOLUTION  
AUTHORIZING EXECUTIVE SESSION-1/28/2020**

**WHEREAS**, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Lower Township Board of Education to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

**WHEREAS**, the Lower Township Board of Education has determined that   7   issue permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance shall be discussed during an Executive Session to be held on January 28, 2020 at 6:42 P.M, and

**WHEREAS**, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which **the number** of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

**“(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

**“(2) Any matter in which the release of information would impair a right to receive funds from the federal government.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

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**“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.” HIB Report Sandman 2019-2020 #2 HIB Report Maude 2019-2020 #1**

1

**“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body” Contract Negotiations**

**“(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

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**“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

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**“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”** The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is:

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“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public’s interest and the employee’s privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality: Employees #4238 #4868 #5156 #5275 #5591 & #5595

“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

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**WHEREAS**, the length of the Executive Session is estimated to be 30 minutes after which the public meeting of the Board shall reconvene and proceed with business.

**NOW, THEREFORE, BE IT RESOLVED** that the Lower Township Board of Education will go into Executive Session for **only** the above stated reasons;

**BE IT FURTHER RESOLVED** that the Board hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

**BE IT FURTHER RESOLVED** that the Board Secretary, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will privately discussed.

**BE IT FURTHER RESOLVED** that the Board Secretary, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees allowed by N.J.S.A. 47:1A-1 et seq.

**CLOSED SESSION MINUTES – 1/28/2020**

**6:42 p.m.**

**Roll Call – Board Members:**

Gary Douglass, President  
Patricia Smith, Vice President  
Monica DiVito  
Steve Lewis  
Charles Utsch  
Jonathan Vile  
Sally Yerk

**Also in Attendance:**

Jeff Samaniego, Superintendent  
John Hansen, Board Secretary  
William Morlok, Board Attorney

**Absent:**

Nichole Koch  
Michael Mader

**The following were discussed during close session:**

1. Mr. Samaniego: Discussed in detail the progress of Employee #4238.
2. Mr. Samaniego: Reviewed details of e-mails relative to and about Employees #4868, #5156 & #5275.
3. Mr. Samaniego: Discussed a situation about Employee #5591.
4. Mr. Samaniego: Discussed Employee #5595 and a potential shared services agreement with another school.
5. Mr. Samaniego: Discussed HIB #2 Sandman 2019-2020 and HIB #1 Maud 2019-2020.

**Motion to Adjourn close session:**

**MOTION: Utsch Second: Vile**

**All in Favor**

**Time 7:14 p.m.**

Respectfully submitted,

John J. Hansen  
School Business Administrator/Board Secretary