

**LOWER TOWNSHIP BOARD OF EDUCATION
MINUTES
REGULAR MEETING
MAY 26, 2020**

Called to Order: Mr. Douglass called the meeting to order at 6:30 pm.

Announcement that this meeting will be conducted as a virtual meeting, and audience participation by conference call.

Regular Meeting convenes immediately after the work session but not earlier than 7:15 p.m. as a virtual meeting.

Roll Call:

Board Members Present:

Monica DiVito
Nichole Koch
Steve Lewis
Michael Mader
Charles Utsch
Jonathan Vile
Sally Yerk
Patricia Smith
Gary Douglass

Also in Attendance:

Jeff Samaniego, Superintendent
John Hansen, Board Secretary
Brett Gorman, Board Attorney

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.

1} EXECUTIVE SESSION: To discuss matters of personnel: Employees: #4238, #5284, #5548 and To discuss matters of contract: Health Insurance Program & Broker of Record {EUS}

Motion: Vile Second: Lewis Discussion: None

Voting Yes:

Monica DiVito
Nichole Koch
Steve Lewis
Michael Mader
Charles Utsch
Jonathan Vile
Sally Yerk
Patricia Smith
Gary Douglass

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.

2} REPORTS:

- A} Superintendent: Mr. Samaniego reviewed comments about the end of school and the closure.
- C} School Business Administrator: Mr. Hansen reviewed the agenda items.
- D} Presentation: None

PUBLIC COMMENT AGENDA ITEMS: NONE

2} ROUTINE MATTERS

R-1 Approval of Minutes:

April 28, 2020
Work Session
Regular Meeting {as amended}

R-2 Approval of Financial Statements:

Secretary's and custodian's reports for **April 30, 2020**, 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: April 29, 2020 to May 27, 2020 {Backup R-3}
{Includes PreK transfer}**

R-4 Approval of Bill List: April 29, 2020 to May 27, 2020 {Backup R-4}

R-5 Approval of Cafeteria Report: April, 2020 {Backup R-5}

R-6 Approval of Travel:

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 Lower Township Board of Education amend the Motion P-6 on the April 28, 2020 Board Agenda approving Amanda Nuscis, 1st Grade Teacher, for a Maternity Leave of Absence, effective June 8, 2020 to November 20, 2020, to September 8, 2020 to November 20, 2020. (Backup P-1)

2. On the recommendation of the Superintendent, that the Lower Township Board of Education amend the Motion P-5 on the April 28, 2020 Board Agenda approving Kimberly Rogers, 4th Grade Teacher at the Maud Abrams School, for a Maternity Leave of Absence, effective May 26, 2020 to January 4, 2021, to June 8, 2020 to January 19, 2021. (Backup P-2)
3. On the recommendation of the Superintendent, that the Lower Township Board of Education approve Christina Granero, 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 July 1, 2020. (Backup P-4)
4. On the recommendation of the Superintendent, that the Lower Township Board of Education rescind Motion P-9, which was approved at the Lower Township Board of Education Meeting of April 28, 2020.
5. Tabled

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 submission of the proposed Comprehensive Equity Plan (CEP) and Statement of Assurances. (Backup L-1)

E. Education: None.

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, pursuant to PL 2015, Chapter 47, the Lower Township Board of Education intends to renew, award, or permit to expire, the following Contracts previously awarded by the Board of Education. These Contracts are, have been, and will continue to be, in full compliance with all State and Federal Statutes and Regulations; in particular: New Jersey Title 18A:18. Et seq. NJAC Chapter 23, and Federal Regulations 2CFR Part 200.317 et. Seq. (Backup F-1)

2. On the recommendation of the School Business Administrator, that the Annual Audit for the fiscal year ending June 30, 2019, be accepted and the Recommendations and Corrective Action Plan be read to the public: (Backup F-2)

FY 2019 Annual School Audit Lower Twp. Schools

Finding 2019:

Recommendations:

- #1. Administrative Practices and Procedures – None.
- #2. Financial Planning, Accounting and Reporting – None.
- #3. School Purchasing Programs – None.
- #4. School Food Service – None.
- #5. Student Body Activities – None.
- #6. Application for State School Aide – That care is exercised in preparing the Application for State School Aide.
- #7. Pupil Transportation – None.
- #8. Facilities and Capital Assets – None.
- #9. Miscellaneous – None.
- #10. Status of Prior Year Audit Findings/Recommendations – None.

BE IT RESOLVED, that the Lower Township Board of Education ***Approve the Corrective Action Plan.***

Corrective Action Plan: On the recommendation of the School Business Administrator, that the following Corrective Action Plan be implemented relative to the recommendation and finding of the June 30th audit:

FY 2019 Annual School Audit Lower Twp. Schools

Finding 2019-001: The student counts for on roll, resident low income and resident LEP not low income did not agree to supporting documents in all instances.

Recommendation: That care is exercised in preparing the Application for School State Aid.

Corrective Action Plan: The district staff charged with preparation of the Application for School State Aid will work in concert with the district's auditor exercising due diligence to insure appropriate care and responsibility to confirm the adequacy of data.

3. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the Supervisor of School Security, School Security Officers (as listed below) and Substitute School Security Officers, to carry firearms while on duty on school grounds, in accordance with N.J. Statue and Code:

Darrin Hickok – Supervisor of School Security
John Herman – School Security Officer/Behavior Management Specialist - Sandman School
Kevin Boyle – School Security Officer – Memorial School
Albert Flitcroft – School Security Officer – Maud School
Marlin Hedum – School Security Officer – Mitnick School

4. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the following, awarded as Professional Services Contracts, for the fiscal year July 1, 2020 through June 30, 2021, as listed: (Backup F-4)
 - a. **Auditors** – Inverso & Stewart, LLC – Awarded on a Fair and Open Process.
 - b. **Solicitor** – Brett Gorman, Parker McCay LLC – Awarded on a Fair and Open Process.
 - c. **Behavior Therapy Specialist** – Brett Dinovi & Associates, LLC & Interactive Kids -- Awarded on a Fair and Open Process.
 - d. **Bond Counsel** –Parker McCay LLC – Awarded on a Fair and Open Process.
 - e. **Nursing Services** – Preferred Home Health Care & Nursing Services & Bayada Home Health Care, Inc. – Awarded on a Fair and Open Process.
 - f. **Medical Inspector** – Atlanticare – Awarded on a Fair and Open Process.
 - g. **OT** – Kim Vona – Awarded on a Fair and Open Process.
 - h. **Architect of Record** – Garrison Architects- Awarded on a Fair and Open Process.
 - i. **Nursing Services** – Preferred Home Care & Nursing Services & Bayada Home Health Care - Awarded on a Fair and Open Process.
 - j. **Child Study Team Services** – Cumberland Therapy Services, LLC - Awarded on a Fair and Open Process.

5. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approves a Contract between Lower Township Board of Education and Paul's Commodity Hauling, Inc. for the 2020-2021 school year, for hauling State Commodities from Safeway Cold Storage. (Annual)

6. On the recommendation of the School Business Administrator, that the Lower Township Board of Education adopt the 2020-2021 Board of Education Meeting dates. (Backup F-4)

7. On the recommendation of the Superintendent, that the Lower Township Board of Education authorizes the submittal of the 2019-2020 Extra Ordinary Aide Application. (Backup F-5)

8. On the recommendation of the Superintendent, that the Lower Township Board of Education authorizes the submittal of the 2019-2020 Cares Relief Program Grant. (Backup F-6)

9. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorizes the acquisition of approximately 900 Chrome books for a One-to-One device program commencing for the 2020-2021 school year.
(Backup F-6)

10 On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorize the submittal of the FY-2021 IDEA-B Grant Application as follows: (Backup F-7)

IDEA – Basic	\$489,850
IDEA – PreK	\$ 26,721

11. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorize the submittal of the FY 2021 ESEA Grant Application as follows: (Backup F-8)

Title 1A	\$480,963
Title 11A	\$ 56,018
Title 111	\$ 12,479
Title 1V	\$ 35,336

12. On the recommendation of the Superintendent and School Business Administrator, that the Lower Township Board of Education authorizes the continuation of the Seamless Summer Food Distribution Program. (Backup F-9)

13. On the recommendation of the Superintendent, Supervisor of Curriculum and Instruction, Supervisor of Academic Achievement and School Business Administrator, that the Lower Township Board of Education authorizes the acquisition of both furniture and instructional supplies for the five (5) new PreK classrooms from Lakeshore Learning, in the approximate amount of \$90,000. (Backup F-10)

14. On the recommendation of the Superintendent, Supervisor of Curriculum and Instruction, Supervisor of Academic Achievement and School Business Administrator, that the Lower Township Board of Education authorizes the acquisition of the student books for the Units of Study in Reading consistent with the District's Educational Plan from Heineman, in the approximate amount of \$150,000. (Backup F-11)

15. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorizes a professional services contract for architectural/engineering services to design and seal a foundation plan for the modular unit to The Design Collaborative in the amount of \$7,000. (Backup F-12)

Charles Utsch
Jonathan Vile
Sally Yerk
Patricia Smith

Abstained:

Gary Douglass

ADDENDUM #1 MOTION: On the recommendation of the AD HOC Health Committee, that the Lower Township Board of Education authorize the award of Extraordinary Unspecifiable Service (EUS) Contract to J. Bryne Agency for Broker of Record Services-Medical/RX without publicly advertising for bids pursuant to the Public School Contracts Law, utilizing the Extraordinary Unspecifiable Service exemption to public bidding set forth and in accordance with N.J.S.A. 18A:18A-5(a)(2). The contract for the broker of record for RX has been awarded for a term of twelve months commencing July 1, 2020 to June 30, 2021, for the percent established set by the Coastal HIF with implementation in the RX/Alliance effective July 1, 2020 and the contract for the broker of record for Medical has been awarded for a twelve months commencing July 1, 2020 to June 30, 2021, for the percent established set by the Coastal HIF, with J Bryne servicing the district's self insured medical program effective July 1st, 2020 and implementation of the Medical Program within the Coastal HIF effective September 1, 2020.

This Extraordinary Unspecifiable Service has be awarded considering price and other factors and which is advantageous to the BOE.

The award resolution and contract available for public inspection at the Lower Township Board of Education Board Office, 905 Seashore Road, Cape May, NJ 08204 during the hours of 10 am to 12 pm.

BE IT FURTHER RESOLVED: that the Lower Township Board of Education authorize the appropriate individuals to execute the following:

BECOME A MEMBER OF THE COASTAL HIF:

- 1) To join the Public Employees Trust (RX Alliance) effective July 1, 2020.
- 2) To join the Southern Coastal Employee Benefits Fund effective September 1, 2020.
- 3) To approve the Southern Coastal Benefits Fund Indemnity and Trust Agreement effective September 1, 2020 - June 30, 2022.
- 4) To appoint John J. Hansen, School Business Administrator, as Lower Township School District Fund Commissioner and Tricia Ryan, Payroll Department, as alternate Fund Commissioner, effective September 1, 2020.

And: execute a contract with Broker of Record subject to Solicitor's review and approval;

execute other documents as required

Motion: Mader Second: Smith Discussion: None

Voting Yes:

Monica DiVito
Nichole Koch
Michael Mader
Jonathan Vile
Sally Yerk
Patricia Smith

Voting No:

Charles Utsch

Abstained:

Steve Lewis
Gary Douglass

ADDENDUM #2 MOTION: On the recommendation of the AD HOC Health Committee and School Business Administrator, that the Lower Township Board of Education authorize the award of Extraordinary Unspecifiable Service (EUS) Contract to **Marsh McLennan Agency** for Broker of Record Services-DENTAL without publicly advertising for bids pursuant to the Public School Contracts Law, utilizing the Extraordinary Unspecifiable Service exemption to public bidding set forth in N.J.S.A. 18A:18A-5(a)(2). The contract for the broker of record for DENTAL established in the RFP proposal has been awarded for a term of twelve months commencing July 1, 2020 to June 30, 2021, for the cost established in the RFP proposal.

This Extraordinary Unspecifiable Service has been awarded considering price and other factors which is advantageous to the BOE.

The award resolution and contract available for public inspection at the Lower Township Board of Education Board Office, 905 Seashore Road, Cape May, NJ 08204 during the hours of 10 am to 12 pm.

BE IT FURTHER RESOLVED: that the Lower Township Board of Education authorize the appropriate individuals to execute the following:

- execute contract with Broker of Record subject to Solicitor's review and approval;
- execute other documents as required

Motion: Mader Second: Douglass Discussion: None

Voting Yes:

Monica DiVito
Nichole Koch
Steve Lewis
Michael Mader
Jonathan Vile
Sally Yerk
Patricia Smith
Gary Douglass

Voting No:

Charles Utsch

ADDENDUM #3 MOTION: Personnel:School Business Administrator/Board Secretary Contract

1. On the recommendation of the Superintendent, that the Lower Township Board of Education authorize the submittal of the draft 2020-2021 Contract for the School Business Administrator be sent to the Executive County Superintendent for review and approval.

Motion: Smith Second: Douglass Discussion: None

Voting Yes:

Monica DiVito
Nichole Koch
Steve Lewis
Michael Mader
Jonathan Vile
Charles Utsch
Sally Yerk
Patricia Smith
Gary Douglass

ADDENDUM #4 MOTION: Personnel: Superintendent Contract

1. On the recommendation of the Board of Education, that the Lower Township Board of Education authorize the submittal of the draft 2020-2025 Contract for the Superintendent be sent to the Executive County Superintendent for review and approval.

Motion: Vile Second: Utsch Discussion: None

Voting Yes:

Monica DiVito
Steve Lewis
Michael Mader
Jonathan Vile
Charles Utsch

Abstained:

Nichole Koch
Sally Yerk
Patricia Smith
Gary Douglass

4} OLD/NEW BUSINESS: The Board Members asked questions relative to the handling of PreK in the event the schools are closed. In addition, they thanked the entire staff during the closure.

5} OPEN MEETING TO THE PUBLIC: NONE

6} Good of the Order:

A} Next Board Meeting: Regular Meeting – June 23, 2020

7} ADJOURNMENT

MOTION TO ADJOURN THE MEETING

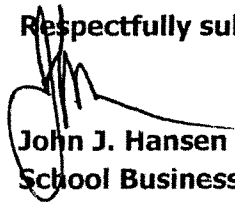
Motion: Lewis Second: Douglass

Discussion: None

All in favor:

Time: 7:55 pm

Respectfully submitted,



John J. Hansen
School Business Administrator/Board Secretary

**LOWER TOWNSHIP BOARD OF EDUCATION
RESOLUTION
AUTHORIZING EXECUTIVE SESSION**

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 3 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 May 26, 2020 at 6:35 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

"(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."

"(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"

"(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

"(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

"(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: Health Insurance & Broker of Record {EUS}

"(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: Employee #4238, #5284, #5548

"(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

WHEREAS, the length of the Executive Session is estimated to be 40 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 be 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.

**LOWER TOWNSHIP BOARD OF EDUCATION
MINUTES
5/26/20**

Roll Call:

Board Members Present:

Monica DiVito
Nichole Koch
Steve Lewis
Michael Mader
Charles Utsch
Jonathan Vile
Sally Yerk
Patricia Smith
Gary Douglass

Also in Attendance:

Jeff Samaniego, Superintendent
John Hansen, Board Secretary
Brett Gorman, Board Attorney

Close meeting was conducted as a virtual meeting.

Topic: LTES Closed

Time: May 26, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/9734624336>

1. Discussion on Employee #4238 Tenure Charges

Board Members Conflicted: None

Mr. Gorman updated the board on this issue. It was postponed to June 23rd, 2020 meeting.

2. Discussion on Employee #5548 School Business Administrator/Board Secretary Contract 2020-2021

To approve the submittal of a draft SBA/BS contract to Executive County Superintendent

Board Members Conflicted: None

Employee #5548-left the room during the discussion.

The School Business Administrator/Board Secretary contract was discussed.

3. Discussion on Employee #5284 Superintendent Contract 2020-2025

To approve the submittal of a draft Superintendent contract to Executive County Superintendent

Board Members Conflicted: Gary Douglass, Patricia Smith

Sally Yerk, Nichole Koch

Employee #5284-left the room during the discussion.

The Superintendent contract was discussed.

4. Discussion on Health Insurance Medical/RX & Dental

& Broker of Record

Board Members Conflicted: Gary Douglass & Steve Lewis

To discuss the recommendations of the Ad Hoc Health Insurance Committee and issue relating to the process.

The Ad Hoc Committee, Solicitor and the School Business Administrator/Board Secretary discussed, reviewed, and answered questions relative to the Broker of Record and the Medical/RX program.

Respectfully Submitted,


John J. Hansen
School Business Administrator/Board Secretary

