

**LOWER TOWNSHIP BOARD OF EDUCATION  
MINUTES  
REGULAR MEETING  
JUNE 23, 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 using Google Meet.**

Work session convenes at 6:30 p.m.

Regular Meeting convenes immediately after the work session but not earlier than 7:00 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: Employee: #4238, #5284, #4075, #4839 & #4991; To discuss matters of contract: Health Insurance Program & Broker of Record {Change Order}; To discuss matters of LTEEA contract; to discuss HIB-Memorial**

**Motion: DiVito Second: Lewis Discussion: NONE at 6:35 p.m.**

**Voting Yes:**

Monica DiVito

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

**Motion to open meeting:**

**Motion:** Utsch **Second:** Yerk **Discussion:** NONE at 7:15 p.m.

**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 activities relative to the end of year.
- B} School Business Administrator: Mr. Hansen reviewed agenda items.

**2} ROUTINE MATTERS**

**R-1 Approval of Minutes:**

May 26, 2020  
Work Session  
Regular Meeting  
Executive Session

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

Secretary's and custodian's reports for **May 31, 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: May 27, 2020 to June 23, 2020 {Backup R-3}  
{Prek Transfer 7/1/19-6/30/20}**

- R-4 Approval of Bill List:      **May 27, 2020 to June 23, 2020** {Backup R-4}**
- R-5 Approval of Cafeteria Report: **May, 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 Board of Education, that the Lower Township Board of Education approves the 2020-2025 employment Contract between the Lower Township Board of Education and Jeff Samaniego, Superintendent, as approved by the Executive County Superintendent. (Backup P-1)
- 2.** On the recommendation of the Superintendent, that the Lower Township Board of Education approves the 2020-2021 employment Contract between the Lower Township Board of Education and John J. Hansen, School Business Administrator/Board Secretary, as approved by the Executive County Superintendent. (Backup P-2)
- 3.** On the recommendation of the Superintendent, that the Lower Township Board of Education approve Allyson O’Shea, 5<sup>th</sup> Grade Teacher at the Sandman Consolidated School, for placement of MA+30 on the LTEEA Teachers’ Salary Guide, to reflect an increase of credits to her degree, effective July 1, 2020. (Backup P-3)
- 4.** On the recommendation of the Superintendent, that the Lower Township Board of Education approve Lindsay Davis, Special Education Teacher at the Maud Abrams School, for a Maternity Leave of Absence, effective September 8, 2020 to December 11, 2020. (Backup P-4)
- 5.** On the recommendation of the Superintendent, that the Lower Township Board of Education approve the following transfers for the 2020-2021 school year:

<b><u>STAFF MEMBER</u></b>	<b><u>TRANSFER FROM</u></b>	<b><u>TRANSFER TO</u></b>
Christopher Shivers	Principal @ Mitnick	Principal @ Memorial
Cari Eckel	LLD @ Mitnick	Spec. Ed. Resource @ Mitnick
Amanda Cardaci	Resource @ Mitnick	Basic Skills/Resource @ Mitnick
Diane Wunder	Nurse’s Clerk @ Mitnick	Principal’s Secretary @ Mitnick
Krista Risley	PIRT @ Memorial	PIRT @ Mitnick

6. On the recommendation of the Superintendent, that the Lower Township Board of Education authorizes the Superintendent to tentatively offer employment to a Principal with Board confirmation at the July 28, 2020 Board Meeting.

**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 Statement of Assurances-Lead Testing. (Backup L-1)
2. On the recommendation of the Superintendent, that the Lower Township Board of Education accept and approve the Security Drill Statement of Assurances. (Backup L-2)
3. On the recommendation of the Superintendent, that the Lower Township Board of Education accept and approve the Intervention and Referral Services Final Reports for school year 2020-2021. (Backup L-3)
4. On the recommendation of the Superintendent and School Business Administrator, that the Lower Township Board of Education approves and confirms a Side Bar Agreement with the Lower Township Elementary Education Association and the Lower Township Elementary Board of Education to allow the conversion of one unused Personal Day to a Sick Day during the 2019-2020 school year due to COVID-19.

**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, that the Lower Township Board of Education authorizes the School Board Administrator to move up to: (Annual-year end}

\$1,500,000, from current operations, to Capital Reserve as of June 30<sup>th</sup> 2020

\$1,000,000 from current operations, to Maintenance Reserve as of June 30<sup>th</sup>, 2020

\$250,000 from current operations, to Emergency Reserve established as of June 30<sup>th</sup> 2020

2. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the Breakfast and Lunch rates for the 2020-2021 school year, as listed: (Backup F-1)

	<u>Current</u>	<u>20-21</u>
Lunch – Full	\$2.75	2.85
Lunch – Reduced	\$ .40	.40
Lunch – Staff (student lunch)	\$3.85	3.95
Lunch – Staff (special)	\$4.60	4.70
Milk	\$ .65	.65

3. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorize the School Business Administrator to dispose of obsolete and surplus items, to be determined, using GovDeals.
4. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the Contract between Lower Township Elementary School and Lehigh Valley Dairy for milk bids for the 2020-2021 school year. (Backup F-2)
5. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorize the School Business Administrator to make appropriate transfers and issue checks prior to the June 30, 2020 Board Meeting, for year end closing activities. {Annual-Year end}
6. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorizes Christine Conley, QPA to increase the district bid threshold increase from \$40,000 to \$44,000 per N.J.S.A. 52:34-7. (Backup F-3)
7. On the recommendation of the AD HOC Health Committee, the Lower Township Board of Education authorizes a modification to Addendum #1 of the May 26, 2020 Board Meeting, to J. Byrne Agency, servicing the district self-insurance program effective June 5, 2020 to June 30, 2021, rescind the district entrance into the Coastal HIF as September 1, 2020, and approve change orders to the J. Byrne Broker of Record Agreement. (Backup F-4)
8. On the recommendation of the School Business Administrator, that the Lower Township Board of Education rescind Motion #F-15 of the May 26, 2020 Board Meeting and approve a Professional Services Contract to Van Note Harvey to develop the site plan for the relocation of the Modular Office Building in conjunction with plans and designed by the Garrison Architect, the district’s Architect of Record and a basketball court, per the NJDOE approval. (F-5)

- 9. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorizes a purchase order contract to the Aries Building Group in the amount of \$35,894, for the relocation of the Modular Office to a new foundation to be charged to the 2020-2021 School Year Budget. (Backup F-6)
- 10. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorize the cancellation of stale payroll checks, pending payroll verification. (Backup F-7)

**PUBLIC COMMENT AGENDA ITEMS:**

David Morrison, Cape May, NJ 08024 spoke to the board about Policy #7126 and district's employees use of the internet.

**MOTION ON**

- 1. On the recommendation of the Board of Education, that the Lower Township Board of Education approves the 2020-2025 employment Contract between the Lower Township Board of Education and Jeff Samaniego, Superintendent, as approved by the Executive County Superintendent. (Backup P-1)

**Motion: Vile Second: Lewis Discussion: None**

**Voting Yes:**

Monica DiVito  
 Steve Lewis  
 Michael Mader  
 Charles Utsch  
 Jonathan Vile

**Abstained:**

Nichole Koch  
 Sally Yerk  
 Patricia Smith  
 Gary Douglass

**MOTION ON**

- 2. On the recommendation of the Superintendent, that the Lower Township Board of Education approves the 2020-2021 employment Contract between the Lower Township Board of Education and John J. Hansen, School Business Administrator/Board Secretary, as approved by the Executive County Superintendent. (Backup P-2)

**Motion: Utsch Second: Vile Discussion: None**

**Voting Yes:**

Monica DiVito  
 Nichole Koch  
 Steve Lewis

Michael Mader  
Charles Utsch  
Jonathan Vile  
Sally Yerk  
Patricia Smith  
Gary Douglass

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

**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

**MOTION: P-3 to P-6/L-1 to L-4**

**Motion: Smith Second: Lewis Discussion: None**

**Voting Yes:**

Monica DiVito  
Nichole Koch  
Steve Lewis  
Michael Mader  
Charles Utsch  
Jonathan Vile  
Sally Yerk  
Patricia Smith  
Gary Douglass—Abstained P-5

**MOTION: Finance F-1 to F-10**

**Motion: Vile Second: DiVito Discussion: None**

**Voting Yes:**

Monica DiVito  
Nichole Koch  
Steve Lewis—Abstained P-7  
Michael Mader  
Charles Utsch  
Jonathan Vile  
Sally Yerk  
Patricia Smith  
Gary Douglass—Abstained P-7

**MOTION: Addendum #1**

On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the following, awarded as an Extraordinary and Unspecified Service (EUS) for the fiscal year July 1, 2020 through June 30, 2021, and execute any contracts between the Lower Township Board of Education and the Joint Insurance Fund as listed: (Backup F-4)

**Risk Management Consultant (RMC)/Liability Insurance Broker** – {JIF} Marsh & McLennan – Awarded on a Fair and Open Process.

**Motion: Smith Second: Mader Discussion: None**

**Voting Yes:**

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

**Voting No:**

Charles Utsch  
Gary Douglass

**4} OLD/NEW BUSINESS: The Board thanked the staff for having a great school year under these most difficult circumstances.**

**5} Good of the Order:**

**A} Next Board Meeting: Regular Meeting – July 28, 2020**

**6} ADJOURNMENT**

**MOTION TO ADJOURN THE MEETING**

**Motion: Douglass Second: Lewis**

**All in favor**

**Time: 7:45 pm**

**Respectfully submitted,**

*John J. Hansen*

**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   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 June 23, 2020 at **6:40** 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

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**"(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**

X

concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly." HIB-memorial

X

"(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" LTEEA contract

"(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

X

"(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 {Change Order}

X

"(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, #5284, #4075, \$4839, #4991



**“(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 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  
CLOSE SESSION MINUTES  
6/23/20

**Roll Call:**

**Board Members Present:**

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

**Also in Attendance:**

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

1. There was discussion on Employee #4238 reference tenure charges and would be discussed at July Board Meeting.

Board Members Conflicted: None

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2. There was discussion on the Elementary Principal Position and it was decided that approval to hire with consent of Board President, Vice President, and Board would be confirmed at July 28, 2020 meeting

Board Members Conflicted: None

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3. There was discussion on Employee #4991 relative to a disciplinary matter.

Board Members Conflicted: None

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4. There was discussion on the Health Insurance Medical/RX & Dental Program & Broker of Record change order.

Board Members Conflicted: Gary Douglass & Steve Lewis

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5. There was discussion on Employee #5284 relative to the superintendent evaluation

Board Members Conflicted: Gary Douglass, Patricia Smith

Sally Yerik, Nichole Koch

Employee# 5284 was not present.

Respectfully submitted,



John J. Hansen

School Business Administrator/Board Secretary