LOWER TOWNSHIP BOARD OF EDUCATION MINUTES REGULAR MEETING JUNE 25, 2019

Regular Meeting convened at 7:00 p.m. in the Carl T. Mitnick School, 905 Seashore Road, Cape May, NJ 08204.

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.

2018-2020 Board Goals:

"Engage and facilitate the district staff and community stakeholders in a strategic planning process with the intent of developing a long-term action plan focused on common goals."

2018-2019 Board Goals:

"Increase Board Member understanding of the Lower Township School District finances and broad base categories that make up the school budget, which will carry out the educational plan in a thorough and efficient manner."

2018-2020 District Goals:

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

2018-2019 District Goals:

"To continue to foster effective communication and positive relationships with students, parents, staff and the community."

Informal appearance per district Policy 3142 — Non Renewal of Non Tenured Teaching Staff Member; Employee #5445

Employee #5445 (Dave Morrison) elected to have a Donaldson Hearing in open session.

The informal procedure was explained in detail by Mr. John Comegno, board solicitor. The employee was given 20 minutes to present his case to the Board of Education, at which time it was mentioned by Mr. Morrison that his presentation was approximately 45 minutes in length however, the established time limit was reiterated.

A representative from the NJEA spoke on his behalf.

Mr. Morrison talked about his philosophy, certifications, professional development, and overall accomplishments. He referenced his yearly evaluations and claimed he was completely caught off guard as to his non-renewal. He made comments relative to documents that had been placed in his personnel file on Monday, June 24th, 2019.

The board president granted Mr. Morrison an additional five minutes, however, at approximately thirty-five minutes into his presentation, the board president stopped Mr. Morrison's presentation.

Mr. Morrison concluded by asking the Board to reconsider Mr. Samaniego's decision to not renew his contract for the 2019-2020 school year.

A motion was made to offer an employment contract for the 2019-2020 to Mr. Morrison.

Motion: Thomas Second: McKenna

Discussion:

Mr. Samaniego reviewed the various incidents, meetings, verbal warning, and written warnings between November 29, 2016 to June 3rd, 2019. Mr. Samaniego responded to a question of Mr. Thomas that he had place documents in Mr. Morrison's file.

Voting Yes:

Monica DiVito Joseph McKenna Joseph Thomas

Voting No:

Stephen Lewis Michael Mader Jonathan Vile Patricia Smith, Vice President Gary Douglass, President

Abstaining:

Charles Utsch

1} **REPORTS:**

- **A**} **Board President:**
- B} Superintendent: Mr. Samaniego reviewed year end activities.
- C} School Business Administrator: Mr. Hansen reviewed each of the financial motions.
- Presentation: None D}

PUBLIC COMMENT AGENDA ITEMS: 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

2} **ROUTINE MATTERS**

R-1 Approval of Minutes:

May 28, 2019 Work Session Regular Meeting Close Session

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

Secretary's and custodian's reports for May 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:** May 28, 2019 to June 25, 2019Backup R-3}

May 28, 2019 to June 25, 2019 (Backup R-4) R-4 **Approval of Bill List:**

R-5 **Approval of Cafeteria Report: May, 2019**{Backup R-5}

R-6 **Approval of Travel:**

MOTION ON ROUTINE MATTERS R-1 TO R-6

Motion: Vile Second: McKenna

Voting Yes: Monica DiVito Stephen Lewis Michael Mader Joseph McKenna Joseph Thomas

Charles Utsch

Jonathan Vile

Patricia Smith, Vice President (Except R-4 #415338)

Gary Douglass, President

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.

- On the recommendation of the Superintendent, that the Lower Township Board of Education approves the 2019-2020 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-1)
- 2. On the recommendation of the Superintendent, that the Lower Township Board of Education approve the following transfers for the 2019-2020 school year:

STAFF MEMBER	TRANSFER FROM	TRANSFER TO/REPLACING
Tracy Rutherford	1st/2nd Gr. RR @ Mitnick	1 st /2 nd Gr. LLD @ Mitnick
Bryce Yerk	4 th Gr. BSIP @ Maud	2 nd Gr. @ Mitnick (P. Parson)
Tammy Hughes	Preschool @ Memorial	Preschool @ Mitnick (S. Salerno)
Stacey Salerno	Preschool @ Mitnick	Preschool @ Memorial (T. Hughes)
Erin Kelly	3 rd Gr. @ Maud	4 th Gr. @ Maud
Tara Geisel	4 th Gr. @ Maud	2 nd Gr. @ Mitnick (D. Carson)
Samantha Milder	5 th Gr. @ Sandman	4 th Gr. @ Maud
Heather Roth	1 st Gr. @ Mitnick	BSIP @ Mitnick
Barbara Bur	Preschool @ Memorial	Master Teacher @ Memorial

On the recommendation of the Superintendent, that the Lower Township Board of Education approve the re-appointment of the Part-Time Daily Regularly Scheduled Employees for the 2019-2020 school year as attached, pending receipt of required documentation. (Backup P-3)

ADDENDUMS P-4 to P-6

- 4. On the recommendation of the Superintendent, that the Lower Township Board of Education approves the withholding of the 2019-2020 employment and adjustment increment of Employee #4417.
- 5. On the recommendation of the Superintendent, that the Lower Township Board of Education approves the Separation Agreement for Employee #5587
- 6. On the recommendation of the Superintendent, that the Lower Township Board of Education authorizes the Board President to execute the Labor Contract between the Lower Township Board of Education and the Lower Township Elementary Education Association for the period of July 1, 2019 to June 30, 2020

H. Harassment, Intimidation & Bullying: None

L. Legislative and Internal Policies:

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

NUMBER	TYPE	TITLE
<i>5756</i>	Policy & Regulation	Transgender Students

- 2. On the recommendation of the Superintendent, that the Lower Township Board of Education approve the Statement of Assurances-Lead Testing. (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 2019-2020. (Backup L-3)
- 4. On the recommendation of the Superintendent, that the Lower Township Board of Education accept and approve the Security Drill Statement of Assurances. (Backup L-4)

E. Education: None

MOTION: P-1 to P-3 & Addendums P-4 to P-6/L-1 to L-4

Motion: Smith Second: Vile

Voting Yes:

Monica DiVito (No-Addendum P-4, Abstain P-6)
Stephen Lewis (No-Addendum P-4)
Michael Mader
Joseph McKenna
Joseph Thomas (No-Addendum P-4)
Charles Utsch
Jonathan Vile
Patricia Smith, Vice President (Abstain P-6)
Gary Douglass, President (Abstain P-6)

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:

- 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, 2019 through June 30, 2020, as listed: (Backup JH Memo)
 - a. **Auditors** Inverso & Stewart, LLC <u>Awarded on a Fair and Open Process</u>.
 - b. **Behavior Therapy Specialist** Brett Dinovi & Associates, LLC & Interactive Kids Awarded on a Fair and Open Process.
 - c. **Bond Counsel** McManimon, Scotland & Bauman, LLC <u>Awarded on a Fair and Open Process.</u>
 - d. **Nursing Services** Preferred Home Health Care & Nursing Services & Bayada Home Health Care, Inc. <u>Awarded on a Fair and Open Process</u>.

- e. **Medical Inspector** Dr. Bradley Andrew Bisk, Atlanticare Physicians Group <u>Awarded</u> on a Fair and Open Process.
- f. **Physical Therapy** Kimberly Vona <u>Awarded on a Fair and Open Process</u>
- g. Architect of Record Garrison Architects Awarded on a Fair and Open Process
- h. **Employee Assistance Program** Shore Counseling, LLC <u>Awarded on a Fair and</u> Open Process
- 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, 2019 through June 30, 2020, and execute any contracts between the Lower Township Board of Education and: (Backup JH Memo)

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

On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorizes the School Board Administrator to move up to: (Backup JH Memo)

\$1,000,000, from current operations, to Capital Reserve as of June 30th 2019 \$600,000 from current operations, to Maintenance Reserve as of June 30th, 2019 \$250,000 from current operations, to Emergency Reserve established as of June 30th 2019

4. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the Breakfast and Lunch rates for the 2019-2020 school year, as listed: (Backup F-4)

	<u>Current</u>	<u> 19-20</u>
Lunch – Full	\$2.65	2.75
Lunch – Reduced	\$.40	.40
Lunch – Staff (student lunch)	\$3,75	3.85
Lunch – Staff (special)	\$4.50	4.60
Milk	\$.65	.65

of Education authorize the Director of Special Education Services and Chief School Administrator to execute the Statement of Assurances per IDEA Part B and NJAC 6A:14-1.1(b), and approve the submittal and acceptance, of the 2019-2020 IDEA Basic and Pre-School Grant. (Backup F-5)

Basic \$470,555 {public} PreK \$ 26,743 {public}

On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorize the School Business Administrator to dispose of the following items, as deemed obsolete and surplus items using GovDeals:

Other office equipment deemed surplus Four School Buses

- On the recommendation of the Superintendent, that the Lower Township Board of Education gives approval to submit the Application for Dual Use of Education Space, for the 2019-2020 school year, as indicated in the Application and that approval be given to use the alternate method of compliance, in accordance with NJAC 6:22-5.4(h)4.11, by providing toilet rooms adjacent to, or outside the classroom, in lieu of individual toilet rooms in each Kindergarten classroom, as indication in the application for the 2019-20 school year. (Backup F-7)
- 8. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorize the Supervisor of Curriculum & Instruction and Supervisor of Academic Achievement to execute the ESSA Statement of Assurances, and approve the acceptance and submittal, of the 2019-2020 ESSA. (Backup F-8)

Title I	\$418,367
Title II	\$ 65,148
Title III	\$ 11,770
Title IV	\$ 29,835
	\$585,120

- 9. 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 2019-2020 school year. (Backup F-9)
- **10.** On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorize the School Business Administrator to execute an RX Contract with Synchrony for the period of 8/1/19 to 7/31/20. (Backup JH Memo)
- 11. On the recommendation of the School Business Administrator, that the Lower Township Board of Education confirm the acquisition of a playground at the Carl T. Mitnick School using donated funds approximating \$22,000. (Backup F-11)
- **12.** On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the authorization of one 40+ passenger bus for the transport of Lower Township students to Cape May County Special Services School District. (Backup F-12)
- 13. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve Application 8R on the ESIP Project as follows: (Backup F-13)

ESIP	\$140,135.29	Retainage	\$5,000 (Local)
Local	\$26,948.64		

14. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approves the Inter-local Agreement between Lower Township Elementary Schools and West Cape May Schools for the supply of food per contract, contingent on West Cape May's approval. (Backup F-14)

MOTION: Finance F-1 to F-14

Motion: Vile Second: Smith

Voting Yes:

Monica DiVito (Abstain F-10)
Stephen Lewis (No- F-10)
Michael Mader
Joseph McKenna
Joseph Thomas
Charles Utsch
Jonathan Vile
Patricia Smith, Vice President (No F-10)
Gary Douglass, President (No F-10)

4} OLD/NEW BUSINESS:

Mr. Douglass commented on F-10, concerns on self-insurance Mrs. Smith reviewed the three Strategic Planning meetings

5} OPEN MEETING TO THE PUBLIC: (public comment rules as read above apply):

Tracy DeVall – Expressed her concerns with the non-renewal of Mr. Morrison, stated this will be remembered during Board of Education Elections.

Dave Morrison – Expressed his concerns with not being able to complete his presentation. Advised he will be running in the next School Board Election.

Miss Reagan Morrison – Read a letter on behalf of Mr. Diettrich, expressing support for Mr. Morrison

Eric Pisieczko – Commented on how Mr. Morrison pushed him to be a better student

Mr. Morrison – Dave's brother, thanked him for always helping him.

Former Student #1 – Thanked Mr. Morrison for his help and guidance

Former Student #2 – Thanked Mr. Morrison for his help and guidance.

Al Secora – Noted he is not a resident of Lower Township, but was there to support Mr. Morrison.

Nicole Morrison – Commented on her feelings of lack of transparency within the District and feels the situation was appalling, advising the audience to be wary of who they elect to future Board of Educations.

6) EXECUTIVE SESSION: Motion to re-convene the executive session:

Motion: McKenna Second: Vile

All in Favor Time 8:26 pm

8) ADJOURNMENT

MOTION TO ADJOURN THE MEETING

Motion: Vile Second: Thomas

All in Favor Time: 9:12 pm

Respectfully submitted,

John J. Hansen

School Business Administrator/Board Secretary

7} Good of the Order:

A) Next Board Meeting: Regular Meeting – July 23, 2019

B) Monthly Emergency Drill: 6/5/19 – Lockdown/Evacuation

Fire Drills: 5/31/19 - Sandman School & Mitnick School

6/6/19 – Maud Abrams School

6/11/19 - Memorial School

WORK SESSION MINUTES – 6/25/2019

6:00 pm

Call to Order: Board President calls the meeting to order.

Roll Call: Board Secretary calls the roll.

Roll Call - Board Members:

Gary Douglass, President
Patricia Smith, Vice President
Monica DiVito
Steve Lewis
Michael Mader
Joseph McKenna
Joseph Thomas
Charles Utsch
Jonathan Vile

Also in Attendance:

Jeff Samaniego, Superintendent John Hansen, Board Secretary John Comegno, Board Attorney

1) Administration:

- a) Mr. Samaniego: Mr. Samaniego advised the board of some activities and a contribution from the Rotary club on the spaghetti dinner proceeds.
- b) Mr. Hansen:
- 2) New Business: Strategic Planning Report will be presented at next meeting.

3) <u>Close Session: See Authorizing Executive Session 6/25/2019</u>

MOTION: Vile Second: Lewis

Time: 6:05 pm All in Favor

Attorney-Client communication regarding non-renewals process and related issues Employee #4417 & #4238
Separation Agreement-Former Employee #5687
Status of Negotiations-LTEEA & LTBOE
Superintendent Evaluation
Interview of Board Solicitor

4) Board Comment:

Motion to Adjourn and proceed to Regular Meeting

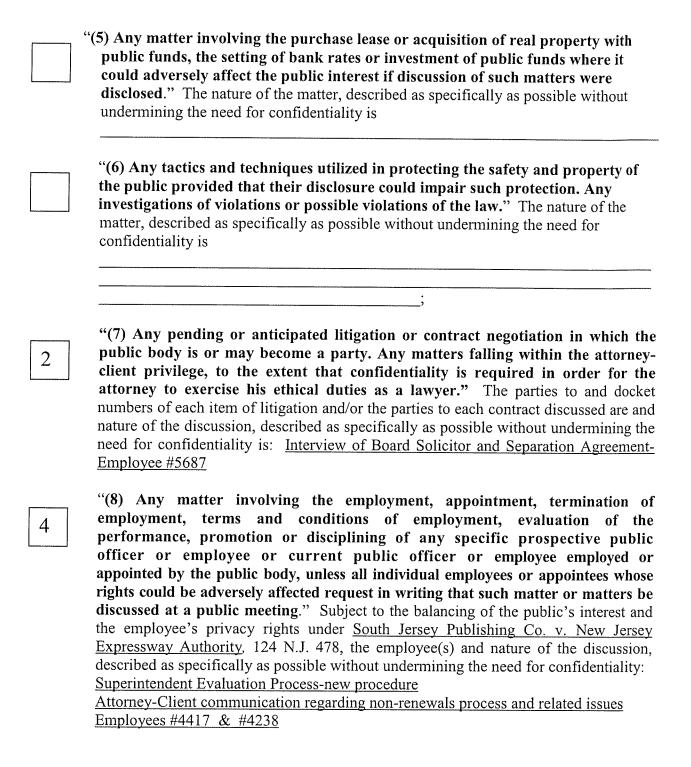
MOTION: McKenna Second: Utsch

Time 7:05 pm All in Favor

LOWER TOWNSHIP BOARD OF EDUCATION RESOLUTION <u>AUTHORIZING EXECUTIVE SESSION-6/25/19</u>

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

	(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive" i.e. without the public being permitted to attend, and
permitte	EAS, the Lower Township Board of Education has determined that 7 issued 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 25. 2019 at 6:05 P.M, and
listed be privately space w	EAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are allow, and next to each exception is a box within which the number of issues to be a discussed that fall within that exception shall be written, and after each exception is a there additional information that will disclose as much information about the discussion be 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."
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" Status of Negotiations-LTEEA & LTBOE



responsibility." The nature of the matter, described as specifically as possible	that may party or g party a	ro th a
undermining the need for confidentiality is		ur —

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 - 6/25/2019

<u>6:27 pm</u>

Roll Call - Board Members:

Gary Douglass, President
Patricia Smith, Vice President
Monica DiVito
Steve Lewis
Michael Mader
Joseph McKenna
Joseph Thomas

Charles Utsch Jonathan Vile

Also in Attendance:

Jeff Samaniego, Superintendent John Hansen, Board Secretary John Comegno, Board Attorney

The following was discussed during close session:

- Attorney-Client communication regarding non-renewals process and related issues Mr.
 Comegno Reviewed the Donaldson Hearing process, advised the Board of their options
- 2. a) Employee #4417 Mr. Samaniego reviewed the situation and internal investigation into the complant.
 - Mr. Comegno reviewed specifics about the Institutional abuse report. Mr. Comegno explained that statutory abuse was not established as per the definition of the law. He stated that the District could pursue tenure charges, withholding of an increment, and creating a corrective action plan.
 - Board asked Mr. Samaniego follow-up questions and the process on restraining students.
 - b) Employee #4238 Mr. Samaniego updated the Board.
- **3.** Separation Agreement-Former Employee #5687- Mr. Hansen reviewed the separation agreement.
- **4.** Status of Negotiations-LTEEA & LTBOE Mr. Hansen reviewed the status of negotiations, and that parties had come to an agreement for a one year contract. He noted that the association had ratified the contract.

Motion to Adjourn and proceed to Regular Meeting:

MOTION: McKenna SECOND: Utsch

All in Favor Time: 7:05

Re-Convene Close Session:

Time 8:30

- 5. Superintendent Evaluation Mr. Hansen reviewed the superintendent evaluation outlining the written comments. {Mr. Douglass and Mrs. Smith were not present}
- **6.** Interview of Board Solicitor Mr. Comegno discussed his firm, and his firm's longstanding relationship with the board. He answered various questions of the board.

Motion to Adjourn close session:

MOTION: Vile Second: Thomas

All in Favor Time: 9:12 pm

Respectfully submitted,

John J. Hansen

Sehool Business Administrator/Board Secretary