

**LOWER TOWNSHIP BOARD OF EDUCATION  
MINUTES  
REGULAR MEETING  
FEBRUARY 26, 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."*

2/26/2019

**1} REPORTS:**

- A} Board President:
- B} Superintendent: ***Mr. Samaniego reviewed activities and motions***
- C} School Business Administrator: ***Mr. Christopher Shivers, Mitnick Programs***

**PUBLIC COMMENT AGENDA ITEMS: None**

**2} ROUTINE MATTERS**

**R-1 Approval of Minutes:**

January 22, 2019  
Regular Meeting  
Close Session

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

Secretary's and custodian's reports for **January, 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: January 23, 2019 to February 21, 2019**{Backup R-3}

**R-4 Approval of Bill List: January 23, 2019 to February 21, 2019**{Backup R-4}

**R-5 Approval of Cafeteria Report: January 23, 2019 to February 21, 2019** {Backup R-5}

**R-6 Approval of Travel: February 2019 & March 2019**

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

**Motion: Smith Second: Vile**

**Voting Yes:**

Monica DiVito  
Stephen Lewis  
Michael Mader  
Joseph McKenna  
Joseph Thomas  
Charles Utsch  
Jonathan Vile  
Patricia Smith, Vice President  
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.*

1. On the recommendation of the Superintendent, that the following substitutes be approved for the 2018-2019 school year, pending receipt of required documentation: (Backup P-1)

2/26/2019

**SUBSTITUTES NEEDING MORE DOCUMENTATION**

**SUBSTITUTE TEACHER**

Karin Cain

**SUBSTITUTE FOOD SERVICE WORKERS**

Darlene Keenan, Michele Boyle, Margaret Sepers, Amizadai Mercado

**SUBSTITUTE CUSTODIANS**

Amizadai Mercado, Dianna Coulter

**SUBSTITUTE CAFETERIA AIDE**

Amizadai Mercado

**SUBSTITUTE CLASSROOM AIDE**

Amizadai Mercado

**SUBSTITUTE DAY CARE AIDE**

Amizadai Mercado

**SUBSTITUTE BUS AIDE**

Isaiah Cook

2. On the recommendation of the Superintendent, that the Lower Township Board of Education, approve Leah Yost, as Temporary 4<sup>th</sup> Grade Teacher, replacing Amanda Pierce, on maternity leave of absence, effective March 4, 2019 to June 7, 2019, pending receipt of required documentation. (Backup P-2)

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

1. The Board affirms the actions taken by the Superintendent and the School Safety Teams, for Sandman H.I.B. #1 – ID 5536 (2018-19). (Backup H-1)

**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>
2422	Policy	Health and Physical Education
2610	Policy	Educational Program Evaluation
5111	Policy & Regulation	Eligibility of Resident/Nonresident Students
5337	Policy	Service Animals
7440	Policy & Regulation	School District Security
8561	Policy	Procurement Procedures for School Nutrition Programs
8860	Policy	Memorials
2415.06	Policy	Unsafe School Choice Option
2460.8	Regulation	Special Education – Free and Appropriate Public Education
5530	Regulation	Substance Abuse
5600	Policy & Regulation	Student Discipline/Code of Conduct
5611	Policy & Regulation	Removal of Students for Firearms Offenses
5612	Policy & Regulation	Assaults on District Board of Education Members or Employees
5613	Policy & Regulation	Removal of Students for Assaults with Weapons Offenses

**E. Education:**

1. On the recommendation of the Superintendent, that the Lower Township Board of Education approve the following placement for the 2018-2019 school year: (Backup E-1)

**Case #4410-A** – Eight year old, 2<sup>nd</sup> grade special education student is awaiting placement at the Cape May County Special Services School District at Ocean Academy.

**Case #4493-A** – Eight year old, 2<sup>nd</sup> grade special education student who was placed on home instruction, at the request of his physician.

**MOTION: P-1 & P-2/L-1/E-1**

**Motion: McKenna    Second: Lewis**

**Voting Yes:**

- Monica DiVito
- Stephen Lewis
- Michael Mader
- Joseph McKenna
- Joseph Thomas
- Charles Utsch

2/26/2019

Jonathan Vile  
Patricia Smith, Vice President  
Gary Douglass, President

**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 annual audit for the fiscal year ending June 30, 2018, be accepted and the recommendations and correction action plan be read to the public: (Backup F-1)

**FY 2018 Annual School Audit Lower Twp. Schools**

**Finding 2018: None**

**Recommendation:**

- #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 – None.
- #7. Pupil Transportation – None.
- #8. Facilities and Capital Assets – None.
- #9. Miscellaneous – None.
- #10. Status of Prior Year Audit Findings/Recommendations – None.

**Corrective Action Plan: None.**

Mr. Hansen reviewed the audit and commented on the recommendations.

2. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the following Tuition Contracts between Lower Township Board of Education and Phillipsburg Board of Education: (Backup F-2)

NB – Phillipsburg Primary School – Grade 1 - \$14,406 (pro-rated)

NB – Phillipsburg Primary School – Grade 3 - \$14,406 (pro-rated)

3. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve submittal payment application #7R, to the Escrow Agent for a current payment due of \$190,181.42\*, payment to be held by district, until certain items are completed within application. (Backup F-3)
4. On the recommendation of the Facility Manager and School Business Administrator, that the Lower Township Board of Education accept the donation of one (1) back hoe from the Township of Lower. (Backup F-4)

2/26/2019

5. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve a 2019-2020 purchase order contingent on 2019-2020 budget funding with Wolfington Body Company, Inc., for the acquisition of three (3) 2020 54 passenger buses, in the amount of \$315,716.82 {ESCNJ-Co-OP Bid 18/19-31}. (Backup F-5)
6. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve an amendment of the ESEA 2019-2020, appropriating a carryover of \$2.00 from the 2018-2019 ESEA Grant {Title 1A}. (Backup F-6)
7. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve one (1) Tuition Contract with the Middle Township Board of Education for: Student - JF – Grade 5, in the amount of \$12,457.00. (Backup F-7)

**MOTION: Finance F-1 to F-7**

**Motion: Vile Second: McKenna**

**Voting Yes:**

Monica DiVito  
Stephen Lewis  
Michael Mader  
Joseph McKenna  
Joseph Thomas  
Charles Utsch  
Jonathan Vile  
Patricia Smith, Vice President  
Gary Douglass, President (Abstained #4)

**4} OLD/NEW BUSINESS: None**

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

**6} EXECUTIVE SESSION: None**

**7} Good of the Order:**

**A}** Next Board Meeting: Regular Meeting – March 12, 2019

**B}** Monthly Emergency Drill: Lockdown – 2/26/19

Fire Drills – February 5, 2019 – Sandman, Maud Abrams & Mitnick Schools  
February 6 2019 – Memorial School

**8} ADJOURNMENT**

**MOTION TO ADJOURN THE MEETING**

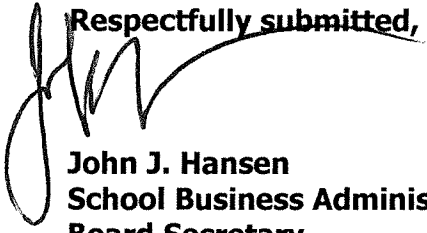
**Motion: Vile Second: McKenna**

**Time: 7:30**

**All in Favor**

2/26/2019

**Respectfully submitted,**

A handwritten signature in black ink, appearing to be 'JH', with a long, sweeping horizontal line extending to the right across the text 'Respectfully submitted,'.

**John J. Hansen  
School Business Administrator/  
Board Secretary**

**WORK SESSION MINUTES – 2/26/2019**

**6:00 pm**

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

**MOTION:** McKenna     **Second:** Vile

**All in Favor**

**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  
Taylor Ruilova, Board Attorney

**1) Administration:**

- a) Mr. Samaniego:  
Mr. Samaniego discussed school activities and the web-site.
- b) Mr. Hansen:  
Mr. Hansen reviewed the CAFR 6/2018 in detail, noting the fund balance position and the recommendations and comments.  
Mr. Hansen discussed the 2019-2020 preliminary budget revenues and appropriations.

**2) Close Session: See Authorizing Executive Session 2/26/2019**

**MOTION:** McKenna     **Second:** Thomas

**Time:** 6:56 pm

**All in Favor**

**HIB-ID#5689 Maud #1**

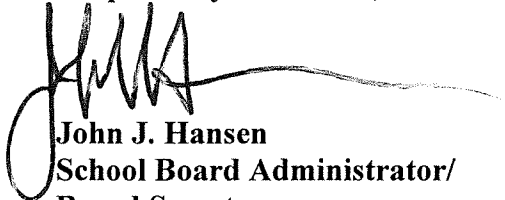
- 3) **Board Comment:** Mrs. Smith reviewed the Strategic Plan
- 4) **Pending:** The parking request from the City of Cape May Advisory Board to use the Mitnick School parking lot was reviewed by the Board. After discussion, the Board asked Mr. Hansen to respond back to the Cape May City Advisory Board that it would not approve their request.

**Motion to Adjourn and proceed to Regular Meeting:**



**MOTION: Vile Second: Lewis  
Time: 7:00 pm  
All in Favor**

Respectfully submitted,



**John J. Hansen  
School Board Administrator/  
Board Secretary**

**LOWER TOWNSHIP BOARD OF EDUCATION  
RESOLUTION  
AUTHORIZING EXECUTIVE SESSION-2/26/19**

**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 1 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 February 26, 2019 at 6:56 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.” HIB-ID#5689 Maud #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”**

**“(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:



“(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



“(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 4 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 – 2/26/2019**

**6:58 pm**

**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  
Taylor Ruilova, Board Attorney

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


1. Mr. Samaniego: Reviewed HIB #5689 and its details. Remediation has occurred.

**Motion to Adjourn close session:**

**MOTION: Vile Second: Lewis**

**All in Favor Time: 6:59 pm**

Respectfully submitted,



John J. Hansen  
School Business Administrator/Board Secretary