

**WORK SESSION AGENDA – 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  
Taylor Ruilova, Board Attorney

**1) Administration:**

- a) Mr. Samaniego:
- b) Mr. Hansen:

**2) New Business:**

**3) Close Session: See Authorizing Executive Session 6/25/2019 {if ample time does not exist, will be completed in Regular Meeting}**

**MOTION:** \_\_\_\_\_ **Second:** \_\_\_\_\_

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

**4) Board Comment:**

Work session concludes no later than 6:55 pm and proceeds to Regular Business Meeting

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

**MOTION:** \_\_\_\_\_ **Second:** \_\_\_\_\_

**LOWER TOWNSHIP BOARD OF EDUCATION  
RESOLUTION  
AUTHORIZING EXECUTIVE SESSION-6/25/19**

**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   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 25, 2019 at    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."**

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**“(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

**“(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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_;

2

**“(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: Interview of Board Solicitor and Separation Agreement-Employee #5687

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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:  
Superintendent Evaluation Process-new procedure  
Attorney-Client communication regarding non-renewals process and related issues  
Employees #4417 & #4238

“(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 \_\_\_\_\_ 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.

**LOWER TOWNSHIP BOARD OF EDUCATION  
AGENDA  
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."*

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

**1} REPORTS:**

- A} Board President:
- B} Superintendent:
- C} School Business Administrator:
- D} Presentation:

**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.*

**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, 2019**{Backup R-3}

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

**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:** \_\_\_\_\_ **Second:** \_\_\_\_\_

**Vote:**

- \_\_ Monica DiVito
- \_\_ Stephen Lewis
- \_\_ Michael Mader
- \_\_ Joseph McKenna
- \_\_ Joseph Thomas
- \_\_ Charles Utsch
- \_\_ Jonathan Vile
- \_\_ Patricia Smith, Vice President
- \_\_ Gary Douglass, President

**3} SUGGESTED MOTIONS:**

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**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 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**

Tracy Rutherford  
 Bryce Yerk  
 Tammy Hughes  
 Stacey Salerno  
 Erin Kelly  
 Tara Geisel  
 Samantha Milder  
 Heather Roth  
 Barbara Bur

**TRANSFER FROM**

1<sup>st</sup>/2<sup>nd</sup> Gr. RR @ Mitnick  
 4<sup>th</sup> Gr. BSIP @ Maud  
 Preschool @ Memorial  
 Preschool @ Mitnick  
 3<sup>rd</sup> Gr. @ Maud  
 4<sup>th</sup> Gr. @ Maud  
 5<sup>th</sup> Gr. @ Sandman  
 1<sup>st</sup> Gr. @ Mitnick  
 Preschool @ Memorial

**TRANSFER TO/REPLACING**

1<sup>st</sup>/2<sup>nd</sup> Gr. LLD @ Mitnick  
 2<sup>nd</sup> Gr. @ Mitnick (P. Parson)  
 Preschool @ Mitnick (S. Salerno)  
 Preschool @ Memorial (T. Hughes)  
 4<sup>th</sup> Gr. @ Maud  
 2<sup>nd</sup> Gr. @ Mitnick (D. Carson)  
 4<sup>th</sup> Gr. @ Maud  
 BSIP @ Mitnick  
 Master Teacher @ Memorial

3. 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)

**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 second reading for the following revisions to existing or new Policies and Regulations: (Backup L-1)

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

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)



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- 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/ L-1 to L-4**

**Motion:** \_\_\_\_\_ **Second:** \_\_\_\_\_

**Vote:**

- Monica DiVito
- Stephen Lewis
- Michael Mader
- Joseph McKenna
- Joseph Thomas
- Charles Utsch
- 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 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 – Awarded on a Fair and Open Process.
  - b. **Behavior Therapy Specialist** – Brett Dinovi & Associates, LLC & Interactive Kids – Awarded on a Fair and Open Process.
  - c. **Bond Counsel** – McManimon, Scotland & Bauman, LLC – Awarded on a Fair and Open Process.
  - d. **Nursing Services** – Preferred Home Health Care & Nursing Services & Bayada Home Health Care, Inc. – Awarded on a Fair and Open Process.
  - e. **Medical Inspector** – Dr. Bradley Andrew Bisk, Atlanticare Physicians Group – Awarded on a Fair and Open Process.
  - f. **Physical Therapy** – Kimberly Vona – Awarded on a Fair and Open Process
  - g. **Architect of Record** – Garrison Architects - Awarded on a Fair and Open Process
  - h. **Employee Assistance Program** – Shore Counseling, LLC - Awarded on a Fair and Open Process

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- 2. 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 – Awarded on a Fair and Open Process.

- 3. 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 30<sup>th</sup> 2019  
 \$600,000 from current operations, to Maintenance Reserve as of June 30<sup>th</sup>, 2019  
 \$250,000 from current operations, to Emergency Reserve established as of June 30<sup>th</sup> 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

- 5. On the recommendation of the School Business Administrator, that the Lower Township Board 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}

- 6. 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

- 7. 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

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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	<u>\$ 29,835</u>
	\$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:** \_\_\_\_\_ **Second:** \_\_\_\_\_

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**Vote:**

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

**4} OLD/NEW BUSINESS:**

LTES Strategic Planning Update-Patricia Smith

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

**6} EXECUTIVE SESSION:**

**Motion:**\_\_\_\_\_ **Second:**\_\_\_\_\_

**Discussion:**

**Vote:**

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

**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

**8} ADJOURNMENT**

**MOTION TO ADJOURN THE MEETING**

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**Motion:** \_\_\_\_\_ **Second:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Vote:**

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

**F.Y.I.**

1. Enrollment Report
2. Sandman School Reports
3. Maud Abrams School Reports
4. Mitnick School Reports
5. Memorial School Reports
6. Supervisor of Special Services Report
7. Supervisor of Buildings and Grounds Report (to be supplied)
8. Supervisor of Transportation Reports
9. Supervisor of Food Services Reports
10. Board Secretary Report
11. Supervisor of Curriculum & Instruction Report (Was on vacation - to be supplied)
12. Supervisor of Academic Achievement Report
13. Day Care Report