

SEASIDE PARK BOARD OF EDUCATION

MINUTES

SPECIAL MEETING

MONDAY, DECEMBER 7, 2015

MINUTES of the SPECIAL MEETING of the SEASIDE PARK BOARD OF EDUCATION of the BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY, held MONDAY EVENING, DECEMBER 7, 2015.

The meeting was called to order by the President, Mr. Charles Appleby at 7:09 P.M. in the Seaside Park Elementary School Multi-Purpose Room located at 313 S.W. Central Avenue, Seaside Park.

ANNOUNCEMENT BY BOARD PRESIDENT

In compliance with the Open Public Meeting Act of the State of New Jersey, adequate notice of this meeting of the Board of Education of the Borough of Seaside Park was provided in the following manner:

- On December 3, 2015, advance written notice was e-mailed to the Asbury Park Press for publication on December 5, 2015
- On December 3, 2015 advance written notice was posted at the Seaside Park Municipal Building
- On December 3, 2015, advance written notice was filed with the Borough Clerk of the Borough of Seaside Park

A roll call of attendance indicated the following Board Members were present: Charles Appleby, Norma DeNoia, Ronald Neal, and Gina Condos. Gary Yedman was absent.

Also in attendance was Robert Budesca, Board Attorney. Barry J. Parlman, Business Administrator/Board Secretary was absent.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC COMMENTS ON AGENDA ITEMS

There were questions concerning the cost and busing issues regarding a send-receive with the Lavallette Board of Education.

EXECUTIVE SESSION RESOLUTION

Upon motion of Mrs. Condos, seconded by Dr. Neal, the following resolution was approved:

RESOLVED, That the Board of Education enter into Closed Session at 7:12 P.M for the purpose of litigation and contract issues.

All members present voting Aye.

RETURN TO REGULAR SESSION

Upon motion of Dr. Neal, seconded by Ms. DeNoia, the Board returned to Regular Session at 8:20 P.M.

All members present voting Aye.

RESOLUTIONS

A. RESOLUTION OF THE SEASIDE PARK BOARD OF EDUCATION INVOKING THE DOCTRINE OF NECESSITY

WHEREAS, the School Ethics Act, N.J.S.A. 18A:12-21, et seq., was enacted by the New Jersey State Legislature to insure and preserve public confidences in School Board members and school administrators, and to provide specific ethical standards to guide their conduct; and

WHEREAS, questions arose regarding how a Board should invoke the Doctrine of Necessity when a quorum of a Board of Education has conflicts of interest on a matter required to be voted upon; and

WHEREAS, the School Ethics Commission (“Commission”) provides guidance in Public Advisory Opinion A03-9 (April 1, 1998) regarding this issue; and

WHEREAS, the opinion set forth that when it is necessary for a Board to invoke the Doctrine of Necessity the Board should state publicly that it is doing so, the reason that such an action is necessary and the specific nature of the conflicts of interest; and

WHEREAS, the School Ethics Commission, by Resolution dated February 23, 2003, clarified and required a Board of Education invoking the Doctrine of Necessity to adopt a resolution setting forth that they are invoking the Doctrine, the reason for doing so and the specific nature of the conflicts of interest; and

WHEREAS, the School Ethics Commission further directed Boards of Education that invoke the Doctrine to read the resolution at a regularly scheduled public meeting, post it where it posts public notices for thirty (30) days and provide the Commission with a copy; and

WHEREAS, the Seaside Park Board of Education currently has a send-receive agreement with the Toms River Board of Education (“Toms River”) wherein Toms River educates Seaside Park’s K-6 students; and

WHEREAS, the Board previously passed a resolution on March 9, 2015 authorizing an application to the Commissioner of Education by its special counsel, Porzio, Bromberg & Newman, P.C. to seek approval to establish an additional sending-receiving agreement with the Lavallette Board of Education; and

WHEREAS, as a result of that application the Commissioner of Education, David C. Hespe, approved the establishment of an additional sending-receiving relationship with Lavallette by decision dated October 20, 2015; and

WHEREAS, the Board now wishes to enter into a sending-receiving relationship with the Lavallette Board of Education; and

WHEREAS, the five (5) Board member conflicts are as follows:

1. Charles Appleby has children who are attending the Lavallette Elementary School on a parent paid tuition basis.
2. Gina Condos has children who are attending the Lavallette Elementary School on a parent paid tuition basis.
3. Dr. Ronald Neal has children who are attending the Lavallette Elementary School on a parent paid tuition basis.
4. Gary Yedman has children who are attending the Lavallette Elementary School on a parent paid tuition basis.
5. Norma DeNoia is an administrator employed by the Toms River Board of Education; and

WHEREAS, entering into a sending-receiving relationship with Lavallette would have a financial impact on the afore-mentioned tuition paying board members and would be deemed to be in violation of the School Ethics Act; and

WHEREAS, an additional send-receive relationship with Lavallette could result in a conflict between the Board and Toms River; and

WHEREAS, the above-referenced conflicts apply to every member of the Board and would make it impossible for the Board to act on and approve a sending-receiving agreement with Lavallette without invoking the Doctrine of Necessity:

NOW, THEREFORE, BE IT RESOLVED by the Seaside Park Board of Education, County of Ocean, State of New Jersey, this _____day_____2015, as follows:

1. That the five (5) Board members as noted above would be prohibited from voting on and entering into an additional sending-receiving relationship with the Lavallette Board of Education and, therefore, the Board invokes the Doctrine of Necessity in order to vote on said agreement.
2. That this Resolution shall be read at a regularly scheduled public meeting of the Board and posted in the usual locations regarding Board notices for a period of thirty (30) days.
3. That a copy of this Resolution shall be forwarded to the School Ethics Commission.

CERTIFICATION

I hereby certify that I, the undersigned, am the Seaside Park Board of Education Business Administrator/Secretary and am duly authorized to certify Resolutions by the Board of Education and the above Resolution was passed at a meeting held on the _____ day of _____ 2015.

Barry Parlman, BA/Secretary

At this time, the following resolution was voted upon:

Upon motion of Dr. Neal, seconded by Mrs. Condos, the following resolution was approved:

WHEREAS, by decision dated October 20, 2015, the Commissioner of Education approved the Seaside Park Board of Education’s application for authorization to enter into a sending-receiving relationship with Lavallette while also continuing its sending-receiving relationship with Toms River, thereby permitting Seaside Park students in Grades K through 6 to attend either district,

RESOLVED, That the Board of Education approve a sending-receiving agreement with the Lavallette Board of Education effective with the 2016-2017 school year, subject to the negotiation of acceptable contract language through counsel.

All members present voting Aye with the exception of Ms. DeNoia who abstained.

SUPERINTENDENT COMMENTS

Mr. Healy stated it had been a pleasure working with Ms. DeNoia and Mr. Appleby as Board Members and wished everyone a Happy Holiday.

BOARD COMMENTS

Ms. DeNoia expressed her gratitude to have been able to work on the Board.
Mrs. Condos explained that the situation with Vo-Tech was a work in progress.

PUBLIC COMMENTS

Questions regarding the start date of the send-receive with Lavallette and why it had been changed from January 4, 2016 to the 2016-2017 school year.

ADJOURNMENT

Upon motion of Mrs. Condos, seconded by Dr. Neal, the Special Meeting of the Board of Education was adjourned at 8:32 P.M.

Barry J. Parlman
Business Administrator/
Board Secretary