

**WEST ORANGE BOARD OF EDUCATION**  
**Public Board Meeting - 8:30 a.m. – October 19, 2018**  
**Administration Building**  
**179 Eagle Rock Avenue**

**Minutes**

**I. ROLL CALL OF THE MEMBERS AND PLEDGE OF ALLEGIANCE**

**Present: President Charles, Mr. Robertson, Mrs. Mordecai, Mr. Schwarzbaum, Mr. Alper**

**II. NOTICE OF MEETING: Please take notice that adequate notice of this meeting has been provided in the following manner:**

- A. That a written notice was sent from the Office of the Secretary of the Board at 4:00 p.m. on October 15, 2018.
- B. That said notice was sent by regular mail to the West Orange Township Clerk and the Editors of the West Orange Chronicle and the Star-Ledger.
- C. That said notice was posted in the lobby of the Administration Building of the Board of Education.

**III. WEST ORANGE BOARD OF EDUCATION RESOLUTION AUTHORIZING EXECUTIVE SESSION at 8:33 A.M.**

**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 West Orange 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," without the public being permitted to attend, and

**WHEREAS**, the Board has determined that one (1) issue is permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance and shall be discussed during an Executive Session to be held on Friday, October 19, 2018 at 8:30 A.M, and

**WHEREAS**, the nine (9) exceptions to open public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box which will be marked when the issues to be privately discussed fall within that exception, 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." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

"(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." The collective bargaining contract(s) discussed are between the Board and\_\_\_\_\_.

"(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 the 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 (1991), the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for

confidentiality is: Employee No. 7228.

"(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 thirty (30) minutes after which the public meeting of the Board shall (select one)  reconvene and immediately adjourn or  reconvene and proceed with business where formal action will be taken.

**NOW, THEREFORE, BE IT RESOLVED** that the West Orange Board of Education will go into Executive Session for only the above stated reasons; and

**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.

**MOTION:** Mr. Robertson

**SECOND:** Mr. Alper

**VOTE:** 5-0 (VV)

**IV. PUBLIC SESSION AT 9:04 A.M**

**V. PETITIONS AND HEARINGS OF CITIZENS AND QUESTIONS ON AGENDA ITEMS**

**VI. REPORTS, DISCUSSIONS, AND RECOMMENDATIONS**

**A. PERSONNEL**

1. Recommend approval of the following resolution:

**WHEREAS**, the West Orange Board of Education ("Board") currently employs Jeffrey Rutzky ("Rutzky") as its Superintendent;

**WHEREAS**, the Board and Rutzky agree that it is in the parties' best interest to terminate their employment relationship effective midnight October 19, 2018;

**WHEREAS**, the Board and Rutzky have agreed to enter into the Separation Agreement dated October 19, 2018; and

**WHEREAS**, the New Jersey Commissioner of Education has reviewed and approved of the Separation Agreement pursuant to N.J.S.A. 18A:17-20.a, in a letter dated October 17, 2018;

**NOW, THEREFORE BE IT RESOLVED**, by the Board as follows:

- 1) The Board hereby accepts and agrees to execute the terms and conditions contained in the Separation Agreement dated October 19, 2018;
- 2) The Board further authorizes the Board Vice President to execute the Separation Agreement dated October 19, 2018; and
- 3) That this resolution shall take effect immediately.

**MOTION:** Mr. Schwarzbaum

**SECOND:** Mr. Alper

**VOTE:** 4-0-1 (RC)

**ABSTAIN:** Mr. Charles

**VII. NEXT BOARD MEETING to be held at 8:00 p.m. on November 5, 2018 at West Orange High School.**

**VIII. PETITIONS AND HEARINGS OF CITIZENS**

**IX. ADJOURNMENT at 9:55 A.M.**

**MOTION:** Mr. Schwarzbaum

**SECOND:** Mr. Alper

**VOTE:** 5-0 (VV)

Respectfully submitted,

John Calavano, Board Secretary