

**WEST ORANGE BOARD OF EDUCATION  
Public Board Meeting - 8:00 p.m. – January 7, 2019  
West Orange High School  
51 Conforti Avenue**

**Reorganization Meeting Minutes**

**I. ORGANIZATION OF THE BOARD OF EDUCATION FOR THE ENSUING YEAR:**

- A. The Secretary will assume the Chair; and
- Announce the results of the Annual School Election of November 6, 2018 (Att. #1)
  - Swear in Board Members

**Mr. Calavano, Board Secretary, announced the results of the November 6, 2018 election, and swore in newly elected Board Members Cheryl Merklinger and Terry Trigg-Scales.**

- Roll call of the Members and Pledge of Allegiance

**Present: Mrs. Mordecai, Mr. Robertson, Mr. Alper, Mrs. Merklinger, Mrs. Trigg-Scales**

- Announce the notice of the meeting:
  - That a written notice was sent from the Office of the Secretary of the Board at 4:00 p.m. on December 4, 2018.
  - 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.
  - That said notice was posted in the lobby of the Administration Building of the Board of Education.

B. Election of President, following which the President will assume the Chair.

Sandra Mordecai nominated **Ken Alper** for President of the Board of Education. Mark Robertson nominated **Mark Robertson** for President of the Board of Education.

Motion to close nominations for President of the Board of Education.

**MOTION:** Mrs. Mordecai                      **SECOND:** Mrs. Trigg-Scales                      **VOTE:** 5-0 (RC)

**Ken Alper** for President of the Board of Education - VOTE: 3-2 (RC) Nay: Mr. Robertson, Mrs. Trigg-Scales

**Mr. Alper** was elected President by a majority vote.

C. Election of Vice President

Ken Alper nominated **Sandra Mordecai** for Vice President of the Board of Education. Mark Robertson nominated **Terry Trigg-Scales** for Vice President of the Board of Education.

Motion to close nominations for Vice President of the Board of Education.**MOTION:** Mrs. Trigg-Scales**SECOND:** Mr. Robertson**VOTE:** 5-0 (RC)**Sandra Mordecai** for Vice President of the Board of Education - VOTE: 4-1 (RC) Nay: Mr. Robertson

## D. Designation of Positions - The following positions are filled by the person(s) or firm names:

Business Administrator/Board Secretary	John Calavano
Treasurer of School Monies	Joseph Antonucci
Board Attorneys	Cleary Giacobbe Alfieri Jacobs LLC Methfessel & Werbel
Attendance Officers	David Zawacki, Theodore Wahlers, Frank Yannuzzi
Health Benefits Insurance Broker	Brown & Brown - Michael Mauro
Property/Casualty Insurance Broker	Balken Risk Management
School Physician	ProCare Medical Associates LLC
Anti-Bullying Coordinator	Cheryl Butler
504 Officer	Cheryl Butler
Substance Assistance Coordinator	Cheryl Butler
Right-to-Know Officer	Robert Csigi
AHERA Representative (Asbestos Hazard Emergency Response Act)	Robert Csigi
Integrated Pest Management Coordinator	Robert Csigi
Indoor Air Quality Coordinator	Robert Csigi
Chemical Hygiene Officer	Robert Csigi
Public Agency Compliance Officer	John Calavano
Affirmative Action Officer for Curriculum and Instruction	Elizabeth Veneziano
Affirmative Action Officer for Personnel	Paul Palek
Qualified Purchasing Agent	John Calavano
Custodian of Records	John Calavano
District Liaison to DCP&P (Division of Child Protection and Permanency)	Kristin Gogerty
District Homeless Liaison	Cheryl Butler
Bond Counsel	McManimon & Scotland LLC
Americans with Disabilities Act Coordinator	Kristin Gogerty

Title IX Coordinator	Paul Palek
Claims Auditor	John Calavano
Financial Advisor	Phoenix Advisors
Auditor	Lerch, Vinci & Higgins, LLP

- E. Appoint Eveny de Mendez, Acting Superintendent of Schools, to submit all federal, state, and local grants on behalf of the West Orange Board of Education.
- G. Designation depositories for school funds - PNC Bank, TD Bank and Garden State Community Bank:

Bank	Account Name	Authorized Signature	Required
PNC	Gregory School Activity Account	Principal Assistant Principal Administrative Assistant SBA/BS ABA	2
PNC	Hazel School Activity Account	Principal Administrative Assistant SBA/BS ABA	2
PNC	Kelly School Activity Account	Principal Administrative Assistant SBA/BS ABA	2
PNC	Mt. Pleasant School Activity Account	Principal Administrative Assistant SBA/BS ABA	2
PNC	Redwood School Activity Account	Principal Assistant Principal Administrative Assistant SBA/BS ABA	2
PNC	St. Cloud School Activity Account	Principal Administrative Assistant SBA/BS ABA	2
PNC	Washington School Activity Account	Principal Administrative Assistant SBA/BS ABA	2
PNC	Edison School Activity Account	Principal Assistant Principal Administrative Assistant SBA/BS ABA	2
TD Bank	Liberty School Activity Account	Principal Assistant Principal Administrative Assistant	2

		SBA/BS ABA	
PNC	Liberty Athletic Account	Principal Assistant Principal Administrative Assistant SBA/BS ABA	2
PNC	Roosevelt School Activity Account	Principal Assistant Principal Administrative Assistant SBA/BS ABA	2
PNC	Roosevelt Athletic Account	Principal Assistant Principal Administrative Assistant SBA/BS ABA	2
PNC	Roosevelt School, Jhaveri Memorial Fund	Principal Assistant Principal Administrative Assistant SBA/BS ABA	2
PNC	Roosevelt School, Betty L. Hardy Scholarship	Principal Assistant Principal Administrative Assistant SBA/BS ABA	2
Garden State Community	WOHS Student Activity	Principal Assistant Principal Administrative Assistant SBA/BS ABA	2
TD Bank	WOHS Athletic Fund	Principal Athletic Director Administrative Assistant SBA/BS ABA	2
PNC	General Checking Account	Treasurer Board President SBA/BS	3
PNC	Payroll Account	Treasurer SBA/BS	1
PNC	Payroll Agency Account	Treasurer SBA/BS	2
PNC	SUI Account	Treasurer Board President SBA/BS	2
PNC	FLEX Account	Treasurer SBA/BS	2
PNC	Capital Reserve	Treasurer Board President	2

		SBA/BS	
PNC	Food Services	Treasurer Board President SBA/BS	2
PNC	Inservco - Worker's Compensation	Treasurer Board President SBA/BS	2

- H. Designate The Star Ledger and West Orange Chronicle as the official newspapers.
- I. Readopt existing Bylaws and Policies.
- J. Designate meeting dates for regular business meetings of the Board of Education (Att. #2)
- K. Recommend approval of the chart of accounts. (Att. #3)
- M. Authorize the Purchasing Agent to advertise for bids and competitive contracting and obtain quotes and proposals when the need arises.
- N. Designate Business Administrator, responsible for any and all Board of Education investments, and authorize Business Administrator and the Assistant Business Administrator to make wire transfers amongst Board accounts as may be necessary, and in payment of debt service to JP Morgan Chase Bank for the Benefit of the Depository Trust Company, and The Bank of New York Mellon.
- O. Authorize the use of State Contracts, as detailed in the exhibit attached: (Att. #4).

**WHEREAS:** Title I8A: I8A-I0 provides that, "A board of education, without advertising for bids, or having rejected all bids obtained pursuant to advertising therefore, by resolution may purchase any goods or services pursuant to a contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property"; and

**WHEREAS:** The Board of Education has the need, on a timely basis, to procure goods and services utilizing state contracts; and

**WHEREAS:** The Board of Education desires to authorize its purchasing agent to make any and all purchases necessary to meet the needs of the school district throughout the school year; and

**THEREFORE BE IT RESOLVED:** That the Board of Education does hereby authorize the Purchasing Agent to make purchases of goods and services entered into on behalf of the State by the Division of Purchase and Property.

- P. Authorize the Purchasing Agent to utilize Educational Data Services, Inc. contracts for services and materials, as detailed in the exhibit attached: (Att. #5)
- Q. Authorize the Purchasing Agent to utilize the following agencies for services and materials, as detailed in the exhibit attached: (Att. #6)
  - Educational Services Commission of New Jersey
  - Hunterdon County Educational Services Commission
- R. Authorize the Purchasing Agent to utilize the following agencies for services and materials:
  - Essex Regional Educational Services Commission
  - Monmouth-Ocean Educational Services Commission

- S. Authorize certified school personnel to collect and maintain the following mandated pupil records as per N.J.A.C. 6A:32-7.3 and Policy 5125.00:
- a. The student's name, address, telephone number, date of birth, name of parent(s), gender, citizenship, standardized assessment and test answer sheets (protocol), grades, attendance, classes attended, grade level completed, and year completed.
  - b. Record of daily attendance;
  - c. Descriptions of student progress according to the system of student evaluation used in the school district
  - d. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school district employees;
  - e. Records pursuant to rules and regulations regarding education of students with disabilities; and
  - f. All other records required by State Board of Education.
- T. In compliance with statutes and rules of the State Board of Education, approve the adoption of all existing Board-approved programs and services, curriculum, school objectives and Comprehensive Equity Plan goals until and unless revised by the West Orange Board of Education.

**Items D through T (with the exception of Items F and L)**

**MOTION:** Mr. Robertson

**SECOND:** Mrs. Mordecai

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

F. Board Designations:

Association/Committee	Delegate(s)/Chairperson(s)	Alternate
NJ School Boards Association	Cheryl Merklinger	Terry Trigg-Scales
Essex County School Boards Association	Sandra Mordecai	Ken Alper
Legislative Chairpersons	Terry Trigg-Scales	Ken Alper
Negotiations Committee	Ken Alper/Mark Robertson	Not Applicable
Policy Chairperson	Sandra Mordecai/Terry Trigg-Scales	Not Applicable
Board/Township Liaison	Ken Alper/Cheryl Merklinger	Not Applicable
Public Relations Committee	Mark Robertson/Cheryl Merklinger	Not Applicable

**Item F**

**MOTION:** Mrs. Mordecai

**SECOND:** Mr. Robertson

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

- L. Adopt the following Code of Ethics as per N.J.S.A. 18A:12-21 et seq. and West Orange Board of Education Bylaw 9271.00:

The Members of the Board of Education recognize that they hold authority not as individuals but as Members of the Board. In order to make a clear public statement of its philosophy of service to the pupils of the District, the Board adopts this Code of Ethics:

- a. I will uphold and enforce all laws, rules and regulations of the State Board of

- Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
- b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools which meet the individual needs of all children regardless of their ability, race, creed, sex or social standing.
  - c. I will confine my board action to policy making, planning and appraisal, and I will help to frame policies and plans only after the Board has consulted those who will be affected by them.
  - d. I will carry out my responsibility, not to administer the schools, but, together with my fellow Board Members, to see that they are well run.
  - e. I will recognize that authority rests with the Board of Education and will make no personal promises nor take any private action that may compromise the Board.
  - f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
  - g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow Board Members, interpret to the staff the aspirations of the community for its schools.
  - h. I will vote to appoint the best-qualified personnel available after consideration of the recommendation of the chief administrative officer.
  - i. I will support and protect school personnel in proper performance of their duties.
  - j. I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

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**Item L - Each Board Member read aloud two sub-categories of the Code of Ethics.**

**MOTION:** Mr. Robertson

**SECOND:** Mrs. Trigg-Scales

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

### III. PETITIONS AND HEARINGS OF CITIZENS

#### IV. EXECUTIVE SESSION at 9:10 p.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 two (2) issues are 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 Monday, January 7, 2019 at 9:10 P.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 are:
- "(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 are: Employee Numbers 7855 and 7594.



□ "(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 fifteen (15) 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)

**V. RETURN TO PUBLIC SESSION at 9:41 p.m.**

**VI. Resolution to approve contract for Acting Superintendent of Schools: (Att. #7)**

**RESOLVED**, that the Board approve a contract of employment for Eveny de Mendez effective for the period of January 8, 2019 through June 30, 2019, which has been reviewed and approved by the County Executive Superintendent in accordance with N.J.A.C. 6A:23A-3.1.

**MOTION:** Mrs. Mordecai

**SECOND:** Mrs. Trigg-Scales

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

**VII. Resolution to approve contract for Acting Assistant Superintendent for Curriculum and Instruction: (Att. #8)**

**RESOLVED**, that the Board approve a contract of employment for Elizabeth Veneziano effective for the period of January 8, 2019 through June 30, 2019, which has been reviewed and approved by the County Executive Superintendent in accordance with N.J.A.C. 6A:23A-3.1.

**MOTION:** Mr. Robertson

**SECOND:** Mrs. Mordecai

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

**VIII. NEXT BOARD MEETING to be held at 6:30 p.m. (Public Session at 8:00 p.m.) on January 28, 2019 at West Orange High School.**

**IX. EXECUTIVE SESSION at 9:43 p.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 two (2) issues are 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 Monday, January 7, 2019 at 9:43 P.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: Attorney advice on HIB Hearing Procedures/Appeals.

□ "(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 are: WOEa Contract Negotiations.

□ "(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 are:

□ "(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 sixty (60) 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:** Mrs. Trigg-Scales                      **VOTE:** 5-0 (VV)

**X.      RETURN TO PUBLIC SESSION at 11:00 p.m.**

**XI.     ADJOURNMENT at 11:01 p.m.**

**MOTION:** Mr. Robertson                      **SECOND:** Mrs. Trigg-Scales                      **VOTE:** 5-0 (VV)

**Respectfully submitted,**

**John Calavano, Board Secretary**