

BOARD OF EDUCATION
(Official)

June 16, 2016
Elizabeth, New Jersey

The regular meeting of the Board of Education was called on June 16, 2016 at 6:30 p.m., at William F. Halloran School No. 22 located at Monsignor João Antão School No. 31, 1014 South Elmora Avenue, Elizabeth, New Jersey.

Board President Charlene Bathelus presented the following statement at 6:50 p.m.

“Ladies and Gentlemen, good evening. This is a regularly scheduled meeting of the Board of Education. Pursuant to New Jersey Statutes and the rules adopted by the Board of Education, notice of this meeting was sent to The Star Ledger and Cablevision of Elizabeth on Monday, June 13, 2016. In addition, this notice is posted on the Bulletin Board in the lobby of 500 North Broad Street, and pursuant to this act, a copy has been filed with the City Clerk of Elizabeth.”

“I wish to extend a warm welcome to everyone present and to our television viewers to this June 16, 2016 meeting of the Board of Education. We are here to govern, provide management oversight, and make policy for the district. The Superintendent manages the district. This is a meeting of the Board in public, not a meeting of the public.”

“This meeting is being recorded and will become part of the Elizabeth Board of Education permanent record. In order that the recording will adequately reflect the proceedings, please refrain from talking while others are speaking. I also ask that you silence the sound on your electronic devices. Since it is legally mandated that these proceedings be accurately recorded, I may have to ask for order periodically should noise begin to interfere with our recording capabilities. I am pleased that you have taken time this evening to join us. Thank you for your interest in the Elizabeth Public Schools.”

“There will be a public portion for citizens to address the Board. Participants for the public portion must sign in prior to the commencement of public participation so that they may have the opportunity to speak. The sign-in sheet states the name, address, telephone number and reason that the person wants to comment, whether it is an agenda item or a general education comment.”

Present: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira (arr. 8:15 p.m.), Rodriguez, Trujillo, Ms. Bathelus – 9

Absent: None

Superintendent of Schools Olga Hugelmeyer, School Business Administrator/Board Secretary Harold E. Kennedy, Jr., Assistant Superintendent for Schools Rafael Cortes, Assistant Superintendent for Schools Linda Seniszyn, Interim Assistant Superintendent for Teaching and Learning Jennifer Cedenno, Interim Assistant Superintendent for Human Resources Francisco Cuesta, Co-General Counsel Jonathan Williams, Esq. of DeCotiis, Fitzpatrick & Cole, LLP, and members of the public were in attendance.

Colors were presented during the Flag Ceremony by members of the Admiral William F. Halsey, Jr. Health & Public Safety Academy Marine Corps Junior R.O.T.C.

The Pledge of Allegiance was led by students in the William F. Halloran Jazz Band and Chorus.

The *Star Spangled Banner* by Francis Scott Key was performed by students in the seventh and eighth grade William F. Halloran Choir and Concert Band.

The Puerto Rican national anthem was played.

The Pledge of Ethics was led by students in the William F. Halloran Jazz Band and Chorus.

Ms. Bathelus introduced a video presentation of the Core Beliefs and Commitments.

Ms. Bathelus introduced students in the William F. Halloran Jazz Band who performed *Bubbert Takes the Train* by Mike Steinel and *Funky Cha Cha* by Arturo Sandoval. Ms. Bathelus thanked the students for a wonderful performance.

Ms. Bathelus recognized Union County Undersheriff Mickey Colon and 1st Ward Councilman Carlos Torres who were in attendance.

Ms. Bathelus introduced the William F. Halloran Staff Choir who performed *Love Is* by Dr. Kim and accompanied by Michael Webb, Jr. on clarinet and saxophone. Ms. Bathelus thanked the staff members for a wonderful performance.

Superintendent of Schools Olga Hugelmeyer stated that tonight we are honoring the career of an educator who has made an indelible mark on the learning community of this building since it opened in 2006. Mrs. Hugelmeyer stated that Principal of William F. Halloran School No. 22 @ 31 Michael Webb has served the Elizabeth Public Schools with great ambition and dedication for 41 years. Mrs. Hugelmeyer stated that as the longtime Principal of William F. Halloran School No. 22 Mr. Webb has guided the gifted and talented program with highly effective leadership. Mrs. Hugelmeyer stated that under his direction, William F. Halloran School No. 22 was recognized by the United States Department of Education with the National Blue Ribbon designation in 2006 and again in 2014. Mrs. Hugelmeyer stated that the school was recognized in 2015 by the New Jersey Department of Education as a National Title I Distinguished School among many other recognitions. Mrs. Hugelmeyer stated that William F. Halloran School No. 22 has long been synonymous with excellence and Mr. Webb has been a guiding force behind that. Mrs. Hugelmeyer stated that on a more personal level she was able to experience his calm and compassionate nature during her time as a teacher at Nicholas S. LaCorte-Peterstown School No. 3 when he was serving as a vice principal. Mrs. Hugelmeyer stated that her mother also experienced his wonderful disposition when she was teaching at Madison-Monroe School No. 16 during which he was principal. Mrs. Hugelmeyer stated that she along with the team members who are here from William F. Halloran School No. 22 are among the countless team members who have served as educators here at the Elizabeth Public Schools whose lives have been made better having worked with and known Michael Webb. Mrs. Hugelmeyer thanked him for his steady leadership of the gifted and talented program and for his dedication to our students. Mrs. Hugelmeyer and Board members presented Michael Webb with a certificate of commemoration.

Principal of William F. Halloran School No. 22 @ 31 Michael Webb thanked the Board for the honor and stated that it takes a team and it takes a community to run a school. Mr. Webb stated that he has been blessed for over 41 years for his wonderful career and to return to the district that he lived in and went to school. Mr. Webb thanked everyone for their great support over the years.

Mr. Rodriguez recognized students from William F. Halloran School No. 22 @ 31 who were selected to the National Junior Honor Society including Nehad Ali, Kevin Almonte, Jason Alvarez, Deborah Amaya, Reynaldo Arias, James Bally, Lukas Czarnocki, Nicole Esteves, Adamarys Flores, Rafa Hossain, Tasnia Hossain, Madison Huntley, Zakiy Manigo, Johanna Martinez, Amy Mendez, Rowan Nagy, Joseph Riascos, Romina Rosa, Ethan Ruiz, Samuel Wan,

and Christian Yanez. Mr. Rodriguez and Board members congratulated the students and presented each with a plaque of commemoration.

Mrs. Carvalho recognized students from William F. Halloran School No. 22 @ 31 who were selected to be Student Council Representatives including Brandon Alpazar, Alex Boateng, Chance Bottichello, Martinho Codo, Santos Colon, Edris Holiday, Christina Jarress, Rashada Kaba, Monthanin Kabir, Mike Lee-Thezard, River Lopez, Kendra McCrea, Angelina Miller, Abigail Mosie, Maria Nadeem, Rowan Nagy, Lindsey Ospina, Gabriella Paroski, Nicole Perdomo, Alyssa Quinones, Ashley Rakotoarivo, Sara Rincon, Jonathan Silva, Jordan Stinett, Sarah Rodas, Emma Ruiz, Ines Teso, Ashley Vazquez, Caroline Vivanco, and Luis Zuelota. Mrs. Carvalho and Board members congratulated the students and presented each with a certificate of commemoration.

Mr. Trujillo recognized Ashley Vizcaino who was selected as the winner of the National Cybersecurity Poster Competition. Mr. Trujillo stated that students in grades K-12 were invited to participate in the State of New Jersey's Kids Safe Online Poster Contest which was sponsored by the New Jersey Cybersecurity and Communications Integration Cell in conjunction with the Multi-State Information Sharing and Analysis Center. Mr. Trujillo stated that this is a national contest which encourages our youth to use the internet safely and securely. Mr. Trujillo stated that the winning posters from New Jersey, one from each grade, were submitted to the National Multi-State Cyber Security Awareness Poster Contest. Mr. Trujillo stated that the national winning posters are displayed in the National Stay Safe Online Calendar and may also be used in campaigns to raise awareness among children of all ages about internet and computer safety. Mr. Trujillo and Board members congratulated Ashley Viscaino and presented her with a certificate of commemoration.

Mr. Trujillo introduced Michael Vance, Cyber Liaison Officer from the New Jersey Cybersecurity and Communications Integration Cell, and Gregory Williams, Sergeant 1st Class, New Jersey State Police and President of the New Jersey of School Resource Officers.

Mr. Michael Vance stated that he has an announcement to make tonight. Mr. Vance stated that Ashley Viscaino is not only the seventh grade National Cybersecurity Poster Winner but her poster was chosen as the overall Winner of the National Cybersecurity Poster Contest. Mr. Vance congratulated Ashley as being the overall Winner of the National Cybersecurity Poster Contest. Mr. Vance and Mr. Williams congratulated Ashley Viscaino and presented her with a certificate of accomplishment.

Gregory Williams, Sergeant 1st Class, New Jersey State Police and President of the New Jersey of School Resource Officers stated that they are so proud to work with Homeland Security. Sergeant Williams congratulated Ashley Viscaino and stated that he is so proud of the work by Ashley Viscaino who is No. 1 in the nation.

Mr. Neron recognized the Boys Spring Track and Field Varsity Team who won the NJSIAA Group 4 Championship. Mr. Neron stated that Dodley Thermitus had one of the greatest triple jump performances in state history at the Group 4 State Championships as he soared 50 feet, 3¼ inches on his first attempt in the finals to break the Group 4 State Record. Mr. Neron stated that Dodley moved into No. 3 on the state's all-time list and No. 8 on the United States all-time list. Mr. Neron stated that Dodley followed that performance with a win in the triple jump at the NJSIAA Meet of Champions finishing with a jump of 49 feet, 7¼ inches which marked the first victory at the Meet of Champions for an Elizabeth athlete since 1990. Mr. Neron stated that Jaquan Mial also had great success in the triple jump event finishing 3rd at the Group 4 Championship and 2nd at the Meet of Champions with a final jump of 47 feet, 3¾ inches to give Elizabeth a one-two finish at an event in the NJSIAA Meet of Champions for the first time in Elizabeth Athletics history. Mr. Neron stated that Miguerson Joseph performed among the state's best sprinters finishing 10th in the 100 Meter Dash. Mr. Neron congratulated all of the Boys

Track and Field Team and Coaches Anthony Williams, Michael Penta, Tim McManus, Mike Sacca, and Ishmael Medley, and Head Coach Austin Holman. Mr. Neron and Board members congratulated that student athletes and coaches and presented each with a certificate of commemoration.

Mrs. Amin recognized the Minutemen Golf Team for their success finishing in a tie for 2nd Place in the entire Mountain Division Tournament. Mrs. Amin recognized Harold Carias, Xavier Beltran, Jessa Saint Laurent, Jean Carlos Rosario, Luis Torres, Miguel Salcedo, and Coach Barry Gastelu. Mrs. Amin and Board members congratulated the student athletes and coach and presented each with a certificate of commemoration.

Mr. Rodriguez recognized the Admiral William F. Halsey, Jr. Health and Public Safety Academy Marine Corps Junior R.O.T.C. Physical Fitness Team members who placed 2nd out of 241 schools throughout the nation at the 2016 National Youth Physical Fitness Competition in San Diego, California. Mr. Rodriguez stated that individually Elvin Castillo placed 6th in the nation. Mr. Rodriguez recognized Steven Granados, Thyshown Esperence, Jan Rosas, Elvin Castillo, Eric Arias-Ortiz, Victor Elvin and coach Master Sergeant Gerald for their tremendous achievement. Mr. Rodriguez and Board members congratulated the students and coach and presented each with a certificate of accomplishment.

Mr. Nina recognized students who were selected by the Consulate General of the Dominican Republic in New York for the Meritorious Student Award including Mariana Abreu, Dannys Sosa, and Lisbeth Veras from Admiral William F. Halsey, Jr. Health and Public Safety Academy; Denise Alves and Heidy Tejada from Alexander Hamilton Preparatory Academy; Aaron Taveras from Elizabeth High School; Angel Castillo, Andy Mateo, and Christian Polanco from John E. Dwyer Technology Academy; and Ross De Jesus Perez Collado from Thomas Jefferson Arts Academy. Mr. Nina and Board members congratulated the students and presented each with a plaque of commemoration.

Miss Goncalves recognized team members for their dedication and commitment to excellence including technology project manager Luis Ferreira and electricians Emanuel Adames, Jose Antonio, and Robert Linder. Miss Goncalves and Board members congratulated them and presented each with a certificate of commemoration.

Ms. Bathelus stated that she has had office hours over the last several months and has been meeting with teachers or community members and they always brought different ideas to her. Ms. Bathelus stated that Terence C. Reilly School No. 7 PTO President Sima Farid took time out of her schedule to send an email informing her that there are about 125 students at Terence C. Reilly School No. 7 who achieved the highest level in the PARCC exam. Ms. Bathelus stated that we will be recognizing these students at their graduation next week. Ms. Bathelus stated that the email also stated that there are teachers at Terence C. Reilly School No. 7 who went above and beyond to help the students achieve excellence on the PARCC exam. Ms. Bathelus stated that tonight we will be recognizing the teachers.

Mr. Nina stated that the Star Ledger published an article revealing the top schools and districts in grades 3 through 11 for math and language arts categories in Union County for the Partnership for Assessment of Readiness for College and Careers (PARCC). Mr. Nina stated that Terence C. Reilly School No. 7 was listed as the highest ranked school in Union County for seventh grade language arts in PARCC with 51.2% of students reaching the highest level "Exceeding Expectations" category of achievement. Mr. Nina recognized the following seventh grade teachers including Vincent Caldarulo, William Culp, Tammy Jones, and Lynn Rubin; Supervisor of Language Arts Maria Fabiano; Principal Theodore Panagopoulos; and PTO President of Terence C. Reilly School No. 7 Sima Farid. Mr. Nina and Board members congratulated them and presented each with a certificate of commemoration.

Ms. Bathelus stated that the Puerto Rican Alliance of Elizabeth which is dedicated to Puerto Rican issues and community involvement in Elizabeth. Ms. Bathelus recognized the Puerto Rican Alliance of Elizabeth Board of Directors member and City of Elizabeth 1st Ward Councilman Carlos Torres on behalf of the Alliance honoring Puerto Rican Heritage. Ms. Bathelus and Board members congratulated Carlos Torres and presented him with a certificate of commemoration.

Puerto Rican Alliance of Elizabeth Board of Directors member and City of Elizabeth 1st Ward Councilman Carlos Torres thanked the Board for the honor and invited everyone to the Puerto Rican flag raising on June 24th in front of City Hall.

Ms. Bathelus stated that she has designated summer office hours from 5:30 p.m. to 7:00 p.m. every other Monday night starting in July during which Elizabeth families may make an appointment to meet and discuss any issues or concerns pertaining to the Elizabeth Public Schools. Ms. Bathelus stated that 2016 Graduation is on June 22nd at Williams Field. Ms. Bathelus thanked the teachers and students for their dedication to teaching and learning throughout this year and congratulated them on their success this year. Ms. Bathelus stated that she spent several weeks visiting all 35 schools as part of the President's Tour and she had the opportunity to see the many great educational programs and lessons that are taking place in the Elizabeth Public Schools. Ms. Bathelus stated that she is confident that a high quality education is being provided to our students and as they graduate they will leave our schools and be ready to succeed in college and in life. Ms. Bathelus stated that she will be speaking to the 2016 graduating class and would like to publicly congratulate them for the work they have put in to get to this point. Ms. Bathelus stated that she looks forward to greeting them as they walk across the stage to receive their diplomas and wishes them well as they advance to the next chapter of their lives ready to take on the world.

Board President Bathelus presented the following public participation statement.

“At this time, the microphones are open for public comment to those who have signed in. I shall call individuals to the microphones based on the order of the sign-in. Each statement made by a participant shall be limited to three minutes in duration. The total time of public comment shall be limited to sixty minutes. No individual is able to yield their time to another individual. All statements shall be directed to the presiding officer; no participant may address or question Board members individually. The following rules for public participants shall apply: time limits will be strictly enforced, no personal attacks on individuals, no vulgar or indecent language, a person may address the Board no more than once during a single meeting, speakers should refrain from naming individuals, and comments or questions posed during public participation will not be debated. As a reminder, this is a meeting of the Board in public, not a meeting of the public.”

Ms. Bathelus called upon the first public participant to address the Board.

Two students along with members of the football team spoke in support of the coach.

Ms. Bathelus thanked them for coming to speak. Ms. Bathelus called upon the next public participant, Christina Moreira, to address the Board.

Christina Moreira, 805 Gebhardt Avenue, asked about the external public relations firm.

Ms. Bathelus thanked her for her comments and called upon the next public participant, Maria Lorenz, to address the Board.

Maria Lorenz, 103 Murray Street, spoke about an incident and the lack of communication.

Ms. Bathelus thanked her for her comments and called upon the next public participant, Betty Crawley, to address the Board.

Betty Crawley, 229 Cranford Avenue, Cranford, stated that she is a retired library/media specialist from the Elizabeth Public Schools and is concerned about the school libraries.

Ms. Bathelus thanked her for her comments and called twice upon the next public participant, Franz Pierre Louis, to address the Board. Since Mr. Louis did not come forward, Ms. Bathelus called upon the next public participant, Shamikah Jenkins, to address the Board.

Shamikah Jenkins, asked about PTO/PTA contracts, fundraisers, and trips.

Mrs. Hugelmeyer requested that she speak with Assistant Superintendent for Schools Linda Seniszyn.

Ms. Bathelus thanked her for her comments and called upon the next public participant, Denise Carol, to address the Board.

Denise Carol, spoke about the football coaching position.

Ms. Bathelus thanked her for her comments and called upon the next public participant, Jalil Grady, to address the Board.

Jalil Grady, spoke about the football coaching position.

Ms. Bathelus thanked her for her comments and called upon the next public participant, James Carey, to address the Board.

James Carey, 212 Inslee Place, spoke about the football coaching position.

Ms. Bathelus thanked him for his comments and called upon the next public participant, Sima Farid, to address the Board.

Sima Farid, 531 Jefferson Avenue, asked about the Fun Day funds for New Hope and Jefferson Park when other schools have to do fundraising for activities. Ms. Farid stated that there is a grant program for library books.

Ms. Bathelus thanked her for her comments and called upon the next public participant, Constance Thomas, to address the Board.

Constance Thomas spoke about the football coach.

Ms. Bathelus thanked her for her comments. Since there were no other public participants signed in to address the Board, Ms. Bathelus closed this portion of the meeting.

Superintendent of Schools Olga Hugelmeyer stated that the posting for all head coaches has been extended through July.

Ms. Bathelus stated that the next report is from the Forensic Auditor and introduced Dieter Lerch from Lerch, Vinci & Higgins, LLP and Lester Taylor III, Esq., Florio Perrucci Steinhardt & Fader LLC to present an update to the forensic audit report.

Lester Taylor III, Esq., Florio Perrucci Steinhardt & Fader LLC, stated that Dieter Lerch from Lerch, Vinci & Higgins, LLP is presenting an update to the extent that is possible in public with regard to their review of various items.

Dieter Lerch from Lerch, Vinci & Higgins, LLP stated that the first item for review is professional fees paid to the law firm of Pashman Stein. Mr. Lerch stated that the law firm was

hired by the Board in June 2011. Mr. Lerch stated that essentially this firm worked on six different matters including representing the prior Board in the Antonio Rivera matter in which case the Board paid \$307,000., representing the prior Board in the Anthony Pace matter in which the firm was paid \$798,000., representing the Board in the Lesniak matter for \$120,000., and the next item which was the crux of the initial appointment in June 2011 was to conduct an internal review of certain Board actions and certain newspaper articles at that time in which the Board paid \$711,000. Mr. Lerch stated that the firm did some general work for \$131,000., a matter with McCarter & English for \$586,000., and a Murray investigation for \$107,000. Mr. Lerch stated that the firm billed the Board of Education and was paid by the Elizabeth Board of Education \$2,764,000. for professional services rendered. Mr. Lerch stated that he is focusing on the excess billings and explained that when this Board executed and entered into a contract with the Pashman firm the contract approved the hourly rates for only the three lead attorneys. Mr. Lerch stated that there were no other hourly rates approved in any of the contracts that were executed between the firm and this Board of Education. Mr. Lerch stated that what the analysis did was to state that for those individuals who were not explicitly approved for an hourly rate we implemented the usual and customary rate that the Elizabeth Board of Education paid during that time period to other law firms for services rendered. Mr. Lerch stated that amount was \$165. an hour. Mr. Lerch stated that when we do that calculation and substitute the rate that individuals are paid for the \$165. an hour we have calculated that the Board has paid the firm Pashman Stein \$1,069,000. over and above what the Board typically pays for usual and customary legal services. Mr. Lerch explained a Power Point chart that showed the initials of the attorneys and paralegals who worked on the account of the Elizabeth Board of Education, number of hours spent by the individual on Board work, actual rate invoiced that the law firm billed for each individual to the Board of Education, and the usual and customary rate. Mr. Lerch stated that where the rate was approved by contract we allowed that rate and where there was no approved rate we inserted the usual and customary rate of \$165. an hour. Mr. Lerch stated that only three attorneys had their rates formally approved by this Board. Mr. Lerch stated that the first individual billed the Board \$500. an hour but the contract that he had executed with this Board stated that he would bill at \$500. an hour and hence there was no adjustment. Mr. Lerch stated that the second individual actually had two different rates approved by this Board depending on the period of time that the work was performed and that billing rate ranged from \$400. an hour and at other times for \$425. an hour. Mr. Lerch stated that individual actually billed at some higher rates some times and showed that he billed at \$400., \$425., and then he billed at \$450. an hour when he was only approved for \$400. an hour so the Board is entitled to a credit back of \$14,000. Mr. Lerch stated that he also billed at \$450. when he was entitled to \$425. at that point and so just for that individual the Board was invoiced \$29,000. in excess of his approved rate. Mr. Lerch stated that the third individual was also approved at \$400. and \$425. an hour and pretty much billed at that rate except for \$185. Mr. Lerch stated that the next individual, D.T.S. worked on the account for 744 hours and billed the district an hourly rate of \$375. an hour for some work, \$400. an hour for 700 hours, and then even \$450. for another hour. Mr. Lerch stated that individual was not one of the three specific approved attorneys at those higher rates and what the analysis does and what our audit shows is that had the district paid its usual and customary rate of \$165. an hour for that individual's services the district would receive a credit of \$174,000. on that individual alone. Mr. Lerch stated that the next one based on that same premise the district is entitled to a credit of \$125,000. Mr. Lerch stated that the next one the district is entitled to a credit of \$97,000. had it paid the usual and customary rate. Mr. Lerch stated that the next one the difference is \$95,000. and the next one the district may be entitled to a credit of \$39,000. Mr. Lerch stated that lastly there was a billing error where the invoice actually didn't foot so it is another credit due to the district of \$3,810. Mr. Lerch stated that had the district been billed for all the attorneys at \$165. an hour, except for those three lead attorneys that had been approved specifically, the district would have been billed \$1,069,000. less than what it actually paid.

Mr. Taylor stated that he would like to add one point of clarification. Mr. Taylor stated that an issue separate and aside from the usual and customary rate is that when a Board engages a firm to do work there may be a provision that says partners get compensated at a certain rate or

get billed at a certain rate and associates at a different rate. Mr. Taylor stated that every one of your contracts may not itemize or identify each individual provider of the service but it will reference the rate at which categories of people will be charged. Mr. Taylor stated that in the engagement letters or contracts with this firm they specifically referenced three individuals at certain and varying rates but made no reference to the rate for other associates or other attorneys in general which is an issue that was identified. Mr. Taylor stated that he gave each Board member a proposed revised policy based upon this particular issue, Policy File Code 3227, which his office recommends that this Board review this evening and adopt as a first reading in preparation for it to be reviewed and implemented with a second reading at the next Board meeting. Mr. Taylor stated that the proposed changes for review are that professional service contracts shall be issued in a deliberative and efficient manner that ensures the district receives the highest quality services at a fair and competitive price, the professional services contracts shall be limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct, compensation of professional services shall be limited to the usual and customary rate for provision of services to public entities and the Board shall seek to avoid excessive professional service expenditures. Mr. Taylor stated that there are examples of how you can do that, namely, but not limited to, procurement of services through a RFP or RFQ process, as well as establishing a not-to-exceed number when the contract is awarded which was lacking in prior practice and/or contracts. Mr. Taylor stated that the Board in conjunction and consultation with your administration should set reasonable not-to-exceed numbers for not just budgeting purposes but also accountability purposes on both sides of the equation. Mr. Taylor stated that the policy says that if and when the not-to-exceed number may need to be increased the provider shall give the Board written notice in advance that based upon the complexity of issues, based upon the volume of issues, based upon the length of time a case is taking to go from start to finish they are recommending or asking for a certain increase. Mr. Taylor stated that provides a level of accountability both to the public and to the client which is the Board of Education as these engagements go forward. Mr. Taylor stated that there are certain changes in the rest of the document but they are all consistent with those recommendations so that you as a Board can be in compliance with state law Title 18A but also fiscal accountability regulations found in Title 6A of the administrative code. Mr. Taylor stated that Mr. Lerch made a reference that the Board may be able to receive a credit and if there are any questions about how or whether the Board may pursue said credits, reimbursements, etc. his advice would be to discuss that in closed executive session as that would be protected by the anticipated litigation or attorney/client privilege exception to the Open Public Meetings Act.

Mr. Trujillo stated that he hasn't reviewed the policy but Mr. Taylor gave them an overview of what it is. Mr. Trujillo asked Mr. Taylor would this policy for example apply to Mr. Lerch's contract. Mr. Trujillo stated that Mr. Lerch's contract was originally for \$25,000. if his memory serves him correctly, he then got approval to raise the cap to \$160,000. and his responsibilities were expanded. Mr. Trujillo stated that he is roughly at about \$120,000. with the \$32,000. that they are billing today. Mr. Trujillo asked if this policy would affect the way his current contract sits and would he have to send us a letter and tell us he found something else a little more complicated and wants to go above \$160,000. or would he have to come back for approval for even more money.

Mr. Taylor stated that the answer is prospectively and this policy would apply prospectively for any current contracts if there isn't language establishing a not-to-exceed amount. Mr. Taylor stated that the Board is free and advised to do so for the balance of the term. Mr. Taylor stated yes but to the extent the language wasn't there that is not in violation because it wasn't in the policy.

Mr. Williams stated that Mr. Taylor's proposed language will be subject to two readings and perhaps the subject of further examination in committee. Mr. Williams stated that would address prospective contracts. Mr. Williams stated that the answer to Mr. Trujillo's question about Mr. Lerch's contract and whether he is obligated to come back before this Board. Mr.

Williams stated that the increase that Mr. Trujillo referenced also included an increase in the scope of services because he was also authorized to do work on the labor negotiations which have been extremely successful and the budget process which was also extremely successful. Mr. Williams stated that the increase in the cap that he already received was because he had an expansion in the scope of authorized services from this Board. Mr. Williams stated that if he approaches that cap before he can be paid for even a single dollar over that cap that would require further approval from the Board.

Mr. Trujillo stated that he did mention that it was an expansion of service. Mr. Trujillo stated that in an effort for transparency, and please forgive him if he embarrasses anyone by his next question, but the truth is he wants to be transparent. Mr. Trujillo asked Mr. Williams if he ever represented the City of East Orange or its school board or his law firm.

Mr. Williams stated that his law firm currently represents the school board for the City of East Orange.

Mr. Trujillo asked Mr. Taylor if he holds any political office in the State of New Jersey.

Mr. Taylor stated that he is not sure what the relevance to this presentation this evening is but the answer is yes.

Mr. Trujillo asked Mr. Taylor if he would be wrong in saying that Mr. Taylor is the Mayor of East Orange.

Mr. Taylor responded you would not be.

Mr. Trujillo stated that could be perceived to the public as perhaps a conflict between Mr. Taylor and Mr. Williams which he is sure isn't. Mr. Trujillo stated that not being an attorney but you could see how a layman, like himself, or someone in his household or his neighbors could see that as a conflict where Mr. Taylor and Mr. Williams are currently working outside of Elizabeth and currently in Elizabeth.

Mr. Taylor stated that he and Mr. Williams do not work in that capacity. Mr. Taylor stated that he would suggest to Madam Chair that this line of questioning is beyond the scope of relevance for your meeting this evening. Mr. Taylor stated that he is happy to discuss this issue with Mr. Trujillo at another time but there is no concern on his end.

Mr. Trujillo stated that, in all fairness, as an elected official in the City of Elizabeth and in public session he has the authority and the privilege to ask questions. Mr. Trujillo stated that Mr. Taylor works for him essentially.

Mr. Taylor stated that he works for the Board.

Mr. Trujillo stated that is right and he is a member of the Board and so you work for the Board. Mr. Trujillo stated that he does not think it is unfair or unjust to ask a question whether it is relevant to Mr. Taylor or not and that it is relevant to his constituents. Mr. Trujillo stated that Mr. Taylor can understand that being the Mayor of East Orange where your constituents want to hold you accountable.

Mr. Williams stated that his law firm is the General Counsel to the Elizabeth Board of Education. Mr. Williams stated that Mr. Taylor is the Mayor of the City of East Orange. Mr. Williams stated that they are two separate entities and there is no conflict and there is no appearance of conflict. Mr. Williams stated that Mr. Taylor doesn't have anything to do with hiring him, approving his bills, or anything in between in the City of East Orange. Mr. Williams stated that we do not represent you as an individual or his attempts to divert this Board from the

issues which are before it tonight. Mr. Williams stated that we represent the Board of Education as a whole body and the body right now is engaged in receiving a report which is very pertinent to the operations of the Board which preceded the current Board majority. Mr. Williams stated that when you raise these issues trying to divert attention from the fact that the prior Board wasted millions of dollars on legal fees.

Mr. Trujillo stated allegedly.

Mr. Williams stated that we should get back to the agenda and listen to the report from Mr. Lerch.

Mr. Trujillo asked Mr. Williams if he ever contributed to Mr. Lester Taylor's campaign.

Mr. Lerch stated that the second item was a review of the district's unemployment claims that were paid out in 2015. Mr. Lerch stated that, specifically, they looked at claims that were paid to individuals during the summer months of 2015. Mr. Lerch stated that for the three month period ending September 30, 2015, the district paid out a total of \$902,000. in unemployment claims. Mr. Lerch stated that they looked at the individuals who received unemployment benefits and they developed a list of questionable claims against the district. Mr. Lerch stated that they have identified approximately 20 individuals, most of who are teachers, most of them are tenured and certified. Mr. Lerch stated that these individuals received, collectively, about \$110,000. in unemployment claims during the summer of 2015. Mr. Lerch stated that those same individuals were employed by the district prior to the summer of 2015 and they were all employed by the district come September 2015. Mr. Lerch stated that their recommendation, since this once again involves personnel, is to turn the matter over to the Board for consideration with special counsel to determine whether or not there are extenuating circumstances of some nature or some rationale as to why they would have received unemployment benefits.

Mr. Taylor stated that he would like to add additional information which really highlights how serious this concern is. Mr. Taylor stated that on a list of employees that received unemployment compensation there is a strong presumption that those employees Mr. Lerch referenced had been employed in this district for a period of time sufficient for them to have earned tenure. Mr. Taylor stated that it is questionable how a tenured employee(s) could obtain unemployment compensation benefits if there was a reasonable assurance per statute that they would be reemployed come September 1 of the next succeeding school year. Mr. Taylor stated that a different category of concern are some hourly and/or annually appointed employees in various categories that may have had a reasonable assurance that they would be reemployed because each year they were rehired but during the summer months applied for and received unemployment benefits. Mr. Taylor stated that this is the issue that we need to consult with the business office, human resources office, to review the legality of those claims made to review the process under which they are reviewed, to review whether the district as an employer is properly responding to the administrative agency that reviews these claims when the applications are made. Mr. Taylor stated that there is a substantial expense to this employing agency for not properly contesting or posing applications and/or permitting individuals who are otherwise not entitled to receive these applications or benefits in the first place. Mr. Taylor stated that as indicated it is in the tens of thousands of dollars if not more.

Mr. Nina asked how does that affect the district and doesn't the employee pay into unemployment.

Mr. Lerch stated that the employee does pay a very small portion into the unemployment fund but the district is on the self-insurance method for unemployment claims. Mr. Lerch stated that every individual who works for the district pays a very nominal amount into it but when an actual claim comes in the district pays 100% dollar for dollar. Mr. Lerch stated that the

\$110,000. that was paid out to these questionable individuals that total amount was billed to the district and the district had to pay in the \$110,000.

Mr. Lerch stated that the third item has to do with credit card charges for the Lowe's Home Center. Mr. Lerch stated that this is similar to previous reports that they have given with some of the vendors that the district uses. Mr. Lerch stated that Lowe's Home Center is equivalent with Home Depot. Mr. Lerch stated that the district spent \$208,000. over the last four years. Mr. Lerch stated that Lowe's Home Center has a state contract. Mr. Lerch stated that if you have a state contract any item under state contract does not need to be bid. Mr. Lerch stated that the state contract with Lowe's Home Center is for walk-in items. Mr. Lerch stated that Lowe's Home Center has a contract throughout the State of New Jersey so that if someone needs a hammer or a drill or a piece of plywood they have the state contract so you can walk in and purchase that item. Mr. Lerch stated that when they reviewed the purchases by the Elizabeth school district, the school district utilizes Lowe's for what they call special order items not walk-in items. Mr. Lerch stated that these items were custom ordered and quite honestly the bulk of the purchases, over 80% of the purchases, were special item purchases and not walk-in items. Mr. Lerch stated that the district purchased Trek decking for about \$46,000., carpet tiles for \$80,000., ceiling tiles for \$42,000., and some miscellaneous items. Mr. Lerch stated that their recommendation is that the purchases with this vendor are only permitted under state contract for walk-in items and any other purchases should be discontinued.

Mr. Taylor stated that at the April Board meeting they were provided with the legal memorandum outlining the public school contracts law and we spent extensive time in public discussing the difference between emergency purchases under the bid requirements and/or professional services for items below the threshold. Mr. Taylor stated that some of the reasons for the transactions at Lowe's while they may have been emergent there is a statute and procedure to procure goods and services under the emergency exception. Mr. Taylor stated that a credit card on a state authorized vendor list doesn't satisfy that. Mr. Taylor stated the policy updating and revising your procurement practices has been submitted to the business office and it is on tonight's agenda for a first reading. Mr. Taylor stated that it will be adopted at second reading at the next Board meeting. Mr. Taylor stated that it is strongly recommended to discontinue that practice of using that credit card for anything other than incidental routine type of issues versus larger scale \$50,000. decking purchases and/or hardware purchases.

Mr. Lerch stated that concludes his report.

Mr. Trujillo stated that for six months now we have been hearing this report and this audit and a lot of great information. Mr. Trujillo stated that what he hasn't heard is when are we going to start recouping some of this money. Mr. Trujillo stated that he doesn't hear a plan to recoup this money. Mr. Trujillo stated that he hears that we have been overbilled, we have been overcharged, and we have been over paying but he doesn't see anybody doing anything to recoup any of the money. Mr. Trujillo stated that he thinks it is great that they are finding this overbilling or this inadequacy in the way we were doing business but when do we start to improve the process and when do we start to actually find who is responsible for this and someone needs to be held accountable.

Mr. Taylor stated that they actually already started the process by reference of the report that Mr. Lerch and he provided in April regarding the procurement practices and the emergency procurements. Mr. Taylor stated that they are updating and revising a policy tonight to be in compliance with state statute and accountability regulations. Mr. Taylor stated that they were presented with another policy tonight regarding the provision and procurement of professional services so that they are done in a more transparent and accountable fashion rather than what was done in the past under prior leadership of this Board of Education. Mr. Taylor commended Ms. Bathelus and this Board of Education for being transparent and receiving updated monthly reports on the status of this investigation rather than waiting a year or more for us to compile hundreds of

not thousands of pages of documents. Mr. Taylor stated that what they are doing is being ethical and keeping our client reasonably informed of the status of our investigation so you don't get a bill for a million dollars a year later and wonder why. Mr. Taylor stated that he is not suggesting that their bill will be that high but just giving an example. Mr. Taylor stated that you are currently operating in a much more efficient and accountable manner than you have in the past and we will continue to do that upon request from this Board to give you updates. Mr. Taylor stated that as to when and why and how you may receive recoupment of some of those funds and that line of questioning and discussion would be more appropriate under the closed session exception to the Open Public Meetings Act because it involves attorney-client privilege as well as anticipated litigation which is how you would have to go about getting the money back. Mr. Taylor stated that requires legal strategy and analysis and that would not be appropriate for him to discuss in public nor would it be appropriate for you to discuss in public after we discuss it as a Board and attorney in closed session.

Mr. Trujillo stated that his question was when.

Mr. Taylor stated that he indicated that we are going to talk about it tonight in closed session and then there is a legal process. Mr. Taylor stated that he can't tell him when you will or may receive anything back, it may be a week or could be two years.

Mr. Trujillo stated that when do we start the discussion about the process, about our strategy, and the opportunities to recoup money. Mr. Trujillo stated that Mr. Taylor is saying we have discussed policies going forward and we are looking forward so we don't commit the same mistakes and so we do business in a more transparent way and we are above board. Mr. Trujillo stated that his question is what are we doing to recoup moneys from the past and you are telling me that we are going to do that. Mr. Trujillo stated that his question is when are we going to create the strategy or discuss the opportunities. Mr. Trujillo stated that it's six months now and he hasn't heard that. Mr. Trujillo stated that he knows there are two vendors that we do business with that were part of an OFAC report that are fleecing the district and are operating in the red. Mr. Trujillo asked Mr. Lerch if he is aware of the two day care providers that are operating in the red and we are about to give them a contract again and continue to do business with them. Mr. Trujillo stated that he doesn't see where we recoup the money and we are talking maybe half a million dollars or more.

Mr. Taylor stated that we will continue because this Board and these two professionals have had the discussion in closed session and it would not be appropriate to disclose the contents of those discussions. Mr. Taylor stated that we will continue the discussion this evening with respect to legal strategy and procedure.

Mr. Rodriguez thanked Mr. Taylor and Mr. Lerch and stated that in the past years this Board and district ran lackadaisical with rules, regulations, and how money went in and out the door. Mr. Rodriguez stated that the legal department to his pet peeve was not accountable and money kept running out the door. Mr. Rodriguez stated that it really hurt to raise taxes and see some of that money go straight to the lawyers. Mr. Rodriguez thanked them for the work that they are doing and he knows that you get paid for it and are professionals. Mr. Rodriguez stated that they are helping this entire district, the students, the staff, and they do appreciate seeing that we are working on this and uncovering it. Mr. Rodriguez stated that the first step in fixing it and getting our money is first finding it, uncovering it, and letting the people know that this could be embarrassing to a Board of Education but we are letting it out that this is what happened. Mr. Rodriguez thanked them for their work and their diligence and allowing us to be accountable and to stop the maleficence, stop the fraud, and to stop the theft.

A motion was made by Mr. Trujillo, seconded by Miss Goncalves, that the minutes of the meetings of May 5 and 12, 2016 be accepted.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez, Trujillo, Ms. Bathelus – 8

Abstain: Mr. Perreira – 1

Negative: None

Secretary and Treasurer's Report for the Month of April 2016

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus – 9

Negative: None

Personnel Report – Leaves of Absence, etc.

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the report be accepted.

Mr. Trujillo stated that he remembered asking Mr. Williams for this and he didn't get back to him on this and he is sure it was an oversight. Mr. Trujillo stated that Mr. Williams said to him that Mr. Trujillo should not move an item on the agenda if he intends to vote in the negative. Mr. Trujillo stated that he never got clarification on that and asked Mr. Williams if he remembered telling him that.

Mr. Williams responded yes.

Mr. Trujillo asked for the reference and for clarification and stated that Mr. Williams wasn't sure when he asked him. Mr. Trujillo asked if it is a statute or part of Robert's Rules and where is it that says he can't move an item and vote in the negative.

Mr. Williams stated that he will provide written verification of the advice that he is giving which is if he moves a particular item it is his understanding from having reviewed Robert's Rules and having done separate research that you cannot vote no on a motion that you moved before the Board.

Mr. Trujillo asked that he please get that information because it seems that anything he asks for lately he doesn't get. Mr. Trujillo stated that he has discussed other items with Mr. Williams before so can he get that to him as soon as possible.

Mr. Williams stated that he is curious about the other items and we can review it later if you don't want to do it now. Mr. Williams stated that a month has gone by since the last Board meeting and he did forget to get back to him. Mr. Williams stated that he is surprised that Mr. Trujillo would wait until now to ask him about it.

Mr. Trujillo stated that the reason he doesn't ask him about it is because he has always understood that as a Board member he doesn't need to continually call you for things. Mr. Trujillo stated that he asks Mr. Kennedy, the Board Secretary, to ask for information on his behalf. Mr. Trujillo stated that he believes Mr. Kennedy relays that message to you and somewhere along the line between Mr. Kennedy's office and your office, he doesn't get the information. Mr. Trujillo stated that if prefers that he emails and copy you on the emails that would be more than fine and he doesn't have a problem with that.

Mr. Williams stated that whatever is most efficient and he wants to be able to respond to any inquiry that he makes including the one about Robert's Rules of Order.

Mr. Trujillo stated that he appreciates it.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 7

Abstain: Mr. Perreira – 1

Negative: Mr. Trujillo – 1

Supplemental Personnel Report – Resignations, etc.

A motion was made by Mrs. Carvalho, seconded by Miss Goncalves, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira,
Rodriguez, Ms. Bathelus – 8

Abstain: Mr. Trujillo – 1

Negative: None

Mr. Rodriguez congratulated the retirees and wished them a happy retirement.

Tuition Report

A motion was made by Mr. Neron, seconded by Mr. Nina, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira,
Rodriguez, Trujillo, Ms. Bathelus – 9

Negative: None

Superintendent's Report – Considerations

A motion was made by Miss Goncalves, seconded by Mrs. Carvalho, that the requests be approved.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira
(abstain- L.C., D.M.), Rodriguez, Ms. Bathelus – 8

Abstain: Mr. Trujillo – 1

Negative: None

Mr. Trujillo stated that he now has a new conflict and wants to make sure that it is all above Board. Mr. Trujillo stated that D.M. is a new conflict and wants the record to reflect that he is abstaining on that.

Superintendent's Report – Use of Facilities

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the request be approved as recommended.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Miss Goncalves, Messrs. Nina, Perreira, Rodriguez, Trujillo,
Ms. Bathelus – 7

Abstain: Mrs. Carvalho, Mr. Neron – 2

Negative: None

Supplemental Superintendent's Report – Use of Facilities

A motion was made by Mr. Neron, seconded by Mr. Nina, that the requests be approved as recommended except that the request from the Institute of Music for Children be approved with a waiver of fees.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira,
Rodriguez, Ms. Bathelus – 8

Abstain: Mr. Trujillo – 1
Negative: None

Superintendent's Report – Field Trips

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the requests be approved.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez, Trujillo, Ms. Bathelus – 8

Negative: None

Superintendent's Report

Superintendent of Schools Olga Hugelmeyer stated that the first report is the Harassment, Intimidation and Bullying Investigative Results and introduced Supervisor of Anti-Bullying/EEOC Peter Vosseler.

Supervisor of Anti-Bullying/EEOC Peter Vosseler stated that according to Board Policy 5131.1 Harassment, Intimidation, and Bullying (HIB) and New Jersey Statute 18A:37 the results of each investigation shall be reported to the Board of Education no later than the date of the next Board meeting following completion of each investigation and include any services provided, training established, discipline imposed, or other action that was taken or recommended. Mr. Vosseler stated that since our last Board meeting our district has conducted 62 HIB investigations which were conducted by our anti-bullying specialists and himself. Mr. Vosseler reviewed the report including a summary of cases, males, females, regular education students, students with a disability, students from other district, non-students, unknown, and other. Mr. Vosseler stated that at the next regularly scheduled meeting after Board members receive the report of HIB investigations, the statute requires that the Board issue a decision in writing to affirm, reject, or modify the Superintendent's decision pertaining to the cases that were reported to the Board members at the last meeting.

Mr. Rodriguez asked what is our definition of skilled development.

Mr. Vosseler explained.

Mr. Rodriguez thanked him for his report month after month and keeping them up to date. Mr. Rodriguez stated that he has one request for the out-of-school suspension be broken down in the next school year by gender, by ethnicity, and special education or general education status to see what the data is for any trends.

Mr. Vosseler responded that he will provide the break out for the out-of-school suspensions.

Superintendent's Report – Harassment, Intimidation, and Bullying (HIB) Investigative Results

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus – 9

Negative: None

Ms. Bathelus stated that she is requesting that Superintendent's Report *InsideEPS* be tabled.

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, to table the Superintendent's Report *Inside EPS*.

The motion to table the Superintendent's Report *Inside EPS* was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus – 9

Negative: None

Authorizations Report – Authorization to Make Application, etc.

A motion was made by Mr. Perreira, seconded by Mr. Nina, that the report be accepted.

Mr. Rodriguez commended the Board of Education and the City of Elizabeth for continuing to work together for our special needs children especially the Summer Special Needs Recreational/Instructional Program that has been going on in School Nos. 1 and 9.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho (abstain- O.H.), Miss Goncalves, Messrs. Neron, Nina (abstain- O.H.), Perreira (abstain- O.H.), Rodriguez, Ms. Bathelus – 8

Abstain: Mr. Trujillo – 1

Negative: None

Mrs. Carvalho excused herself from the meeting at 9:55 p.m.

Supplemental Authorizations Report – Authorization to Approve Meals, etc.

A motion was made by Mr. Perreira, seconded by Mr. Rodriguez, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Mrs. Amin, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus – 8

Negative: None

Finance and Accounting Report – Authorization to Pay Vouchers, etc.

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the report be accepted.

Mr. Rodriguez stated that the legal fees total \$184,000. this month compared to over \$400,000. for the same month last year. Mr. Rodriguez stated that we are cutting the legal fees month to month.

Mr. Trujillo asked that since we are saving all this money now are we going to test the water. Mr. Trujillo stated that he would like to see the bill for the Public Relations Services for \$4,725.00 and asked if that is for the one statement put out in reference to the security guard who allegedly assaulted one of our students or does that entail more work.

Mr. Kennedy responded that it entails more work.

Mr. Trujillo stated that he would like to see the bill for that.

The motion was carried by the following vote:

Affirmative: Mrs. Amin (abstain- Adams Gutierrez & Lattiboudere, LLC; DeCotiis, FitzPatrick & Cole, LLP; Elizabethport Presbyterian Center; Eric M. Bernstein & Associates; Florio, Perrucci, Steinhart & Fader, LLC; LaCorte Bundy Varady & Kinsella Attorneys at Law; Machado Law Group; MARC Attorneys at Law; New Hope Memorial Child Care Center; Porzio Bromberg & Newman PC; and Strategic Message Management, Inc), Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez (negative- Machado Law Group, abstain- Porzio Bromberg & Newman PC), Ms. Bathelus – 7

Negative: Mr. Trujillo – 1

Mrs. Carvalho returned to the meeting at 10:00 p.m.

Supplemental Finance and Accounting Report – Transfer of Funds

A motion was made by Mr. Nina, seconded by Miss Goncalves, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Abstain: Mrs. Amin, Mr. Trujillo – 2

Negative: None

Award of Contracts Report

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, that the report be accepted.

Mr. Trujillo asked Mr. Williams if all the contracts that are being proposed are being reviewed by legal counsel prior to coming to the Board's attention. Mr. Trujillo asked if it is being done in-house, by special counsel, or by Mr. Williams' firm.

Mr. Williams stated that it has been done in combination with the staff attorneys in-house as well as referred to one of the attorneys in his firm or Mr. Robert Varady's firm for further review in terms of procurement compliance and some of the issues that we have been dealing with. Mr. Williams stated that we are doing a review of each one of these contracts with two goals in mind, contract procurement compliance as well as the structure of the way that they are being bid to see if they can be improved upon.

Ms. Bathelus asked if there is a reason why the Upper Academy is the only one that has an alarm system in their school.

Mr. Kennedy stated that all of the schools have alarm systems.

Ms. Bathelus asked if this one is contracted with the Mitchell Building.

Mr. Kennedy explained that is where the work needs to be done.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves (abstain- Valenca Restaurant), Messrs. Neron, Nina, Perreira (abstain- Let's Jump Party Rentals), Rodriguez, Ms. Bathelus (negative- American Commercial Equipment Repair, Vanguard Modular, Villani Bus Company; abstain- Let's Jump Party Rentals) – 8

Negative: Mr. Trujillo – 1

Supplemental Award of Contracts Report

A motion was made by Mr. Rodriguez, seconded by Mr. Nina, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 8

Abstain: Mr. Trujillo – 1

Negative: None

Miscellaneous Communication

None.

Claims List

A motion was made by Mr. Nina, seconded by Miss Goncalves, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Abstain: Mrs. Amin – 1

Negative: Mr. Trujillo – 1

Resolution – Designation of Depository for School Funds (TABLED)

Ms. Bathelus tabled the resolution.

A motion was made by Ms. Bathelus, seconded by Mr. Rodriguez, that the resolution be tabled.

The motion to table the resolution was carried by the following vote:

Affirmative: Mrs. Amin, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: Mrs. Carvalho, Mr. Trujillo – 2

Resolution – Union County Educational Services Commission Environmental Safety Program 2016-2017 School Year

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 8

Abstain: Mr. Trujillo – 1

Negative: None

Resolution – Authorization for Temporary Short Term Loan

A motion was made by Mr. Rodriguez, seconded by Mr. Perreira, that the resolution be adopted.

Ms. Bathelus asked for an explanation.

Mr. Kennedy explained that every year the Department of Education withholds our June payments so you are allowed to apply to a bank for a loan. Mr. Kennedy stated that instead of getting the state aid you get the loan and the State pays back the amount of the loan plus the interest on July 8. Mr. Kennedy stated that this is a loan to get us through our cash flow needs in June that is repaid by the Department of Education in July.

Mr. Trujillo asked Mr. Kennedy if this is basically just a bridge loan.

Mr. Kennedy responded yes. Mr. Kennedy stated that we have to submit quite a bit of paperwork and the County Superintendent has to approve our need for the cash and if we don't get the loan we will be about \$6.9 million short.

Mr. Rodriguez stated that this costs us nothing other than time to do the report but the State does cover the interest.

Mr. Kennedy responded yes. Mr. Kennedy stated that you submit the note including interest which is between us and the bank to the Department and then when we get our state aid it is the payment and the interest.

Mr. Trujillo asked how the bank is chosen. Mr. Trujillo stated that this is Bank of America and asked why not a local bank.

Mr. Kennedy stated that we went out to different banks and because it is such a short time period most banks aren't interested unless you are one of their larger depositories. Mr. Kennedy stated that we still went out and got quotes and for the most part the banks declined to quote us. Mr. Kennedy stated that Bank of America which is our depository for payroll and operations said they would provide us with a bridge loan at 4%.

Mr. Trujillo asked about Wells Fargo and other large banks. Mr. Trujillo stated that this isn't the first time we are doing this and it happens every year. Mr. Trujillo stated that at one time we banked with Wachovia which is Wells Fargo now.

Mr. Kennedy stated that they still are our depository but the fees that they charge are not as beneficial to the district as we are getting currently from our other depository. Mr. Kennedy stated that they went to Wells Fargo and they declined to give us a quote.

The motion was carried by the following vote:
Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7
Negative: Mrs. Amin, Mr. Trujillo – 2

Resolution – Essex Regional Educational Services Commission Transportation Services
2016-2017 School Year

A motion was made by Mr. Neron, seconded by Mr. Nina, that the resolution be adopted.

Mr. Perreira asked for an explanation of this service.

Mr. Kennedy explained that this allows us to have them arrange our transportation services for students that are nonpublic.

The motion was carried by the following vote:
Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7
Abstain: Mrs. Amin, Mr. Trujillo – 2
Negative: None

Resolution – Payment for Unused Vacation Days

A motion was made by Mr. Perreira, seconded by Mrs. Amin, that the resolution be adopted.

The motion was carried by the following vote:
Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Rodriguez, Trujillo – 6
Abstain: Messrs. Nina, Perreira, Ms. Bathelus – 3
Negative: None

Resolution – Safe Routes to School Project and Application for Funding

A motion was made by Miss Goncalves, seconded by Mrs. Carvalho, that the resolution be adopted.

Mr. Trujillo asked if this is just in support of the project and we are not funding anything.

Ms. Bathelus responded that is correct.

The motion was carried by the following vote:
Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus – 9
Negative: None

Resolution – N.J.S.I.A.A. Membership

A motion was made by Mr. Rodriguez, seconded by Mr. Nina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus – 9

Negative: None

Resolution – Qualifying and Appointing an Environmental Company to Conduct District-Wide Sampling and Testing for the Presence of Lead in Water

A motion was made by Mr. Perreira, seconded by Mr. Nina, that the resolution be adopted.

Mr. Trujillo stated that much was said that the State of New Jersey would be doling out dollars to different city schools in order to test the water. Mr. Trujillo stated that this is for a cap of \$104,000. plus and asked Mr. Williams if the State of New Jersey will be giving us this money and have they approved this contract and reviewed this contract.

Mr. Williams stated that yes when we approved the process of competitive contracting to go out and get bids for these services we complied with the DEP expanded scope so that we are testing for many, many more sources of water in the schools than we had originally planned. Mr. Williams stated that we did that for a number of reasons including that the state has adopted criteria which are much more comprehensive and which are appropriate and also because Governor Christie had announced that there would be funding for the school districts that did testing in compliance with that scope. Mr. Williams stated that we did it and we went out to market and the proposals came in last Friday and were evaluated and a report was posted in connection with the outcome of that. Mr. Williams stated that there was a weighted average established for experience of the lab, cost, and the report is in compliance with the competitive contracting act. Mr. Williams stated that we met with the County Superintendent and County Administrator. Mr. Williams stated that notwithstanding the Governor's announcement it is unlikely that the state will reimburse for the cost of testing. Mr. Williams stated that Mr. Trujillo and many others have urged that we test as soon as possible and we are going to be testing starting immediately so that we can take whatever remedial action is necessary and which of course would have to be approved by further vote of this Board when we get the test results back in August. Mr. Williams stated that we would like to have all of the remedial work done before school starts in September. Mr. Williams stated that there is a question of reimbursement from the State and that when the Governor made that announcement he did not have any understanding of what it would cost to test that many additional sources of water. Mr. Williams stated that we are testing the water in the kitchens, the water fountains, sinks in some of the bathrooms, and it is a much broader scope. Mr. Williams stated that we anticipated that the bids for the cost of that expanded scope of testing would be many times what the bids were when they came in. Mr. Williams stated that we were very pleasantly surprised and he knows that it is a lot of money at \$104,000. but he would have thought because we are testing so many more sources that it would have been three or four times that. Mr. Williams stated that no we are not going to be reimbursed and at present there is no legislation and there is no funding for it at the state level. Mr. Williams stated that the expenditure is a good one and should go forward as soon as possible and he urges everyone to support this contract and the process that they followed.

Mr. Trujillo stated that following the process that what we were doing was assuming that the state would fund it because the Governor said he would. Mr. Trujillo stated that they proposed a standard of testing that they would fund so we went ahead and followed the suggested path by the state and now we find that although we followed all those guidelines we are not going to be reimbursed.

Mr. Williams stated that he urges Mr. Trujillo to think about what we have done here. Mr. Williams stated that there was a proposal on the agenda which was being recommended to test roughly one third of the sources of water in the schools than we are actually going to be testing. Mr. Williams stated that proposal for that one third as many sources cost \$80,000. and we decided not to go ahead with that. Mr. Williams stated that instead we decided to test a lot more sources of water which of course is a good thing for the protection of students and the people that may be consuming that water to test as many sources as we can. Mr. Williams stated that by spending a little bit more money we are going to get a much better result, comply with state law, preserve the ability to seek reimbursement if and when it comes, and we are complying with the standards adopted by the NJDEP. Mr. Williams stated that to make it seem like we made a mistake in doing that would be an erroneous assumption.

Mr. Trujillo stated that he is not saying that we made a mistake. Mr. Trujillo stated that he is saying that we got to the same result and we still waited over a month and a half to get it done or more. Mr. Trujillo stated that maybe we could have been providing bottled water for our students in the meantime when we were working out all of this. Mr. Trujillo stated that he understood that the state would not fund this and he thought that they would not and he made it clear then. Mr. Trujillo stated that being the bureaucracy that the state government is that they would find themselves hard pressed to even find this money for the reason that Mr. Williams mentioned that they underestimated the enormity of this. Mr. Trujillo stated that he doesn't care what other districts are doing and the truth is that we have always led. Mr. Trujillo stated that we have had all of this success because we have had this attitude that we lead and we go first. Mr. Trujillo stated that he thinks we dropped the ball in waiting. Mr. Trujillo stated that although he thinks the intention was good he thinks at the end of the day we failed our students because we put them at risk for at least a month and a half. Mr. Trujillo stated that lead poisoning is not something that we can put a dollar amount on and any child who can contract lead poisoning from our water and of course there are other sources as well and he is glad we are going to look for other contaminants as well. Mr. Trujillo stated that he wants our students to be in a safe environment. Mr. Trujillo stated that he doesn't agree with the fact that we waited so long and we could have at least, at minimum, been giving our children bottled water. Mr. Trujillo stated that there were members of the community who wanted to donate bottled water to the district and this was a real concern throughout the whole community especially the parents of our students. Mr. Trujillo stated that we basically just waited a month and a half and here we are and now we are going to test and the school year is over. Mr. Trujillo stated that he hopes that we have enough time to get it all done before September.

Mr. Williams stated that he referenced the meeting with the County Superintendent and County Administrator and they indicated to us that the procedure that we followed was the only way this contract could have been awarded legally. Mr. Williams stated that the time that we took to do it was appropriate and within the timelines required by the statute that we followed. Mr. Williams stated that he agreed with Mr. Trujillo and his understanding of the district and everything he has seen about the district is that the district is always a leader on issues like this. Mr. Williams stated that because of the process that we followed we are the leaders on this issue as well. Mr. Williams stated that if you had awarded a contract without following the procedure that we followed that contract would have been invalid and you would have done no testing.

Mr. Trujillo stated that we could have at least given our children bottled water. Mr. Trujillo stated that we could have been working on giving them bottled water for a whole month and a half. Mr. Trujillo stated that his children drink from these fountains and many of his neighbors are affected by this. Mr. Trujillo stated that he thinks we made a mistake in waiting another month and a half. Mr. Trujillo stated that he is glad that we are here now but we could have easily afforded this and as Mr. Williams said we miscalculated this and he doesn't know where they got these presumed numbers that it was going to be four times as much. Mr. Trujillo stated that if that is the case we made a mistake and we dropped the ball and we owe the community an apology because we could have been giving them bottled water.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus – 8
Abstain: Mrs. Amin – 1
Negative: None

Resolution – Approving Form of Contract between Elizabeth Board of Education and Bravo Print & Mail Inc.

A motion was made by Mr. Nina, seconded by Mrs. Carvalho, that the resolution be adopted.

Mr. Neron asked if this is for the limit that is stated.

Mr. Williams stated that Bravo Printing has submitted proposals which when totaled together are under the bid threshold and that is why the contract can be awarded at this time.

Mr. Neron asked if after they meet this limit then would we go back to bid.

Mr. Williams stated that they are still well under the total bid threshold for the year and if there was a need for additional printing and they gave you a quote which when all three were added together was still under the bid threshold then you could award another contract. Mr. Williams stated that it is when you get to the bid threshold or exceed it that you have to go out for public bid.

Mr. Trujillo asked if that is aggregate for the whole year and is it a calendar year or budget year.

Mr. Williams responded yes and stated that the way he understands that we have been awarding the contracts is for the school year. Mr. Williams stated that at the end of this school year you would probably have to go out for bid for all of your vendor services like this for the upcoming school year.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez, Ms. Bathelus – 6
Abstain: Mrs. Amin, Mr. Perreira – 2
Negative: Mr. Trujillo – 1

Ms. Bathelus reminded the Board members if they have any comments or questions to please do so after the motion has been seconded and not wait until you are voting. Ms. Bathelus stated that when you are voting she asks that you vote yes, no, or abstain.

Mr. Rodriguez excused himself from the meeting at 10:29 p.m.

Resolution – Approving Form of Contract between Elizabeth Board of Education and Strategic Message, Inc.

A motion was made by Mrs. Carvalho, seconded by Miss Goncalves, that the resolution be adopted.

Mr. Trujillo asked if we hired this man last month and what is the difference between this and the last one.

Mr. Williams stated that this is the process that we have been engaging in since January. Mr. Williams stated that it is the appropriate process and from their review of what was done

before it was never followed before. Mr. Williams stated that this is no different, it is not another contract, it is not an expansion, and it is not an increase. Mr. Williams stated that it is simply the form of contract which memorializes the award of contract done by resolution at the previous meeting. Mr. Williams stated that it is a two-step process and it changes nothing that you have already done before except to approve the form of the contract.

Mr. Trujillo stated that this was not subject to bid.

Mr. Williams stated that it was done as an extraordinary unspecifiable service within the dictates of the procurement law.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Ms. Bathelus – 5

Negative: Mrs. Amin, Messrs. Perreira, Trujillo –3

Resolution – Invoking the Doctrine of Necessity for Collective Negotiations Agreements

Mr. Kennedy read the resolution.

A motion was made by Mrs. Carvalho, seconded by Miss Goncalves, that the resolution be adopted.

Mr. Trujillo stated that he would like to put on the record in an effort to be transparent that M.P. is a second cousin to him. Mr. Trujillo asked Mr. Williams for a legal written opinion on why that is a conflict. Mr. Trujillo stated that he would also like Mr. Williams to find if there is any recent case law that says second cousins are affected rather than first cousins. Mr. Trujillo stated that had this been known to him earlier and he has always known that she is his cousin but he was put on a negotiations committee and had he participated in those negotiations it would have been unethical. Mr. Trujillo asked Mr. Williams if that is correct.

Mr. Williams stated that the decision about conflicts of interest is always personal to the person. Mr. Williams stated that they prepared a chart which is conservatively prepared and the nepotism policy which is distributed and adopted by the state and has been adopted by this Board uses the word cousin. Mr. Williams stated that Mr. Trujillo asked for any recent decisions defining second cousin and responded that he doesn't know of any decision that differentiates between the different levels of cousins. Mr. Williams stated that they have been conservative in their assessment that Mr. Trujillo may have a conflict. Mr. Williams stated that Mr. Trujillo is not bound by that and the decision as to whether or not you have a conflict and the decision of whether or not to participate on any issue or to vote on any issue is personal to you. Mr. Williams stated that no one here can tell you that you can or cannot vote because of a conflict of interest and only you can make that decision. Mr. Williams stated that the legal advice that he is providing because it is not clear about the different levels of cousin there is no clarity that they have been able to see the conservative approach would be for him to refrain from participating in the discussion about the matters that are listed on the resolution. Mr. Williams stated that because of all the conflicts that are on there we cannot discuss the underlying contracts that have been negotiated until this document has been posted for thirty days. Mr. Williams stated that the decision on whether or not to vote on this resolution is independent on that and is personal to you.

Mr. Trujillo stated that specifically to his participation in the negotiations committee and asked if in Mr. Williams' opinion would he have been conflicted if he had done so.

Mr. Williams asked Mr. Trujillo if he participated.

Mr. Trujillo responded no.

Mr. Williams stated that there is no need to answer the question.

Mr. Trujillo stated that there is a need to answer the question. Mr. Trujillo stated that publicly his colleagues have been saying that he would not attend these meetings and that he kept missing these meetings and they misinformed the public. Mr. Trujillo stated that he knows of the conflict and Mr. Williams failed to tell him he had a conflict.

Ms. Bathelus stated that sitting on the committee now is only Miss Goncalves who serves as the chairperson and herself. Ms. Bathelus stated that when she asked Mr. Kennedy for a list of all of the members who do not have a conflict Mr. Trujillo's name was suggested as well as Miss Goncalves, herself, and Mrs. Amin. Ms. Bathelus stated that at that time she had selected to add him to that committee. Ms. Bathelus stated that it was to her knowledge given by our Board Secretary and our Board Administrator that you didn't have a conflict.

Mr. Trujillo stated that Ms. Bathelus failed him and failed to ask the attorney and asked the Board Secretary.

Ms. Bathelus stated that he is right and his having a conflict could have put him in a very bad and compromising situation had he attended.

Mr. Trujillo asked Ms. Bathelus why she put him in that situation.

Ms. Bathelus stated that she knows she put him in an uncompromising situation by adding him to the negotiations committee because she thought what Mr. Kennedy had informed her was true. Ms. Bathelus apologized to Mr. Trujillo for putting him in that predicament. Ms. Bathelus stated that fortunately he didn't attend any of the meetings because he may have known he had a conflict but he didn't share that with her. Ms. Bathelus stated that now we know you have a cousin and we can move forward. Ms. Bathelus stated that he hasn't come to any of the meetings and we'll just leave it at that.

Mr. Rodriguez returned to the meeting at 10:38 p.m.

Mr. Nina asked Mr. Kennedy if every Board member went through their first level of NJ School Board Association training.

Mr. Kennedy responded yes.

Mr. Nina stated that he had the opportunity to take that training two weeks ago and they specifically mentioned that if you had any relative you cannot be on negotiations. Mr. Nina stated that it is in the manual if you took that class.

Mr. Trujillo stated that Mr. Nina made Mr. Trujillo's point and he is right. Mr. Trujillo stated that he took that training and several others and he has been here nine years. Mr. Trujillo knows you can't serve on and that is why he refused to attend any of the meetings. Mr. Trujillo stated that the only reason he was put on that committee is because Mr. Neron created a conflict when we hired the vice principal at School No. 6 who is a business partner of Mr. Neron and that created a conflict. Mr. Trujillo stated that let's be transparent.

Ms. Bathelus stated that we are being transparent and that is why she was open and letting him know that his name was suggested. Ms. Bathelus stated that if he knew he had a conflict then he should have spoken to her.

Mr. Trujillo stated that it really isn't a committee, there are just two of you. Mr. Trujillo stated that there are other members who don't have a conflict and asked how come they are not on the committee. Mr. Trujillo stated that she relegated Mrs. Amin, Mr. Perreira, and himself to the side and we are not part of any of this process. Mr. Trujillo stated that until today he didn't know that the coach might be fired.

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: Mrs. Amin, Mr. Trujillo – 2

Resolution – Approving Form of Contract between Elizabeth Board of Education and E-Rate Consulting, Inc. as Auditing Consultant for 2016-2017 School Year

A motion was made by Mrs. Carvalho, seconded by Miss Goncalves, that the resolution be adopted.

Mr. Rodriguez stated that he did some research and this is a federally funded program that has about \$5 billion and allows school districts to use a lot of that money for internet and electronic access. Mr. Rodriguez stated that this is something so great and it is going to get us money to do a lot of improvements with our hardware and our internet access in a lot of our buildings. Mr. Rodriguez stated that he believes our consultant may even be able to go back and find us money that we can put back into our budget. Mr. Rodriguez thanked Mr. Williams who was an instrumental part in this.

Mr. Trujillo asked if this is a duplicative service. Mr. Trujillo stated that we are in the middle of a forensic audit.

Mr. Williams stated that it is not an audit in the sense mentioned. Mr. Williams stated that this company E-Rate Consulting, Inc. is going to go back and review bills that have already been paid with an end in mind of pursuing the money from the federal government. Mr. Williams stated that the consultant will only get paid a percentage of what they recover by going back and getting money that we have already paid out on prior bills for several of our IT programs. Mr. Williams stated that the percentage that they collect in an abundance of caution was limited to the bid threshold amount. Mr. Williams stated that this company is going to go back and they think there is \$1 million or more available to us as rebate from the federal government. Mr. Williams stated that they won't charge us more than the bid threshold in order to recover for each of the two years that are mentioned on the resolutions. Mr. Williams stated that they will not charge the Board any new money and it is only a percentage of what they would be able to recover for us.

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez, Trujillo, Ms. Bathelus – 8

Abstain: Mr. Perreira – 1

Negative: None

Mr. Perreira stated that he is abstaining until he understands it better.

Resolution – Approving Form of Contract between Elizabeth Board of Education and E-Rate Consulting, Inc. as Auditing Consultant Relating to the 2015-2016 Funding Year on a Contingency Basis

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez, Trujillo, Ms. Bathelus – 8

Abstain: Mr. Perreira – 1

Negative: None

Resolution – Authorizing Two Month Extension of Existing Contract for Service and Maintenance of Board of Education Vehicles Until September 1, 2016

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, that the resolution be adopted.

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez, Trujillo, Ms. Bathelus – 7

Abstain: Mrs. Amin – 1

Negative: Mr. Perreira – 1

Resolution – Approving Form of First Amendment to Agreement for Professional Services between Elizabeth Board of Education and Lerch, Vinci & Higgins, LLP Expanding Scope

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, that the resolution be adopted.

Mr. Trujillo asked for an explanation of services.

Mr. Williams stated that the resolution for increasing the cap and increasing the scope of services for Lerch, Vinci & Higgins was adopted at the last meeting. Mr. Williams stated that this is the form of contract embodying that amendment and it is not a further increase and not a further extension.

Mr. Trujillo stated that it is the actual contract attached to the previous resolution we already adopted.

Mr. Williams stated that was an award of contract. Mr. Williams stated that the process is as follows, pass a resolution awarding that service to that vendor following an appropriate procurement and compliance with procurement law, the contract is then prepared and negotiated and returned to the Board for a vote on the form of the contract. Mr. Williams stated that it is not an additional amount.

Mr. Trujillo asked Mr. Kennedy how close we are to that \$150,000. threshold we set. Mr. Trujillo stated that we paid them over \$30,000. today and we already paid \$60,000.

Mr. Kennedy responded that it is about \$90,000.

Mr. Trujillo stated that we still have another \$60,000. we can expect to pay before they come back, if they do come back for more money. Mr. Trujillo stated that this current bill that we paid today was up to today.

Mr. Kennedy explained that two bills have been paid so far.

Mr. Trujillo stated that he thought there were three bills and asked Mr. Kennedy to check.

Mr. Williams stated that even though they voted on the bill tonight any dollar value over the amount of the original contract approved cap which is \$150,000.

Mr. Trujillo stated that it started at \$25,000.

Mr. Williams stated that Mr. Kennedy could not pay more than \$150,000. without further Board approval.

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 8

Negative: Mr. Trujillo – 1

The first reading of the following new and revised bylaw, policies, regulations and exhibits was done:

3161	Policy	Emergency Purchases and Contracts
3161(R)	Regulation	Emergency Purchases and Contracts
3570	Policy	District Records and Reports
4112.8/4212.8	Policy	Nepotism
5120	Policy	Assessment of Individual Needs
5141.22	Policy	Medical Marijuana
5141.22(X)	Exhibit	Medical Marijuana
9250	Bylaw	Expenses and Reimbursements

The President requests a motion to go into Private Session to consider matters exempt under the Open Public Meetings Act, specifically for discussion of personnel, specifically, reorganization, increment withholdings, non-renewals, RIFs, and interviews; legal matters, specifically settlements A.B., C.C., and E.B., special education M.B., A.B., and doctrine of necessity; new policy, specifically Independent Education Evaluations, revised regulation, specifically SEPAC; contracts, specifically, benefit plans and insurance coverage; and workers' compensation matters, specifically, S.L., M.B., L.A., T.G., D.G., and L.M.

The Board will reconvene in public to take formal action.

A motion was made by Miss Goncalves, seconded by Mrs. Carvalho, to go into private session at 10:55 p.m.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus – 9

Negative: None

Mr. Trujillo excused himself from the meeting at 12:18 a.m.

Mrs. Amin excused herself from the meeting at 1:00 a.m.

A motion was made by Miss Goncalves, seconded by Mr. Nina, to reconvene in public session at 1:45 a.m. to continue the meeting and take formal action.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Resolution – Appointment of Principal – Megan Marx

Mr. Rodriguez read the resolution.

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: None

Resolution – Reorganization

A motion was made by Mrs. Carvalho, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez, Ms. Bathelus – 6

Negative: Mr. Perreira – 1

Resolution – Reorganization – Personnel Actions

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 6

Negative: Mr. Perreira – 1

Resolution – Termination effective May 26, 2016 – R.O.

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 6

Negative: Mr. Perreira – 1

Resolution – Non-renewal – J.P.

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 6

Negative: Mr. Perreira – 1

Resolution – Non-renewal – I.E.

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 6

Negative: Mr. Perreira – 1

Resolution – Non-renewal – L.D.

A motion was made by Mr. Rodriguez, seconded by Mr. Nina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 6

Negative: Mr. Perreira – 1

Resolution – Appointment of Acting Supervisor of Construction – Luis Milanes, Jr.

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 6

Negative: Mr. Perreira – 1

Resolution – Appointment of Acting Director of Transportation – Michael Rijo

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 6

Negative: Mr. Perreira – 1

Resolution – Appointment of Acting Director of Security/Lead Investigator – Tomas Escribano
A motion was made by Mr. Rodriguez, seconded by Mr. Nina, that the resolution be adopted.

The motion was carried by the following vote:
Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 6
Negative: Mr. Perreira – 1

Resolution – Appointment of Acting Coordinator of Transportation – Luis Ferreira
A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:
Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez,
Ms. Bathelus – 7
Negative: None

2nd Supplemental Personnel Report – Leaves of Absences, etc.
A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the report be accepted.

The motion was carried by the following vote:
Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez,
Ms. Bathelus – 7
Negative: None

Resolution – Approval of Employment Contracts for Assistant Superintendents and School
Business Administrator/Board Secretary
A motion was made by Mr. Rodriguez, seconded by Mr. Nina, that the resolution be adopted.

The motion was carried by the following vote:
Affirmative: Mrs. Carvalho (abstain- H.K.), Miss Goncalves, Messrs. Neron (abstain-
R.C.), Nina, Perreira (abstain- H.K.), Rodriguez,
Ms. Bathelus – 7
Negative: None

Resolution – Increment Withholding for 2016-2017 – G.C.
A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, that the resolution be adopted.

The motion was carried by the following vote:
Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez,
Ms. Bathelus – 7
Negative: None

Resolution – Settlement of Workers’ Compensation Claim No. 2010-9713 – M.B.
A motion was made by Mr. Rodriguez, seconded by Mr. Neron, that the resolution be adopted.

The motion was carried by the following vote:
Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez,
Ms. Bathelus – 7
Negative: None

Resolution – Settlement of Workers’ Compensation Claim No. 2014-5993 – S.L.

A motion was made by Mr. Rodriguez, seconded by Mr. Nina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: None

Resolution – Settlement Agreement and Release – M.B. o/b/o A.B.

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: None

Ms. Bathelus called for a short recess at 2:00 a.m.

The Board reconvened in public at 2:05 a.m.

Resolution – Maximum Independent Evaluation Cost

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: None

Resolution – Approval of Professional Services Contracts – First Managed Care Option, Inc. and D & H Alternative Risk Solutions, Inc. for July 1, 2016 through June 30, 2017

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: None

Resolution – Authorization for Prescription Insurance Coverage

A motion was made by Mr. Rodriguez, seconded by Miss Goncalves, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: None

Resolution – Authorization for Vision Coverage

A motion was made by Mr. Rodriguez, seconded by Mr. Neron, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: None

Resolution – Authorization for Dental Insurance Coverage

A motion was made by Mr. Rodriguez, seconded by Mr. Nina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: None

Resolution – Authorization for Excess Workers’ Compensation and Employers’ Liability Coverage

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Ms. Bathelus – 7

Negative: None

Ms. Bathelus asked if there was any old business to discuss. Since there was not any old business to discuss, Ms. Bathelus asked if there was any new business to discuss.

Mr. Rodriguez wished the faculty and staff a healthy end of year and summer and good luck to our seniors next year.

Mr. Perreira stated to his colleagues sitting on the Board that he thinks what they did tonight taking actions on certain employees, even though it might be structured as a reorganization or however you might want to publicly place it, he feels and knows that it is all politically driven. Mr. Perreira stated that it is sad because he thought that it was a team that sitting here a majority of the Board that, for what he understood, ran on the slogan to be removing politics out of the Board or out of the schools. Mr. Perreira stated that exactly what was done tonight was that you actually injected it even further. Mr. Perreira stated that the actions taken you might not see them and you might not feel them but the people you took them on will, their families will, and their homes will. Mr. Perreira stated that even though you may be able to sleep good at night and he doesn’t know how you will but he just wants you to at least remember that if you are making promises and putting your word whether it be as a politician or as a person that he lives by the point that he tries to stand by it and he hopes that you do, too.

Mr. Perreira excused himself from the meeting at 2:08 a.m.

Ms. Bathelus stated that she is reminding the Board members and staff members attending the Board meetings for July and August she would like everyone to participate in a dress down atmosphere for summer. Ms. Bathelus wished everyone a wonderful summer and thanked them for all that they have done for the 2015-2016 school year and we are looking forward to starting a brand new school year in September 2016.

On a motion by Mr. Rodriguez, seconded by Mr. Neron, the meeting was adjourned at 2:10 a.m.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez, Ms. Bathelus – 6

Negative: None

Harold E. Kennedy, Jr.
School Business Administrator/Board Secretary