

BOARD OF EDUCATION
REORGANIZATION MEETING

January 5, 2017

SWEARING IN NEW BOARD MEMEBERS
AND PRESENTATIONS

ORDER OF BUSINESS

BOARD SECRETARY presides for the First Order of Business

1. ELECTION OF PRESIDENT

2. PRESIDENT presides for the Second Order of Business and remainder of meeting

ELECTION OF BOARD VICE PRESIDENT

3. APPOINTMENT OF CO-GENERAL COUNSEL

4. INTRODUCTION OF RULES OF GOVERNANCE

5. PUBLIC PARTICIPATION

6. APPOINTMENTS TO STANDING COMMITTEES (to be determined at a later date)

7. DESIGNATION OF REPRESENTATIVES (to be determined at a later date)

8. RESOLUTIONS

- 1 Official Results of School Board Elections
- 2 Designation of Official Media
- 3 Designation of Depositories
- 4 Appointment of Special Counsel
- 5 Appointment of Insurance Health Benefits Consultant
- 6 Appointment of Auditor and Forensic Auditor
- 7 Appointment of Chief Medical Inspector
- 8 Appointment of Medical Inspectors
- 9 Appointment of Treasurer of School Monies
- 10 Appointment of Architects
- 11 Appointment of Engineers
- 12 Appointments of Environmental Consultants
- 13 Appointment of Construction Managers
- 14 Election of Representative to the Union County Educational Services Commission
- 15 Schedule of Meetings

9. NEW BUSINESS

1. Resolutions to Adopt Doctrine of Necessity

ADJOURNMENT

Board of Education
Reorganization Meeting
January 5, 2017
7:00 p.m.

The Board Secretary will read the following statement at the beginning of the meeting:

“Ladies and Gentlemen, good evening. This is the annual reorganization 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 December 21, 2016. In addition, this notice is posted on the bulletin board in the lobby of the Mitchell Building, 500 North Broad Street, and pursuant to this act, a copy has been filed with the City Clerk of Elizabeth.

There will be a public portion for citizens to address the Board. Participants for the public portion must sign in one hour prior to the advertised start of the meeting 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.”

Secretary calls the roll.

ORDER OF BUSINESS

BOARD SECRETARY presides for the First Order of Business

1. ELECTION OF PRESIDENT

- a. Nominations
- b. Motion and Second to close nominations
- c. Roll Call vote to close nominations
- d. Roll Call vote for President

ORDER OF BUSINESS

2. PRESIDENT presides for the Second Order of Business and remainder of meeting

ELECTION OF BOARD VICE PRESIDENT

- a. Nominations
- b. Motion and second to close nominations
- c. Roll Call vote to close nominations
- d. Roll Call vote for Board Vice President

BOARD OF EDUCATION**RESOLUTION****APPOINTMENT OF CO-GENERAL COUNSEL**

WHEREAS, the Elizabeth Board of Education requires professional legal services; and

WHEREAS, the nature of the services to be performed meet the definition of “professional services” as defined by the Public School Contract Law, N.J.S.A. 18A:18A-1, et seq.; and

WHEREAS, the Elizabeth Board of Education is authorized by the Public School Contract Law N.J.S.A. 18A:18A-5, to award a professional services contract by the adoption of a resolution at a public meeting, without having to publicly advertise for competitive bids; and

WHEREAS, due to the inherent complexity of the legal issues facing school districts in this State, the Elizabeth Board of Education has decided that the appointment of two firms to serve as co-general counsel is necessary to serve the legal interests of the school district; and

WHEREAS, the firms that are being appointed have the legal expertise to provide the requested legal services and satisfy the legal definition of “professional services” as the services that they shall perform on the District’s behalf shall be by those persons authorized by law to practice a recognized profession; and

WHEREAS, the Elizabeth Board of Education intends for this appointment to commence immediately at its reorganization meeting of January 5, 2017.

NOW, THEREFORE, BE IT RESOLVED, that Mr. Jonathan Williams, Esq. of DeCotiis, FitzPatrick & Cole, LLP and Mr. Robert F. Varady, Esq. of LaCorte, Bundy, Varady & Kinsella shall be appointed as Co-General Counsel for the Board of Education for a term that shall commence immediately (January 5, 2017) and until the next reorganization of the Elizabeth Board of Education in January 2018, in accordance with the following rates \$165.00 per hour.

BE IT FURTHER RESOLVED that the Board President shall be authorized to execute a contract with DeCotiis, FitzPatrick & Cole, LLP and LaCorte, Bundy, Varady & Kinsella in accordance with the terms of this appointment.

BE IT FURTHER RESOLVED that these appointments shall be advertised in accordance with the Public School Contract Law, N.J.S.A. 18A:18A-5a(1).

This resolution and related contracts shall be maintained in the file of the Elizabeth School District and shall be made available for public inspection at the offices of the Elizabeth Board of Education.

BOARD OF EDUCATION**RESOLUTION****INTRODUCTION OF RULES OF GOVERNANCE**

WHEREAS, the Elizabeth Board of Education seeks to adopt Policies for the governance of the Board of Education and members therein; and

WHEREAS, it is the Board's obligation to oversee operation of the Elizabeth School District through goal setting, policy development and evaluation; to provide financial support for the educational and related programs; and to fulfill such other obligations as are imposed by law; and

WHEREAS, the Board believes that the model "Policies" created by the New Jersey School Boards Association clearly define the role and duties of boards of education and are consistent with the requirements of New Jersey Statutes and Regulations, including voting requirements; and

WHEREAS, the Board seeks to supplement those "Policies" with Roberts Rules of Order as the official parliamentary procedure manual to be used to conduct meetings.

NOW, THEREFORE, BE IT RESOLVED that the Elizabeth Board of Education adopts for the first reading the policies created by the New Jersey School Boards Association; and

BE IT FURTHER RESOLVED that the Board adopts Robert Rules of Order and the parliamentary procedures defined therein in supplement to these Policies as the official parliamentary procedure manual to be used to conduct meetings.

PUBLIC PARTICIPATION

Citizens may address the Board.

“At this time, the microphones are open for public comment to those who have signed in. I shall call individuals to the microphone 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 60 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 participation shall apply:

1. Time limits will be strictly enforced;
2. No personal attacks on individuals;
3. No vulgar or indecent language;
4. A person may address the Board no more than once during a single meeting;
5. Speakers should refrain from naming individuals;
6. 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.”

“At this time, I close the public comment portion of this meeting.”

BOARD OF EDUCATION
COMMITTEES AND OUTSIDE ASSIGNMENTS

STANDING COMMITTEES

Educational Management
Finance and Accounting
Legal Committee
Negotiations Committee
School Properties

REPRESENTATIVES

New Jersey School Boards Association
Union County Educational Services Commission
Union County School Boards Association
Urban School Boards Association

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Y**BOARD OF EDUCATION****RESOLUTION****OFFICIAL RESULTS OF THE SCHOOL
BOARD ELECTION HELD ON NOVEMBER 8, 2016**

NOW BE IT RESOLVED, that the Official Results of the School Board Election held on November 8, 2016, have been certified and sent to the Union County Executive Superintendent's Office in accordance with N.J.S.A. 19:60-1 et seq.

Christina Cunha-Moreira	3277
Diane Barbosa	11330
Carlos M. Trujillo	4774
Stanley Neron	9656
Maria Medeiros-DaRassi	799
Maria E. Lorenz	1753
Ricky Castaneda	999
Sima Farid	1773
Virginia San Pedro	642
Jose M. Rodriguez	9669

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Y**BOARD OF EDUCATION****RESOLUTION****DESIGNATION OF OFFICIAL MEDIA SERVICES**

RESOLVED, that the media listed below, be officially designated by the Elizabeth Board of Education to receive notices of meetings.

The Star Ledger
MSG Network
Cablevision of Elizabeth
Luso Americano
News Record
La Tribuna Hispana
24 Horas
La Voz
Vistazo Hispano

BE IT FURTHER RESOLVED, that the Star Ledger be designated the official newspaper of the Elizabeth Board of Education.

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Y**BOARD OF EDUCATION****RESOLUTION****DESIGNATION OF DEPOSITORIES
FOR SCHOOL FUNDS**

RESOLVED, that in compliance with N.J.S.A. 18A:17-34, the following Depositories are hereby designated wherein shall be kept all school funds of the Board of Education of the City of Elizabeth.

Bank of America/Merrill Lynch, New Jersey
Capital One
JP Morgan Chase, New Jersey
TD Bank, New Jersey
New Jersey Cash Management Fund
Northfield Bank, NJ
Santander Bank, New Jersey
Wells Fargo, N.A., New Jersey
Garden State Community Bank
Investors Bank
PNC Bank
Crown Bank
Banco Popular

FURTHER RESOLVED, that the School Business Administrator/Board Secretary acquire and maintain on file a copy of the Community Reinvestment Act Report, Annual Report/Statement of Solvency and Current Rating by a National Rating Service for each approved depository.

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BOARD OF EDUCATION

RESOLUTION

APPOINTMENT OF SPECIAL COUNSELS

RECOMMENDED: That the Elizabeth Board of Education retains the below listed attorneys as Special Counsel:

Afonso & Afonso, 546 Elizabeth Avenue, Elizabeth, NJ 07206

Aloia Law Firm, LLC, 2 Broad St., Suite 407, Bloomfield, NJ 07003

Di Francesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.
15 Mountain Boulevard, Warren, NJ 07059

Eric M. Bernstein & Associates, LLC, 34A Mountain Blvd., Warren, NJ 07059

Florio, Perrucci, Steinhardt & Fader, L.L.C., 218 Rt. 17 North, Suite 410, Rochelle Park, NJ 07662

Kologi Simitz, 923 Wood Avenue, Linden, NJ 07036

Mandelbaum Salsburg, PC, 510 Thornall St., Suite 180, Edison, NJ 08837

Palumbo, Renaud & DeAppolonio, 190 North Ave., East, Cranford, NJ 07016

Porzio, Bromberg & Newman, P.C., 100 Southgate Parkway, Morristown, NJ 07960

Rogut McCarthy, LLC, 37 Alden Street, Cranford, NJ 07016

Weber Dowd Law, LLC, 365 Rifle Camp Road, Woodland Park, NJ 07424

FURTHER RESOLVED, the duties for all special counsel shall be assigned, as necessary, by the General Counsel, in accordance with the fee schedule on file in the Office of the School Business Administrator/Board Secretary, and consistent with all applicable state statutes and regulations.

FURTHER RESOLVED, General Counsel shall prepare a contract for each Special Counsel, which shall be in effect from this date and until the Reorganization meeting of 2018 at an hourly rate of \$165.00.

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Y**BOARD OF EDUCATION****RESOLUTION****APPOINTMENT OF INSURANCE CONSULTANT**

RESOLVED, that the Elizabeth Board of Education appoint Economic Planning Group, 333 Thornall Street, Suite 9B, Edison, New Jersey, as the Elizabeth Board of Education insurance/health benefit consultant, in an amount not to exceed \$65,500.00.

This contract shall be in effect from this date and shall terminate as of the Reorganization Meeting of 2018.

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Y**BOARD OF EDUCATION****RESOLUTION****APPOINTMENT OF AUDITOR AND FORENSIC AUDITOR**

WHEREAS, the Elizabeth Board of Education requires professional auditing services; and

WHEREAS, the nature of the services to be performed meet the definition of “professional services” as defined by the Public School Contract Law, N.J.S.A. 18A:18A-1, et seq.; and

WHEREAS, the Elizabeth Board of Education is authorized by the Public School Contract Law N.J.S.A. 18A:18A-5, to award a professional services contract by the adoption of a resolution at a public meeting, without having to publicly advertise for competitive bids; and

WHEREAS, there are sufficient funds available for the payment of such professional services within the budget of the Elizabeth School District; and

WHEREAS, the Elizabeth Board of Education have decided that the appointment of two firms to serve in an auditing capacity; and

WHEREAS, the firms that are being appointed have the legal expertise to provide the requested legal services, as well as are certified to provide auditing and accounting services for school districts in the State of New Jersey; and

WHEREAS, the Elizabeth Board of Education intends for this appointment to commence immediately at its reorganization meeting of January 5, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Elizabeth Board of Education appoint Suplee, Clooney & Co., Westfield, New Jersey, as the District’s Auditor to provide professional accounting and auditing services related to the District’s Comprehensive Annual Financial Report, as of and for the year ended June 30, 2016, in an amount not to exceed \$129,500.00 plus reimbursable expenses.

BE IT FURTHER RESOLVED, that Suplee, Clooney & Co., be authorized to provide consulting services to the Business Office for the additional audit services prescribed by the Governmental Accounting Standard Board reporting requirements, as necessary.

BE IT FURTHER RESOLVED, that Lerch, Vinci & Higgins, LLP shall provide forensic accounting, labor services and litigation support for the District for a term that shall commence immediately (January 5, 2017) and until the next reorganization of the Elizabeth Board of Education in January 2018, in accordance with the following rates: \$140.00 per hour, not to exceed a total of \$125,000.00 without further Board approval.

BE IT FURTHER RESOLVED, that the Board President shall be authorized to execute contracts with the aforementioned companies, in accordance with the terms of this appointment.

BE IT FURTHER RESOLVED, that these appointments shall be advertised in accordance with the Public School Contract Law, N.J.S.A. 18A:18A-5.

This resolution and related contracts shall be maintained in the files of the Elizabeth School District and shall be made available for public inspection at the office of the Elizabeth Board of Education.

These contracts shall be in effect from this date and shall terminate as of the Reorganization Meeting of 2018.

BOARD OF EDUCATION

RESOLUTION

APPOINTMENT OF CHIEF MEDICAL INSPECTOR

RESOLVED: That the Elizabeth Board of Education appoint Francisco Munoz, M.D., as Chief Medical Inspector effective this date on a month to month basis contingent upon submission of documentation of malpractice insurance coverage and execution of a medical service agreement in accordance with the fee schedule on file in the Office of the School Business Administrator/Board Secretary, in an amount not to exceed \$2,100.00 per month.

BOARD OF EDUCATION

RESOLUTION

APPOINTMENT OF MEDICAL INSPECTORS

RECOMMENDED: That the Elizabeth Board of Education appoint the below listed doctors as Medical Inspectors effective this date on a month to month basis contingent upon submission of documentation of malpractice insurance coverage and execution of a medical service agreement in accordance with the fee schedule on file in the Office of the School Business Administrator/Board Secretary.

Francisco Munoz, M.D.
James Perez, M.D.
Guillermo Munoz, D.O.
Kamran Tasharofi, M.D.

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Y**BOARD OF EDUCATION****RESOLUTION****APPOINTMENT OF TREASURER OF SCHOOL MONIES**

RECOMMENDED: That the Elizabeth Board of Education appoint, Louis C. Mai, CPA and Associates, Treasurer of School Monies, in an amount not to exceed \$45,000.00 annually.

This contract shall be in effect from this date and shall terminate as of the Reorganization Meeting of 2018.

BOARD OF EDUCATION

RESOLUTION

APPOINTMENT OF ARCHITECTS

RESOLVED, that the Elizabeth Board of Education retains the following to provide professional architect services on an as needed basis:

The Musial Group Architects
191 Mill Lane, Mountainside, NJ 07092

DMR Architects
777 Terrace # 607, Hasbrook Heights, NJ 07604

USA Architects
20 N. Doughty Avenue, Somerville, NJ 08876

Netta Architects
1084 US 22, Mountainside, NJ 07092

BOARD OF EDUCATION

RESOLUTION

APPOINTMENT OF ENGINEERS

RESOLVED, that the Elizabeth Board of Education retains the following to provide professional engineering and planning services on an as needed basis:

CME Associates
3141 Bordentown Avenue, Parlin, NJ 08859

Neglia Engineering Associates
34 Park Avenue, Lyndhurst, NJ 07071

Whitman Engineering
7 Pleasant Hill Road, Cranbury, NJ 08512

BOARD OF EDUCATION

RESOLUTION

APPOINTMENT OF ENVIRONMENTAL CONSULTANTS

RESOLVED, that the Elizabeth Board of Education retains the following to provide professional environmental services on an as needed basis:

Whitman Engineering
7 Pleasant Hill Road, Cranbury, NJ 08512

CME Associates
3141 Bordentown Avenue, Parlin, NJ 08859

Detail Associates
300 Grand Avenue, # 104, Englewood, NJ 08830

HAKS Engineering
73 S. Wood Avenue, #830, Iselin, NJ 08830

Excel Environmental Resources, Inc.
111 N. Center Drive, North Brunswick, NJ 08902

BOARD OF EDUCATION

RESOLUTION

APPOINTMENT OF CONSTRUCTION MANAGERS

RESOLVED, that the Elizabeth Board of Education retains the following to provide construction management services on an as needed basis:

Pinnacle Consulting & Construction
1 Gateway Center, Newark, NJ 07102

ACB Construction Consulting Services
292 Lafayette Street, Newark, NJ 07102

Legacy Construction Management, Inc.
435 Sloping Hill Terrace, Brick, NJ 08723

CME Associates
3141 Bordentown Avenue, Parlin, NJ 08859

EPIC, Inc.
136 11th Street, #1, Piscataway, NJ 08854

HAKS Engineering
73 S. Wood Avenue, #830, Iselin, NJ 08830

Neglia Engineering Associates
34 Park Avenue, Lyndhurst, NJ 07071

Cumming Construction Management
200 South Avenue East, Suite 302, Cranford, NJ 07016

Morgan Construction Management
926 Haddonfield Road, Suite 641, Cherry Hill, NJ 08002

**ELECTION OF REPRESENTATIVE TO
UNION COUNTY EDUCATIONAL SERVICES COMMISSION**

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Y**BOARD OF EDUCATION****RESOLUTION****SCHEDULE OF BOARD MEETINGS**

Resolved, that the setting of the following dates and time for the holding of the public meeting sessions for the ensuing year to be held at 6:30 p.m. in the Multipurpose Room of the Donald Stewart Center for Early Childhood Education, 544 Pennsylvania Avenue, Elizabeth, New Jersey 07207, be and is hereby submitted.

AGENDA MEETING

February 9, 2017
 March 9, 2017
 April 6, 2017
 May 4, 2017
 June 8, 2017
 July 13, 2017
 August 10, 2017
 September 7, 2017
 October 12, 2017
 November 9, 2017
 December 7, 2017

BUSINESS MEETING

January 19, 2017
 February 16, 2017
 March 16, 2017
 April 13, 2017
 May 11, 2017
 June 15, 2017
 July 20, 2017
 August 17, 2017
 September 14, 2017
 October 19, 2017
 November 16, 2017
 December 14, 2017

BOARD OF EDUCATION

RESOLUTION

INVOKING THE DOCTRINE OF NECESSITY

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

WHEREAS, the School Ethics Commission has provided guidance in Public Advisory Opinion A03-98 regarding how a board should invoke the Doctrine of Necessity when a quorum of a board of education has conflicts of interest not allowing participation in the negotiation process and matters to be voted upon; and

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

WHEREAS, in keeping with the Legislative purpose as set forth in N.J.S.A. 18A:12-22(a), the School Ethics Commission views public disclosure of conflicts of interest to be paramount when it is necessary to invoke the Doctrine of Necessity.

NOW, THEREFORE, BE IT RESOLVED that the Elizabeth School District Board of Education hereby invokes the Doctrine of Necessity for the reason of negotiating and approving multiple Collective Negotiations Agreements and contracts between the: Elizabeth Education Association and the Board of Education; the Elizabeth Administrators and Supervisory Council and the Board of Education; the Elizabeth Directors Association and the Board of Education; the Elizabeth Non-Certified Administrators' Association and the Board of Education; the Superintendent of Schools, Assistant Superintendents of Schools and the School Business Administrator/Board Secretary and the Board of Education and that it must do so because of the conflicts of interest for six of nine board members reflected on the annexed schedule who have conflicts due to their familial and business interests; and

BE IT FURTHER RESOLVED that the Elizabeth School District Board of Education is herewith meeting the requirement to read the resolution at its January 5, 2017 public meeting, and will post it where it posts public notices for 30 days and will provide the School Ethics Commission with a copy of the resolution as required by the Decision of the School Ethics Commission.