

FLORHAM PARK BOARD OF EDUCATION
Special Public Meeting, October 26, 2015
Ridgedale Middle School
School Auditorium
67-71 Ridgedale Avenue

MINUTES
6:30 p.m.

Mission Statement: We are committed to the achievement of individual academic excellence through high quality teaching, learning and community involvement, which results in students being well prepared to meet future educational challenges and to contribute to society. They will achieve these goals in accordance and alignment with the New Jersey Core Content Curriculum Standards, which guide our academic instruction.

Assistance for persons with disabilities: for the purpose of attending this or any other district meeting/function can be obtained by contacting the Board Secretary's office at 973-822-3880 (x1005).

A.SUNSHINE STATEMENT: - In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., adequate notification of this meeting has been provided by advertising in the Morristown Daily Record. In addition, notices were posted at the Municipal Clerk's Office, Public Library, District Schools, and the Board Administration Office at 67-71 Ridgedale Ave at least 48 hours prior to the meeting.

B.CALL TO ORDER:

C. FLAG SALUTE:

D. ROLL CALL:

BOARD MEMBER	PRESENT	ABSENT
Mrs. Thomas (Alita)	X	
Mrs. Heinold (Kristina)	X	
Ms. Haynes (Marianne)	X	
Mrs. Michalowski (Linda)		X
Mr. Gaffney (John)	X	
Dr. Carollo (John)	X	
Mr. DeCoursey (Kevin)	X	

In attendance; Members of the FPEA and a few members of the general public

Mr. DeCoursey welcomed everyone and read the following resolution;

E. RESOLUTION:

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, questions have arisen regarding how a Board should invoke the Doctrine of Necessity when a quorum of a board of education has conflicts of interest on a matter required to be voted upon; and

WHEREAS, the School Ethics Commission has provided some guidance in Public Advisory Opinion A03-98 (April 1, 1998), but finds that there is a need to repeat and clarify its opinion; 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;

WHEREAS, the State Department of Education promulgated N.J.A.C. 6A:23A-6.2, which also places standards and restrictions upon the ability of a board member to vote on a particular issue; and

WHEREAS, the Board is required by law to vote to ratify the collective negotiations agreement with the Florham Park Education Association (“Association”); and

WHEREAS, the Board Attorney has reviewed the State regulations and the advisory decisions of the Commission and has determined that four (4) board members of the total seven (7) members of the Board have conflicts that prohibit them from voting on the collective negotiations agreement with the Association; and

WHEREAS, the board member conflicts are as follows for in-district conflicts:

1. Board Member John Gaffney’s spouse is employed as a teacher with the Millburn Board of Education and a member of the NJEA; and
2. Board member Marianne Haynes’s son is employed by the Florham Park Board of Education and is a member of the Association and the NJEA; and
3. Board Member Alita Thomas was publicly endorsed by the Association in her 2014 election to the Board and accepted campaign contributions from the Association President in support of her 2014 election to the Board; and
4. Board Member Kristina Heinold was publicly endorsed by the Association in her 2014 election to the Board and accepted campaign contributions from the Association President in support of her 2014 election to the Board; and

WHEREAS, the inability of the aforementioned board members to vote as a result of their conflict(s) will result in a lack of a quorum necessary to vote to ratify the collective negotiations agreement with the Association; and

WHEREAS, in order to vote to ratify the collective negotiations agreement with the Association, as required by law and contract, the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the School Ethics Commission.

NOW THEREFORE BE IT RESOLVED by the Florham Park Board of Education, County of Morris, State of New Jersey, as follows:

1. That the aforementioned members are prohibited from participating in voting to ratify the collective negotiations agreement with the Association; and
2. That the Board therefore invokes the Doctrine of Necessity in order to allow the full body of the Board to vote to ratify the collective negotiations agreement with the Association in accordance with State law; and
3. That this resolution shall be read at a regularly scheduled meeting of the Board and be posted on the Board's website for a minimum of thirty (30) days, as well as posted at other location(s) where the Board posts its public notices; and
4. That a copy of this resolution shall be forwarded to the School Ethics Commission.

Motion; KD Second; JC

6 yes, 0 no

F. EXECUTIVE SESSION:

WHEREAS, the Florham Park Board of Education seeks to adjourn to Executive Session in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act provides that a public body may exclude the public from that portion of the meeting at which it discusses matters pertaining to personnel hires, renewals, non-renewals and tenure, negotiations FPBOE/FPEA, and /or current and potential litigation; now

BE IT RESOLVED, that the Florham Park Board of Education adjourns to Executive Session; and

BE IT FURTHER RESOLVED, that the minutes of the discussion of any of these items will be disclosed to the public when matters have been determined and confidentiality is no longer applicable.

Motion; JC Second; JG

6 yes, 0 no

Motion by Mr. DeCoursey to adjourn the Executive Session for the purposes of negotiations, legal issues, personnel issues and reconvene the Special Meeting at 7:01 p.m. Said motion was seconded by Dr. Carollo.

G. RESOLUTION: Approve the Settlement Agreement with the Florham Park Education Association.

WHEREAS, on Wednesday, October 21, 2015 the Florham Park Board of Education and the Florham Park Education Association reached a Memorandum of Agreement for a five-year successor collective bargaining agreement for the contract that expired on June 30, 2013, and

WHEREAS, the Florham Park Education Association has indicated that the Memorandum of Agreement has been ratified by its membership on Friday October 23, 2015 by a vote of 143 yea, 5 no,

NOW, THEREFORE BE IT RESOLVED, that the Florham Park Board of Education approve the Memorandum of Agreement ratified by the Florham Park Education Association for the period July 1, 2013 thru June 30, 2018.

Discussion: Mr. DeCoursey provided general details of a five-year agreement with competitive raises of 2.6, 2.7, 2.7, 3.0 and 2.75% respectively.

Motion; JC Second; JC

6 yes, 0 no

H. PUBLIC COMMENT: Mrs. Bernstein thanked the board for the settlement. Mrs. Haberman thanked the board and added that hopefully lessons were learned. There were no further comments. The board president recognized Dr. Varley. Dr. Varley stated that she admired the teachers and staff who stayed out until 2AM to make sure the contract was settled. She also admired them for coming to work the next day to do what is best for the students of Florham Park. Mr. DeCoursey wished recognize and thank Mr. Csatlos and Mr. Gaffney, chair of finance who remained committed to finding the funds for a settlement. The board president recognized Mr. Gruenwald. Mr. Gruenwald stated as a veteran of 39 years he believes in the effort and the process however the board could have saved time and a lot of money if it had listened to the unions concerns over 2 and a half years ago. Mr. Gruenwald added that future board members should not emulate the lack of respect from the current board.

I. ADJOURNMENT: Mr. Gaffney made a motion to adjourn the meeting. The motion received a second from Mrs. Haynes.

Motion; JG Second; MH

6 yes, 0 no

Respectfully Submitted,



John Csatlos
Business Administrator/Board Secretary