

BOARD OF EDUCATION
(Official)

March 17, 2016
Elizabeth, New Jersey

The regular meeting of the Board of Education was called on March 17, 2016 at 6:30 p.m., at Mabel G. Holmes School No. 5, 650 Bayway Avenue, Elizabeth, New Jersey.

Board President Charlene Bathelus presented the following statement at 6:38 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 Friday, March 11, 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 March 17, 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. 7:30 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 Ceden, Interim Assistant Superintendent for Human Resources Francisco Cuesta, Comptroller William Greene, 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 seventh grade student Justin Torres and eighth grade student An’Nesha Porter at Mabel G. Holmes School No. 5.

The *Star Spangled Banner* by Francis Scott Key was performed by Jelsie Basso, Vice Principal of Mabel G. Holmes School No. 5.

The Pledge of Ethics was led by seventh grade student Justin Torres and eighth grade student An’Nesha Porter at Mabel G. Holmes School No. 5.

Ms. Bathelus introduced students in the Mabel G. Holmes School No. 5 Band Ensemble who performed *Happy* by Pharrell Williams. Ms. Bathelus thanked the students for a wonderful performance.

Ms. Bathelus introduced students from Mabel G. Holmes School No. 5 who performed a dance routine to *Never Would Have Made It* by Marvin Saap. Ms. Bathelus thanked the students for a wonderful performance.

Ms. Bathelus thanked everyone for attending tonight's meeting celebrating women during Women's History Month at Mabel G. Holmes School No. 5. Ms. Bathelus stated that in celebration of Women's History Month and for the reason we selected to host tonight's meeting at this site she would like to shine light on a precedent-setting woman who made her impact right here in the City of Elizabeth. Ms. Bathelus stated that the namesake of School No. 5, Mabel G. Holmes became the town's first African-American principal and after retiring in 1963 the first African-American woman to serve as a member of the Elizabeth Board of Education. Ms. Bathelus stated that however, it may be her work as a classroom teacher that had its greatest impact as she was recognized for providing her students with multicultural education before the concept existed and teaching about prominent African-Americans such as Washington Carver and Paul Dunbar. Ms. Bathelus stated that she is an inspiration to us all and thanked her for the contributions she made to the Elizabeth community that paved the way for her to be able to serve today as a woman of color on the Elizabeth Board of Education.

Miss Goncalves recognized the following students from Mabel G. Holmes for student excellence having exhibited outstanding academic achievement including seventh grade students Shyanne Balsai, Sebastian Egoavil, Janiyah Fullwood, Adely Guervera, and Ashley Tineo; and eighth grade students Emelin DeLaRosa, Emy DeLaRosa, Ericka Hernandez, Victoria Laskowski, and Erick Saldivar. Miss Goncalves and Board members congratulated the students and presented each with a certificate of commemoration.

Mr. Rodriguez recognized Mabel G. Holmes Teacher of the Year Blanche Scaturro and Mabel G. Holmes Ed Service Provider of the Year Personal Assistant Tasheema Rembert as part of the Governor's Educator of the Year Program that will be recognized at the Union County Office of Education and highlights educational innovation, exemplary teaching, and important services outside the classroom environment that lead to student success. Mr. Rodriguez and Board members congratulated Blanche Scaturro and Tasheema Rembert and presented them with a certificate of commemoration.

Mr. Nina recognized Joshua Silie, eleventh grade student at Admiral William F. Halsey, Jr. Health and Public Safety Academy for his valiant efforts in assisting a third grade boy who fell and hurt his back at a neighboring school, Our Lady of Guadalupe Academy. Mr. Nina and Board members congratulated Joshua Silie and presented him with a certificate of commemoration.

Mr. Neron recognized the students on the Elizabeth High School Forensics Team who competed in the New Jersey Forensics League State Championships at Bridgewater-Raritan High School with 35 other schools from New Jersey. Mr. Neron recognized John Paipilla, twelfth grade student who is the State Champion in Humorous Interpretation. Mr. Neron stated that John Paipilla will be recognized at the Governor's Awards in Arts Education and will be receiving a scholarship from the New Jersey Speech and Debate League.

Mr. Neron recognized twelfth grade students Angelo Egoavil, 2nd Place in Humorous Interpretation; David Ecaracao, 3rd Place in Humorous Interpretation; Ariel Aguilar, 6th Place in Points of Information; John Paipilla and Angelo Egoavil, 5th Place in Duo Interpretation; Aaron Taveras, Semifinalist in Congressional Debate; and eleventh grade student Janice Figueroa, Semifinalist in Original Oratory. Mr. Neron introduced Forensics Coach Renee Drummond and

stated that the EHS Forensics Team earned a 5th Place in Speech Sweepstakes. Mr. Neron and Board members congratulated the students and coach and presented each with a certificate of commemoration.

Mr. Trujillo recognized Walter Fisher and Christopher Lawand, security guards at Admiral William F. Halsey, Jr. Health and Public Safety Academy for successfully assisting the Juvenile Unit of the Union County Prosecutor's Office in a recent missing persons case and introduced Acting Union County Detective Nicholas Veltre from the Union County Prosecutor's Office. Mr. Trujillo and Board members congratulated Walter Fisher and Christopher Lawand and presented each with a certificate of commemoration.

Acting Union County Detective Nicholas Veltre thanked Walter Fisher and Christopher Lawand for their exceptional work in assisting in the recent missing persons case. Detective Veltre read a letter praising the work of the Walter Fisher and Christopher Lawand.

Ms. Bathelus recognized Dr. William A. Greene, Jr. who is retiring April 1 and has served the Elizabeth Public Schools and the members of the Elizabeth community with great ambition and dedication for over ten years. Ms. Bathelus stated that as the district comptroller, Dr. Greene has helped ensure that district funding was allocated in a manner that allowed the students of the Elizabeth Public Schools to receive excellent educational experiences and services. Ms. Bathelus stated that more specifically, he has been instrumental in preparing the annual school-based budget and presenting a budget to Elizabeth residents that has provided high quality instruction to students. Ms. Bathelus stated that he has also participated in preparing the Comprehensive Annual Financial Report which outlines the major initiatives of the Elizabeth Public Schools and the ways in which funding was appropriated to support those activities. Ms. Bathelus stated that Dr. Greene also served as an instructional leader for numerous principals and vice principals engaging in various readings based on successful business and education models. Ms. Bathelus stated that as great of an asset as he has been as comptroller, it is his selfless, optimistic, and inspiring nature that is a hallmark of Dr. Greene's work and great rapport with fellow team members. Ms. Bathelus stated that this should come as no surprise given the great contributions Dr. Greene has made while serving as a pastor of the Second Baptist Church of Toms River for over twenty years. Ms. Bathelus stated that during his tenure at Second Baptist Church of Toms River Dr. Greene has implemented a prison and youth detention center outreach, nursing home outreach, shelter, clothing and feeding the homeless programs, fellowship outreach and increased the civic involvement by the church. Ms. Bathelus introduced Dr. Greene and thanked him for his dedicated service of more than ten years to the Elizabeth Public Schools.

Dr. Greene thanked the Board for the honor and stated that it has been a pleasure serving this district.

Mrs. Carvalho stated that countless past and present women have contributed to the advancement and prosperity of Elizabeth and the United States and they have willingly and ably taken on leadership roles to serve the community with great passion and dedication. Mrs. Carvalho recognized the contributions and dedicated service of the following women in the Elizabeth community including Annette Quijano, Assemblywoman; Patricia Perkins-Auguste, councilwoman-at-large; Detective Jeanine Taylor, Elizabeth Police Department; Janice Lilien, Chief Executive Officer at YWCA; Iliana Chevres, Elizabeth Port Parent Support Group; and Natasha Davis, Someone's Daughter Organization, Assistant Superintendent for Schools Linda Seniszyn, Interim Assistant Superintendent for Teaching and Learning Jennifer Cedeno, and Superintendent of Schools Olga Hugelmeyer. Mrs. Carvalho and Board members congratulated them and presented each with a certificate of commemoration.

Councilwoman-at-Large Patricia Perkins-Auguste spoke on behalf of all the women and stated that each woman has their own voice in terms of what they do everyday, in the district, in their jobs, in their homes, and we all have our own voice. Ms. Perkins-Auguste stated that sometimes we think that our voices are not being heard and people don't know that we are there

but they know that we are there. Ms. Perkins-Auguste stated that sometimes the loudest voice is the voice that is not spoken at all and the work that we do speaks louder than any words that we can say. Ms. Perkins-Auguste thanked the Board for the honor on behalf of all women.

Ms. Bathelus stated that as part of her monthly Board President's Focus she is thanking the Board members for taking the time to visit their adopted schools and reading to classrooms for Read Across America. Ms. Bathelus stated that it was a very rewarding experience to share time with our students and see the joy on their faces while listening to some of their favorite stories. Ms. Bathelus stated that she would like to remind the members of our community that she has designated office hours from 5:30 p.m. to 7:00 p.m. every Monday night during which Elizabeth families may make an appointment to meet with her and discuss any issues or concerns pertaining to the Elizabeth Public Schools.

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, 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 requested librarian services be continued.

Mrs. Hugelmeyer thanked her for her many years of service in our district and stated that we have a firm commitment to library services for our children. Mrs. Hugelmeyer stated that our librarians in our district have taken on an incredible role to provide the foundation for our children in kindergarten, first, and second grade by not only providing library services but also serving an instrumental role in assisting with the delivery of instruction for literacy. Mrs. Hugelmeyer stated that she is very proud of our librarians and they continue to assist all of teachers in all grades. Mrs. Hugelmeyer stated that we added the position of computer literacy teacher and it is for that reason in order to enhance the technology skills for our students so that they can compete globally but we have never lost sight of the importance of our library services for our children because it does begin with literacy. Mrs. Hugelmeyer thanked her for coming this evening and for bringing this important issue before everyone and reminding the parents about the importance of literacy.

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

Nilmarie Montes, 471 Madison Avenue, spoke about an incident involving her daughter.

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

Co-General Counsel Jonathan Williams stated that he wants everyone to know that the members of the Board of Education, the Superintendent, and the other folks who have addressed these issues previously and who continue to look at them care very much about the way the

children have been treated by this particular gentleman as well as everybody else in the security department, everybody else in the schools generally. Mr. Williams asked what does that really mean and stated that in the case of this particular incident, the incident was reported immediately to the Union County Prosecutor, to the Division of Youth and Family Services, and to the Elizabeth Police Department. Mr. Williams stated that the investigators for the Elizabeth School Board have confirmed all of that and they are the ones who made those reports. Mr. Williams stated that we also know from the incident and from reviewing the files that none of those agencies took action because the Board of Education took action to terminate the employment of the employee in question. Mr. Williams stated that we also know that Mr. Hunter's union filed a grievance and the matter was scheduled for arbitration. Mr. Williams stated that Mr. Hunter has been returned to employment as a result of that grievance having been filed and as a result of his prior pristine record in the school system. Mr. Williams stated that we know from a review of the files that Mr. Hunter is scheduled to be moved at the request of additional folks and with the consent of his union to an additional position where he will not have any contact with students at all at any point in time in the future. Mr. Williams stated that he believes that our review of the files indicates that the School Board, the district, and all its employees acted appropriately in response to this incident and will continue to do so in the future.

Mario Mateo, 471 Madison Avenue, spoke about an incident involving his sister.

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, spoke about an incident.

Mrs. Hugelmeyer stated that first and foremost safety and security is the number one priority in this district. Mrs. Hugelmeyer stated that Mr. Hunter is currently assigned to our central office administrative offices and he currently does not have contact with children. Mrs. Hugelmeyer stated that she understands the concerns that have been presented and she can assure you that safety and security is our priority. Mrs. Hugelmeyer stated that is a decision that was made that was recommended to this Board of Education.

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

Joe Cortico, President of the EEA, spoke on behalf on an employee.

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

Penny Meredith, 171 First Street, spoke about an incident.

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 SEPAC and asked about the donation of \$25,000. for programs for children with special needs from Coach Todd Bowles.

Mrs. Hugelmeyer stated that the generous donation of \$25,000. that Coach Bowles and his wife made to our district has actually been allocated to Project Unify which is Special Ed Olympics. Mrs. Hugelmeyer stated that to date several activities have taken place in various communities involving our children who have participated and we have not been charged to date by Project Unify. Mrs. Hugelmeyer stated that there is a plan in place and our Supervisor Joe Przytula has been working collaboratively with Special Olympics to be able to design a plan for the entire year. Mrs. Hugelmeyer stated that a lot of the activities are taking place in the summer

and at which time the proper expenditures will take place. Mrs. Hugelmeyer stated that we are very grateful to Project Unify for having given us this opportunity to be able to frontload some of the activities at no cost.

Ms. Bathelus thanked her for her comments and called twice upon the next public participant, Sammie Mohammad, to address the Board. Sammie Mohammad did not come forward. Ms. Bathelus called upon the next public participant, James Carey, to address the Board.

James Carey, 239 Third Street, spoke about an incident.

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

Fatima Marques, 754 Linden Avenue, spoke about problems with preschool registration.

Mrs. Hugelmeyer requested she speak with Assistant Superintendent for Schools Linda Seniszyn who will be able to review the forms and explain the process of applying for preschool and the eligibility process for lottery schools.

Ms. Bathelus thanked her for her comments and called upon the next public participant, Louis White.

Louis White, 152 Park Place, spoke about an incident.

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

Christina Moreira, 805 Gebhardt Avenue, spoke about a survey for lead in the water and questioned plant and property expenses at several schools.

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

Kyesha Mitches, 535 Jefferson Avenue, spoke about an incident.

Ms. Bathelus thanked her for her comments and called upon the next public participant, Rev. Edward Townsend, to address the Board.

Rev. Edward Townsend, 528 Fulton Street, spoke about an incident.

Ms. Bathelus thanked him for his comments and called upon the next public participant, Maria Medeiros DaRassi, to address the Board.

Maria Medeiros DaRassi, 420 Fay Avenue, spoke about an incident.

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

Maria Echavarria, 321 Westfield Avenue, spoke about an incident.

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.

Mr. Trujillo stated that he would like to make a comment.

Ms. Bathelus stated that before comments she would like to have two gentlemen speak and then we will have comments from Board members.

Ms. Bathelus stated that on January 7, 2016, the Board voted to hire a Forensic Auditor and introduced Dieter Lerch from Lerch, Vinci & Higgins, LLP and Lester Taylor III, Esq., Florio Perrucci Steinhardt & Fader LLC to present a preliminary sixty day forensic audit report.

Lester Taylor III, Esq., Florio Perrucci Steinhardt & Fader LLC, stated that each Board member is receiving a legal memorandum, a comprehensive memorandum prepared by his firm giving an overview of the Public School Contracts Law. Mr. Taylor stated that the Public School Contracts Law requires public bidding, in many instances, where purchases exceed \$36,000. since Elizabeth Public Schools has a Qualified Purchasing Agent. Mr. Taylor stated that this is designed to ensure competitive bidding and also the fair, efficient, responsible spending of public dollars. Mr. Taylor stated that there are certain exceptions to the law including certain professional services that may be applicable at certain times and/or in certain emergency situations and the details are in this memorandum.

Dieter Lerch from Lerch, Vinci & Higgins, LLP stated that they have been authorized by this Board to do a forensic audit.

Mr. Trujillo stated that they just received the report and made a motion to table this.

A motion was made by Mr. Trujillo, seconded by Mrs. Amin, to table the report.

The motion was defeated by the following vote:

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

Negative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,

Ms. Bathelus – 6

Mr. Trujillo stated that this is very questionable. Mr. Trujillo stated that we just received this audit report and as members of this Board we should have been afforded the opportunity to review it and ask questions prior to it being presented in public. Mr. Trujillo stated that this is not the way we normally do that. Mr. Trujillo stated that this isn't being transparent at all. Mr. Trujillo stated that something that you have to remember is that you promised after being elected President to be transparent with everything that goes on here. Mr. Trujillo stated that he feels that this is not being transparent.

Ms. Bathelus stated that she is being transparent having them come here and really open it to the audience. Ms. Bathelus stated that everyone on the Board just received the same letter.

Mr. Trujillo asked if this wasn't received in committee and this wasn't reviewed in any committee.

Ms. Bathelus responded no.

Mr. Trujillo asked if it is the first time she is seeing this report and if anyone else has seen this report.

Ms. Bathelus stated that this is the first time she is seeing this report.

Mr. Williams stated that this is a legal memorandum which Mr. Taylor indicated earlier is a summary of New Jersey law with respect to Public School Contracts Law.

Mr. Trujillo stated that he asked if this was reviewed by anyone else.

Ms. Bathelus stated that she has not seen the document that is in front of you.

Dieter Lerch from Lerch, Vinci & Higgins, LLP stated that his report is in two phases and they have been working on this for the last two months. Mr. Lerch stated that this is not all conclusive and this is just some areas that they looked at and the forensic audit is ongoing. Mr. Lerch stated that these are just the items that they came across at this point. Mr. Lerch stated that they looked at health coverage and they found in the health coverage, dental, and prescription benefits that there are 35 individuals receiving either health coverage, dental, or prescription benefits who are no longer eligible employees of the district. Mr. Lerch stated that the monthly cost on that is approximately \$18,500. per month. Mr. Lerch stated that they reviewed the personnel records and calculated from the time that they were terminated to the present and the premiums that were paid on their behalf is approximately \$350,000.

Mr. Lerch stated that Phase 2 of the report has to do with a review of selected vendors and specifically a review of their invoices as well as compliance with the local Public School Contracts Law. Mr. Lerch stated that the first section of his findings has to do with apparent bid violations. Mr. Lerch stated that he will not mention the vendors but will mention the specific instances that they found to date and this is ongoing so they are in the process of reviewing additional vendors. Mr. Lerch stated that right now he is only focusing on the 14-15 year and that they are still reviewing the prior years. Mr. Lerch stated that the Board paid a vendor for mechanical services slightly in excess of \$70,000. for which no public bid was obtained. Mr. Lerch stated that the second vendor did bid and was awarded a bid for \$50,300. for asphalt work in the district and was ultimately paid \$107,000. Mr. Lerch stated that the next vendor was providing snow removal services to the district and a bid was awarded in the amount of \$78,300. Mr. Lerch stated that vendor was paid in excess of \$232,000. Mr. Lerch stated that we also selected a vendor who does auto repairs and wrecking services for the district and that vendor was awarded a bid not to exceed \$100,000. and the vendor was paid \$130,000. Mr. Lerch stated that for the auto repairs they noticed that the Board was charged at a rate higher than was in the bid and they would refer that back to the Board for a possible claim on that issue on an overcharge.

Mr. Lerch stated that the next area of his report has to do with emergency purchases and there is a provision in the law for emergency purchasing. Mr. Lerch stated that the first area has to do with roofing repairs. Mr. Lerch stated that there was no bid awarded and the vendor is called on a regular basis and the vendor was paid \$110,000. Mr. Lerch stated that each and every single repair was specified as an emergency purchase. Mr. Lerch stated that another vendor was awarded a bid for HVAC abatement in the amount of \$179,000. Mr. Lerch stated that once the vendor was performing the bid work this vendor was then awarded an emergency contract for asbestos removal in the amount of \$227,000. Mr. Lerch stated that in their review of the minutes none of these matters were brought to the Board. Mr. Lerch stated that they also have a vendor who does certain printing services for the district who has a not to exceed contract and that vendor was paid for certain services in the amount of approximately \$33,000. outside of that contract. Mr. Lerch stated that they are requesting special counsel to review that matter for possible recovery. Mr. Lerch stated that the last matter he has tonight is a potential conflict of interest matter. Mr. Lerch stated that the district has a vendor who gets paid approximately \$80,000. a year and was paid approximately \$400,000. over the last five years. Mr. Lerch stated that the vendor was not publically bid, the vendor was not quoted, and the vendor is routinely called in to do work in the district. Mr. Lerch stated that one of the concerns from a forensic audit point of view in reviewing the vendor's invoices is that none of the invoices are detailed as to the time and material that it takes to perform the service for the district. Mr. Lerch stated that they are essentially all one line items.

Mr. Rodriguez stated that he thinks this is why the old school majority fought so hard to not let any other members and any other teams come in here and take a look at this. Mr. Rodriguez asked who the last vendor was that he was talking about.

Mr. Lerch asked for the opinion of special counsel as to whether it would appropriate for him to disclose that vendor.

Mr. Taylor stated that his firm did provide the Board of Education with the legal memorandum which is protected by the attorney-client privilege. Mr. Taylor stated that they go to great lengths to respect, preserve, and maintain that attorney-client privilege between his firm and the audit firm. Mr. Taylor stated that the information that Mr. Lerch is giving is all public information, namely documents that are accessible by the public with the amounts referenced as well as the names, so it is permissible and appropriate for Mr. Lerch to disclose that information.

Mr. Lerch stated that the name of the vendor is Trujillo Construction.

Mr. Neron asked where the payments are sent.

Mr. Lerch stated that the payments are sent to 732 Spring Street which is also the home address of a Board member.

Mr. Trujillo asked legal counsel if any law has been broken and has he found any wrongdoing. Mr. Trujillo asked if this Board is culpable of any wrongdoing. Mr. Trujillo stated that the allegations that are being made here are really outrageous. Mr. Trujillo stated that his uncle who is in question here has been a resident of this City for 45 years and he has done work for this district for far more than five years and far more than the nine years that he has sat on this Board. Mr. Trujillo stated that to come here and try to pretend that something wrong was done is really inexcusable and pathetic. Mr. Trujillo stated that the taxpayers are wasting money for you to come here. Mr. Trujillo asked legal counsel to advise him if legal counsel feels that Mr. Trujillo has done something wrong or any member of this Board has done something wrong.

Mr. Taylor requested that Mr. Williams address this.

Mr. Williams stated that no one has accused you of any wrongdoing. Mr. Williams stated that there is no indication at all that there has been any illegality or wrongdoing. Mr. Williams stated that what they are receiving tonight is an audit which shows the Public School Contracts Law has not been complied with. Mr. Williams stated that these payments were made without knowledge of the Board, without public bid, and without any indication that they were awarded with an emergency. Mr. Williams stated that no one is accusing any individual of any wrongdoing at this point in time. Mr. Williams stated that he is sure that Mr. Trujillo would agree that those payments and the work that was done without having had a public bid or the procedures of the law for public contracts having been followed warrant a further review. Mr. Williams stated that is the purpose of this audit and that is what it will lead to and that is all we are going to be doing tonight. Mr. Williams stated that with respect to where the payments are going and the indication that it went to a home address of a Board member no one is accusing any of the other Board members of any criminality or any wrongdoing. Mr. Williams stated that all we are saying is that the payments went to a home address of a Board member who he believes was very careful not to vote on any of the payments that were made and who has made a disclosure on his financial disclosure form with respect to that particular company. Mr. Williams stated that he is sure that Mr. Trujillo knows, as he has sat on this Board for quite some time, that it is inappropriate for a Board of Education to contract with any company that a Board member has an interest and that will warrant further review. Mr. Williams stated that the purpose of this report is to lead to adoption of policies and statements and further activities which will result in completion of the investigation. Mr. Williams stated that no one has accused anyone of criminality or wrongdoing tonight at this point in time.

Mr. Lerch concluded his report.

Mr. Perreira stated that he wants to be clear and he knows the way that it is being presented here is in the sense of trying to play him as either someone corrupt or something to that effect. Mr. Perreira stated that he can open his financial statements or whatever you may want to

see and nothing that he has ever done ever since he has been a Board member for five years on this Board was wrong. Mr. Perreira stated that he has always disclosed his family members and his wife's grandfather who has been a resident of this City, as Mr. Trujillo said, for 45 years having come from Cuba with eight children. Mr. Perreira stated that he has been doing the same job and the same work since he's been here to feed his family. Mr. Perreira stated that his wife's grandfather has shown him the most respect and his wife's grandfather is worthy of respect in his eyes and he has been a great man to him, his wife and his family. Mr. Perreira stated that he has lived in that house for sixteen years ever since he moved from Florida with his family. Mr. Perreira stated that he doesn't deny that he lives there and his wife's grandfather does do some work for the Board of Education. Mr. Perreira asked if his wife's grandfather does it because he sits on the Board and said no and he has been doing it for many more years before he was even on this Board. Mr. Perreira stated that he wants to make sure that everything is clarified in that regard and you can ask him any questions about it. Mr. Perreira stated that if they think there is any wrongdoing that you please send it to any prosecutor because he knows he has never done anything wrong.

Mr. Taylor stated that as a result of the preliminary legal and forensic review he has three recommended resolutions to present to the Board to be voted on this evening.

Resolution – Authorizing the Revision of District Policy Governing Emergency Purchases

Resolution – Authorizing the District to Remove Ineligible Employees from the District's Health Benefits Plan

Resolution – Authorizing Further Procedural and Legal Review of the District's Improper Spending and Procurement Practices for the 2014 and 2015 Academic Years

A motion was made by Mrs. Carvalho, seconded by Mr. Rodriguez, that the above three resolutions 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

Mr. Rodriguez stated that for twenty years our City and our children have been robbed and pillaged by a majority of the Board. Mr. Rodriguez stated that finally the dirty laundry has been aired. Mr. Rodriguez stated that we will continue to be accountable and we are showing you the maleficence and the theft that has occurred. Mr. Rodriguez stated that some of that will rest at some of our doors but we need to differentiate that today is a new day in Elizabeth. Mr. Rodriguez stated that the days of being accountable and of showing you exactly what is going on are here. Mr. Rodriguez stated that it is so fitting that today on St. Patrick's Day, the luck of the Irish has run out.

Mr. Williams stated that he knows in Mr. Taylor's legal memorandum and comments with respect to emergency contracts he referenced certain procedural things that are already in place. Mr. Williams asked Mr. Taylor to please inform the Board members of the obligation to report every emergency contract to the County Superintendent of Schools. Mr. Williams is requesting that the Board Secretary provide copies of the emergency contracts that went to the County Superintendent for the last five years.

Mr. Taylor stated that is correct and the current statute requires the administration to notify the County Superintendent within three days of the determination of the emergency and the award of the contract.

Mrs. Carvalho, Miss Goncalves, and Mr. Rodriguez excused themselves from the meeting at 9:00 p.m.

Mr. Trujillo stated that he would like to address several issues tonight and the most pressing issue tonight is the firing and rehiring of the individual that was in question tonight. Mr. Trujillo stated that in December 2014 he was a member of this Board and was presented with and a recommendation was made by Superintendent Olga Hugelmeyer to terminate the employment of a security guard which was then shown in a video, one that has been widely seen now in the media, putting his hands on some of our children. Mr. Trujillo stated that there were different opinions that the current Board members had, the fact that this gentleman had a stellar career, as Mr. Cortico mentioned, was taken into account and that was debated. Mr. Trujillo stated that it made it for a tough decision, as Mr. Carey stated, and it was a tough decision and there are no winners. Mr. Trujillo stated that this isn't an indictment on this gentleman. Mr. Trujillo stated that this is about the responsibility that we have as elected officials and Board members to provide a safe learning environment for our children. Mr. Trujillo stated that had this been any of your children you would have done the same thing and you would have voted to have this gentleman dismissed. Mr. Trujillo stated that the fact that this video didn't come out was simple, it was a personnel matter and it couldn't come out. Mr. Trujillo stated that it was done, the Board took action, there was a recommendation and it was over.

Mrs. Carvalho and Miss Goncalves returned to the meeting at 9:05 p.m.

Mr. Trujillo stated that the only reason we are revisiting this now is because how many months later there was no arbitration hearing, we heard from the President of the EEA. Mr. Trujillo stated that what we did see was this gentleman brought back and promoted to another position. Mr. Trujillo stated that leads to a lot of questions and asked if it wasn't an agreement with the EEA, then what was it. Mr. Trujillo stated that his opinion is that it was a backroom deal. Mr. Trujillo stated that several members of the community came to see him about this gentleman's job and he refused to vote in the affirmative to hire him back. Mr. Trujillo stated that recently when it came up again he voted no. Mr. Trujillo stated that he stands with protecting the children. Mr. Trujillo stated that is not to say that this gentleman is a bad person and he is not saying that. Mr. Trujillo stated that he is saying if that is the case, then we should bring back all the other people who we have ever fired, the teachers who cheated on tests, the principals who lied on time sheets, the other security guard who actually kissed a student on a cheek, maybe we should bring him back, too. Mr. Trujillo stated that he doesn't remember anyone arguing for their jobs. Mr. Trujillo asked why and what makes this individual so special that we are willing to put our children in harm's way. Mr. Trujillo stated that he is just asking the questions and you tell me. Mr. Trujillo stated that he made his decision and knows where he stands on this. Mr. Trujillo stated that it's clear and we shouldn't offer him another job. Mr. Trujillo stated that now one has to ask himself what is the change of heart. Mr. Trujillo stated that why was this individual brought back and why did the Superintendent change her mind and make the recommendation to offer this gentleman another job and jumping hundreds of people who currently do the custodial work on an temporary basis, on a substitute basis, making \$10. an hour, in hopes that someday they will have an opportunity to have this job. Mr. Trujillo stated that the process is all wrong and that is what it is all about. Mr. Trujillo stated that if you want talk about accountability and the process then where was the process followed in this case. Mr. Trujillo stated that if anything, if this gentleman was wrongfully terminated, he should have been fighting back for the position he held when he was terminated not for another position that pays more money. Mr. Trujillo stated that is the truth and he has dealt with several cases where we have had to bring back individuals and we put them back where they belong. Mr. Trujillo stated that wasn't the case and this gentleman was given a job that wasn't posted to his knowledge, no one else applied for to his knowledge, and he was just given the opportunity to have this job. Mr. Trujillo asked why and stated that is wrong. Mr. Trujillo stated that sends a message to the district and this is what it says, that if you hit our kids in school that it is okay and chances are if you get caught you may get suspended or you may actually be brought back and get a raise and that is what it says. Mr. Trujillo stated that he doesn't want to hurt the man and if there is happy medium where you can find this gentleman something to do that is fine and he is for that. Mr. Trujillo stated that the truth is that his decision was based on protecting the children. Mr. Trujillo

stated that there are members up here now and his question was for the whole Board to see the video. Mr. Trujillo stated that he wanted everyone to see the video because he doesn't think that the new members, Mr. Nina, for one, and Miss Goncalves, didn't see the video but you voted to bring this man back. Mr. Trujillo stated that he is not saying that you don't have to vote for him but if you saw the video that Mr. Trujillo saw you may have had a change of heart. Mr. Trujillo stated that you may have seen it differently and anybody who sees this video who is a parent understands how you can come to this conclusion. Mr. Trujillo stated that this is a horrible thing and the gentleman did something really bad to our children. Mr. Trujillo stated that to pretend that we are hiding this video, we weren't hiding the video, and in fact let it go and give it to everybody. Mr. Trujillo stated that we shouldn't hide this video and the taxpayers have a right to see everything. Mr. Trujillo asked where the applications are for that job and where is the posting for that custodial position and how many people applied for that custodial position and how many people were interviewed for that position. Mr. Trujillo asked how did this gentleman get this job and nobody wants to ask those questions. Mr. Trujillo stated that is the problem and that is the reality. Mr. Trujillo stated that this gentleman was given a job he doesn't deserve. Mr. Trujillo stated that he was never fired as a custodian, he was let go as a security guard and maybe that is the job that you can give him.

Superintendent Hugelmeyer stated that in regard to Mr. Trujillo's reference to the actions that she has taken, both the action that she took in December as well as the action that she presented to this Board this past February that it is quite simple, a grievance was filed in January of last year following the termination of Mr. Hunter. Mrs. Hugelmeyer stated that she has the obligation to review every grievance that is filed and to work with the employees' union, in this case the EEA. Mrs. Hugelmeyer stated that in working with the EEA and agreeing to the fact that it was an obligation to ensure that various agencies were involved in this review. Mrs. Hugelmeyer stated that it wasn't just her determination or her recommendation to the Board but that she had the appropriate documentation in place from various agencies, namely the Union County Prosecutor's Office and the Elizabeth Police Department, to sight two examples. Mrs. Hugelmeyer stated that this was a matter that was not taken lightly and this is a matter that involves the life of a very important individual who had committed an act and who then proceeded to obtain the necessary training and whose actions were reviewed by various law enforcement officials. Mrs. Hugelmeyer stated that it resulted in this matter going to an arbitrator and the arbitration being put on hold because based on the evidence that we were receiving from working with the various agencies it was more than evident that this former employee necessitated coming back to the Board of Education based on the feedback received from the various agencies. Mrs. Hugelmeyer stated that she does believe the appropriate action was taken at the February Board meeting with regard to returning Mr. Hunter. Mrs. Hugelmeyer stated that the way in which individuals are returned is that we look at the positions that are vacant at that time and the position that was vacant was a custodian position. Mrs. Hugelmeyer stated that in working with our union we mutually agreed because it was the vacant position that we had at the time. Mrs. Hugelmeyer stated that she hopes this answers all of the questions.

Mr. Rodriguez returned to the meeting at 9:10 p.m.

Mr. Trujillo stated that no, it leads to more questions. Mr. Trujillo stated that at the last meeting we appointed security guards and we are going to appoint another security guard tonight. Mr. Trujillo stated that is the craziest answer that he ever heard her give him, quite frankly, with all due respect. Mr. Trujillo stated that makes no sense because had she originally what she needed to say was that we were going to suspend this individual and we were going to put him through all this training that you said he has received and whatever these agencies are that gave you all this feedback. Mr. Trujillo stated that it took seventeen months for these agencies to convince you to bring this individual back.

Mrs. Hugelmeyer stated that she said the agencies are the Union County Prosecutor's Office and our Elizabeth Police Department.

Mr. Trujillo stated that it is his understanding that they didn't want anything to do with it, they didn't move forward with it and didn't want to proceed with an investigation and didn't want to press charges. Mr. Trujillo stated that he doesn't know what further investigation or any information they gave you in this fourteen month period that supposedly is this grievance and what was this grievance for. Mr. Trujillo asked how was he wrongfully terminated. Mr. Trujillo stated that the Superintendent made a recommendation to terminate him and she was adamant. Mr. Trujillo stated that the Superintendent was adamant in that meeting that this had to happen that he had to be terminated. Mr. Trujillo stated that it is hard for him to understand now this whole 180 turn that you are telling me about how we rehabilitated Mr. Hunter and now he is a viable custodian and there are no other positions he could do and that a security position wasn't available. Mr. Trujillo stated that is just not true and it is unacceptable.

Mrs. Hugelmeyer stated that the review is not based on the time period from January to the present, the review is based at the time at which the incident occurs and the facts of that case are reviewed. Mrs. Hugelmeyer stated that the video was reviewed by law enforcement agencies and it has nothing to do with the time period that took place from January to the present. Mrs. Hugelmeyer stated that the review is based on the evidence that was presented at the time of the incident and this emanated from a grievance having been filed and having due diligence and being able to follow through and ensure that this matter was handled properly.

Mr. Trujillo stated that we understood that at the time we took action. Mr. Trujillo stated that was presented to us that these authorities investigated and they didn't want to take action and we understood that but the Superintendent recommended for removal. Mr. Trujillo stated that it was a recommendation for removal and asked the Superintendent if she did not recommend to the Board that we remove him.

Mrs. Hugelmeyer stated that she takes full responsibility for having made a recommendation to the Board for the removal. Mrs. Hugelmeyer stated that she takes full responsibility for having properly followed up with the various agencies in reviewing this grievance and being able to restore Mr. Hunter to serving as an employee of this district.

Mr. Trujillo said ok and asked why did it take so long.

Mr. Nina stated that the current petition that has been circulated for the case that we are talking about, Mr. Hunter, was to assign him to the administration building. Mr. Nina stated that will be granted tonight. Mr. Nina stated that we are going to take a vote on that tonight.

Mr. Trujillo stated that it is easy for Mr. Nina to say because Mr. Nina has no children. Mr. Trujillo stated that Mr. Nina doesn't understand what it is to watch your child being dragged across the floor and that's a big difference.

Ms. Bathelus stated that to Mr. Trujillo's comment, she has no children and serves as your Board President but there is no requirement that she needs to have children in order to serve and to love and to care for the children here in this district. Ms. Bathelus stated that there is no requirement that says she needs to be a mother of a child that comes out of her stomach or a father of a child for them to serve on this Board and to care and advocate for all 27,000 children in this district. Ms. Bathelus stated that please don't say because we don't have children that we shouldn't sit here and advocate for the children.

Mr. Nina stated that there will be a time that he will have children and when he does he will not set an example to lay his hands on anyone.

Ms. Bathelus recognized Councilman Carlos Torres who was in attendance.

Mr. Rodriguez stated that he wants to let everyone know that later tonight we have the first round of the budget. Mr. Rodriguez stated that we have been working very hard on the budget along with central administration. Mr. Rodriguez stated that we are presenting, thanks to being able to clean some house and finding some money that was ill-spent, and we will be putting up a budget to vote that has a 0 percent tax increase and also guarantees that not a single person in the district is being laid off and we are also expanding and having ESL teachers. Mr. Rodriguez stated that this new majority has been able to cut back on waste, find money that has been misspent and we are putting that money back into the classroom as we promised for the last four years and that is what we will be doing.

Mrs. Carvalho stated that after reorganization we came here and promised that we would be more transparent and we would let the parents be more involved. Mrs. Carvalho stated that things take time and she thanked all the parents who have been patient with them. Mrs. Carvalho stated that they saw and heard tonight that we are working very hard to let you know exactly what is going on regardless of what the outcome is.

Mr. Trujillo stated that since Mr. Rodriguez mentioned the budget, he thinks it is great and a testament to all the hard work that this administration has been doing over the last few years to run a tight ship. Mr. Trujillo stated that the fact that we are not raising taxes makes four out of the last six years that we are not raising taxes. Mr. Trujillo asked since now we are saving all of this money and we found money if we are putting back bussing to where it was when we had to cut it last year. Mr. Trujillo asked how much of this budget is going to be appropriated for special needs because that was a big concern of parents and they wanted more money for special needs. Mr. Trujillo asked if there was an increase to special needs and if there is an increase to bussing.

Ms. Bathelus stated that we will discuss that when we get to that point.

Mr. Perreira stated that on Tuesday he sat with Mr. Rodriguez and they presented what we are going to vote on tonight for approval to submit to the County Superintendent for the budget. Mr. Perreira stated that in that presentation it did say that we were doing the no tax increase but it did have 125 cuts in staff.

Mr. Rodriguez stated that it changed and in the last two days we were able to find money that Mr. Lerch's firm has been able to locate and help so that actually changed in the last two days.

Mr. Perreira asked which funds were you able to locate.

Mr. Rodriguez stated that he can speak with Mr. Lerch.

Mr. Perreira asked Mrs. Hugelmeyer to clarify what is the money that we are talking about. Mr. Perreira stated that if he is not mistaken when he met with her on Tuesday there was about \$4 million worth of cuts in staff that we had to do in order to balance the budget. Mr. Perreira stated that the fact that we found the money is great and he is happy that we are not cutting staff and he is happy that we are doing again a 0% tax increase. Mr. Perreira stated that his question is where the money is coming from.

Mr. Rodriguez stated that he thinks we should wait to discuss that.

Ms. Bathelus stated that we should go through our agenda and as soon as we get to that part she will have Mrs. Hugelmeyer be able to make some comments on that.

Mrs. Amin excused herself from the meeting at 9:20 p.m.

A motion was made by Miss Goncalves, seconded by Mr. Rodriguez, that the minutes of the meetings of February 18 and 24, 2016 be accepted.

Mr. Neron stated that he would like to change his vote at the February 18, 2016 Board meeting for the Supplemental Authorizations Report – Authorization to Enter Into Partnership – Prevention Links from affirmative to abstain. (The amended vote is reflected in the minutes of the meeting of February 18, 2016.)

The motion to accept the minutes of the meetings of February 18 and 24, 2016 with the amended vote was carried by the following vote:

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

Negative: None

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

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, Trujillo, Ms. Bathelus – 8

Negative: None

Personnel Report – Leaves of Absence, 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. Nina, Rodriguez, Ms. Bathelus – 5

Abstain: Messrs. Neron, Perreira, Trujillo – 3

Negative: None

Mr. Rodriguez congratulated the retirees and thanked them for their years of service to our district.

Tuition Report

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

The motion was carried by the following vote:

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

Negative: None

Superintendent's Report – Considerations

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

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina (abstain- 2016 ASU GSV Summit), Perreira, Rodriguez, Trujillo, Ms. Bathelus – 8

Negative: None

Superintendent's Report – Use of Facilities

A motion was made by Mrs. Carvalho, seconded by Mr. Perreira, that the requests be approved with a waiver of fees.

Mr. Rodriguez recognized Union County Freeholder Sergio Granados who was in attendance.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho (abstain- City of Elizabeth Department of Recreation), Miss Goncalves, Messrs. Neron (abstain- City of Elizabeth Department of Recreation), Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus – 8

Negative: None

Supplemental Superintendent's Report – Use of Facilities

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

Mr. Trujillo stated that in an effort to save money he thinks it is important that this Board consider changing the way we operate when it comes to renting our facilities. Mr. Trujillo stated that often they are being used by individuals who come from out of town and when it is sporting organizations our fields and our facilities are left unkempt and in worse condition. Mr. Trujillo stated that we need to get out of the business of renting our facilities. Mr. Trujillo stated that these are the taxpayers' facilities and to continue to go down this road is going to lead to the erosion of the infrastructure of our buildings. Mr. Trujillo stated that we really are giving it to them at a real discount and quite frankly if it is an organization that is serving children in the City of Elizabeth we shouldn't be charging them obviously. Mr. Trujillo stated that if it is an organization from out of town those towns need to step up and create opportunities for their children in their community. Mr. Trujillo stated that to continue this down this road is really putting us behind the eight ball because it cost us money to run these facilities and we are practically giving them away. Mr. Trujillo stated that it is taxpayer money and the Board should really consider its policy. Mr. Trujillo stated that perhaps we can work together and the committee chair of properties can take this back and come up with a way that we protect ourselves. Mr. Trujillo stated that we are lending it to different churches from out of town and our soccer fields are on high demand and being used. Mr. Trujillo stated that some of these people are profiting and they say they are non-profits but they do profit at the end of the day. Mr. Trujillo stated that our children aren't being served and they are being treated as second class citizens in their own City. Mr. Trujillo stated that he hopes that they can come together on that and he would be very supportive if we had a change of direction on something like that.

Mr. Nina excused himself from the meeting at 9:27 p.m.

Mrs. Carvalho stated that we are working on that in properties and we will advise the Board as soon as we come up with new numbers.

The motion was carried by the following vote:

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

Negative: Mr. Trujillo – 1

Mrs. Amin returned to the meeting at 9:28 p.m.

Superintendent's Report – Field Trips

A motion was made by Mr. Trujillo, seconded by Mrs. Carvalho, that the requests be approved.

Mr. Trujillo stated that he would like to follow up and he knows this conversation has been going on quite a while. Mr. Trujillo stated that there were many parental concerns that children aren't being given a field trip. Mr. Trujillo stated that he voiced this concern before and spoke about this in committee and he has yet to hear of a resolution how we can solve this. Mr.

Trujillo stated that apparently what happens is that some teachers are better at organizing these trips and those children are benefiting. Mr. Trujillo stated that it is not the children's fault but there needs to be a uniform way of doing this so that all children have the opportunity to go on at least one field trip per year. Mr. Trujillo stated that the fact that some get two and some get three just isn't fair. Mr. Trujillo stated that we have an obligation to make sure that all children are treated the same. Mr. Trujillo stated that he hopes the committee continues to visit this issue and he hopes to hear about something soon.

The motion was carried by the following vote:

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

Negative: None

Mr. Nina returned to the meeting at 9:35 p.m.

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 59 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.

Ms. Bathelus excused herself from the meeting at 9:37 p.m.

Mr. Perreira asked how it compares to last year.

Mr. Vosseler stated that it is down 15% and we have less confirmed cases.

Mr. Perreira asked if there are any schools that are spiking or maintaining the same level and are there any schools that are not improving or having any less cases.

Mr. Vosseler stated that there are some schools that have higher amounts of cases than others. Mr. Vosseler stated that anybody can make an allegation and every allegation needs to be investigated so it is hard to determine.

Mr. Perreira stated that we have already been in this system more than 24 months.

Mr. Vosseler stated that the HIB law has been in effect five years.

Mr. Perreira stated that based on that we should be able to at least identify what schools consistently have the same numbers because that does show some sort of trend regardless of whether a case is just being called out and that probably needs to be addressed itself as well.

Mr. Vosseler stated that he can further review and look in-depth to give those specific answers.

Ms. Bathelus returned to the meeting at 9:41 p.m.

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

A motion was made by Mr. Perreira, 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, Trujillo, Ms. Bathelus – 9

Negative: None

Mrs. Hugelmeyer stated that her next report is the PARCC submission of accountability plan. Mrs. Hugelmeyer stated each year the New Jersey Department of Education annually distributes accountability data to comply with the federal Elementary and Secondary Education Act Flexibility Request. Mrs. Hugelmeyer stated that the data that are released are in the form of school and district profiles that report the performance data as well as the participation data in the Partnership for Assessment of Readiness for College and Career (PARCC). Mrs. Hugelmeyer stated that PARCC combined with Dynamic Learning Maps (DLM) which is the alternative assessment that is administered to the most severely disabled students who cannot participate in a general assessment administration. Mrs. Hugelmeyer stated that the Elementary and Secondary Education Act is transitioning to the Every Student Succeeds Act and will now be known as ESSA. Mrs. Hugelmeyer stated that during this time states must continue to implement the provisions of the Elementary and Secondary Education Act. Mrs. Hugelmeyer stated that both ESEA and ESSA require states that receive funding under Title I Part A to implement high quality assessments and to assess all children in designated grades. Mrs. Hugelmeyer stated that in addition to meeting performance standards schools and districts are required to meet a 95% participation rate for all students as for all identified subgroups. Mrs. Hugelmeyer stated that schools and districts that do not meet their performance targets and/or the participation rates are required to create a corrective action plan to address the populations that have missed these indicators. Mrs. Hugelmeyer stated that as we transition from the previous assessments, New Jersey Assessment of Skills and Knowledge (NJ ASK) and the High School Proficiency Assessment (HSPA) to the Partnership for Assessment of Readiness for College and Career (PARCC) and Dynamic Learning Maps (DLM) the Spring 2015 performance data are being used to calculate new performance targets for the coming years. Mrs. Hugelmeyer stated that corrective action plans are only required for populations that have missed the 95% participation rate in the Spring 2015. Mrs. Hugelmeyer stated that the intent of these plans referred to the ESEA Accountability Action Plan 2015 Participation Rate and Assurances is to address factors leading to low student participation rates and identify measures to increase participation rates moving forward. Mrs. Hugelmeyer stated that the New Jersey Department of Education provided a template for use in creating these plans and the information that is required on the plans includes the district name, school name, identification of groups not meeting the 95% participation rate, data that it pertains to the subgroups including black, Hispanic, white, American Indian, Asian, total population, students with disabilities, limited English proficient students, and economically disadvantaged, the action steps to address the participation rate, and the persons responsible for completing the action steps. Mrs. Hugelmeyer stated that we also can identify what resources are needed, if any, and the completion date of the plan. Mrs. Hugelmeyer stated that in order to have to complete this plan a minimum of 40 students was required for a subgroup to be included in the participation rate calculation. Mrs. Hugelmeyer stated that as a district we met the participation rate, however, she is required to present this evening the charts for the respective schools that did not meet the participation rate. Mrs. Hugelmeyer stated that certain schools did not meet the participation rate of 95% as was required. Mrs. Hugelmeyer stated that every plan was coordinated in collaboration with our building principals and our instructional directors and guidance was provided by our State Department with regard to

suggested activities. Mrs. Hugelmeyer presented a PowerPoint slide of the plan for School Nos. 2, 3, 4, 6, 8, 9, 12, 16, 21, 23, John E. Dwyer Technology Academy, Thomas A. Edison Career and Technical Academy, Admiral William F. Halsey Health and Public Safety Academy, and Thomas Jefferson Arts Academy and reviewed the population that did not meet the participation rate, the strategy to be implemented including the action steps, person responsible, resources needed, and the completion date for each of the action steps. Mrs. Hugelmeyer stated that is the report to the Board with regard to the submission of this accountability plan to the State Department.

Mr. Rodriguez asked the Superintendent if we lost any federal or state funding especially in the areas where we did not meet the 95% participation rate.

Mrs. Hugelmeyer stated that we have not lost any federal funding, however, there was a notice that was published indicating that the 95% participation rate as was presented tonight is a federal requirement. Mrs. Hugelmeyer stated that we do stand to lose funding potentially as stated by the notice that was issued last year by the federal government. Mrs. Hugelmeyer stated that to date we have not, however, please note that we are now in a position of having to submit corrective action plans for not having 95% participation as required on the PARCC.

Mr. Rodriguez stated that Assemblywoman Annette Quijano was here and she and the majority of the state legislature along with the Governor have tried to pass legislation at the state level that prevents school boards from losing any state funding if they don't meet that participation rate. Mr. Rodriguez stated that hopefully we can speak to our federal delegation also and maybe something can be done on that level, too. Mr. Rodriguez stated that even though we are not losing funding it is costing time which does cost us money.

Mrs. Hugelmeyer stated that the way in which it translates is that it is additional activities that our principals are responsible for and we are essentially adding more to their plates. Mrs. Hugelmeyer stated that the participation is critical in order to avoid having to add additional work to our guidance counselors and our principals in having to coordinate these activities. Mrs. Hugelmeyer stated that the importance is to communicate to our parents and to our children that this is a requirement. Mrs. Hugelmeyer stated that we are required to take our state mandated assessments and she asked for the cooperation of the parents in order to avoid having to carve out time to complete these plans and to have to roll out all of these activities as opposed to being able to dedicate more time to teaching and learning.

Mrs. Hugelmeyer stated that her next report includes highlights from *InsideEPS*. Mrs. Hugelmeyer stated that the first article is *EPS Recognized by College Board for Expanding Opportunities to Students* and the Elizabeth Public Schools was among 130 school districts across the U.S. to be named to the Gaston Caperton Opportunity Honor Roll 2015 by the College Board. Mrs. Hugelmeyer stated that the Gaston Caperton Honor Roll recognizes school districts for creating expanded opportunities to higher education for traditionally underrepresented students by providing them with rigorous academic offerings and innovative college-preparation programs. Mrs. Hugelmeyer stated that districts on the honor roll demonstrate significant and consistent growth in the number of underrepresented and low-income students taking college-level courses and applying to four or more colleges. Mrs. Hugelmeyer stated that the College Board identified school districts, without an application process, by analyzing multiple data sets. Mrs. Hugelmeyer stated that school districts included in the Honor Roll had to demonstrate an increase in the number of underrepresented students who took the SAT and an AP course and exam, were on-track for college by scoring a 1550 or higher on the SAT, scored a 3 or higher on an AP exam, and sent their SAT scores to at least four colleges.

Mrs. Hugelmeyer stated that the next article is *Shaq visits Madison-Monroe School No. 15* and four-time NBA champion and Naismith Memorial Basketball Hall of Fame Class of 2016 finalist Shaquille O'Neal visited second grade students of Ms. Debra Alameda's class at Madison-Monroe School No. 16. Mrs. Hugelmeyer stated that the students made a video and sent

it out through social media honoring O'Neal during Black History Month activities and calling for his response. Mrs. Hugelmeyer stated that the video was part of a school project called the Black History Museum Walk for which each class chose a notable African-American to study and presented their selection to the school at the culminating event at the end of the month. Mrs. Hugelmeyer stated that the students of Ms. Alameda's class made the unique selection of Shaquille O'Neal and posted a video on social media inviting him to attend their classroom. Mrs. Hugelmeyer stated that the video went viral and Shaq ultimately responded to the students hinting that they would soon have the opportunity to meet him. Mrs. Hugelmeyer stated that Shaq said "I'll be there soon" during an airing of The BIG Podcast with Shaq and "I'm not going to tell you what day, but you will see Mr. O'Neal one day in Elizabeth, New Jersey. Trust me."

Mrs. Hugelmeyer stated that the next article is *EPS Participates in National High Technology Day*. Mrs. Hugelmeyer stated that thirty students who participate in the HISPA Role Model Program were invited by the Hispanic Latino Association of AT&T Employees (HACEMOS) to AT&T in Middletown, New Jersey to participate in the HACEMOS 18th Annual National High Technology Day. Mrs. Hugelmeyer stated that approximately 2,400 high school students at 35 different locations across the country simultaneously learned about topics such as circuitry, cyber security, mobility, and AT&T technologies with the theme *Transforming Your Future*. Mrs. Hugelmeyer stated that the students who attended from Elizabeth are part of the Hispanics Inspiring Students' Performance and Achievement (HISPA) Role Model Program. Mrs. Hugelmeyer stated that HISPA role models consist of a diverse group of Hispanic professionals who visit schools six times during the course of a school year to share how their personal and professional goals were influenced and shaped by their cultural backgrounds, educational experiences, and professional careers.

Mrs. Hugelmeyer stated that the next article is *EPS Students Attending Transition to College Day*. Mrs. Hugelmeyer stated that Elizabeth Public School students will be participating in Transition to College Day on April 8 at the New Jersey Institute of Technology (NJIT) in the Campus Center Atrium. Mrs. Hugelmeyer stated that the event is hosted by Disability Allies along with Career Services via Civic Engagement Initiatives, and the NJIT Mentor Network. Mrs. Hugelmeyer stated that Transition to College Day is designed to foster a better understanding of disabilities, to improve social and teamwork skills, and to celebrate diversity. Mrs. Hugelmeyer stated that students with special needs from local high schools will be put into teams and paired with college students from NJIT who will serve as mentors. Mrs. Hugelmeyer stated that the students will be matched with mentors who have similar interests and career aspirations and the groups of students and mentors will work together to engage in team building activities and complete challenges that promote teamwork, understanding, and growth. Mrs. Hugelmeyer stated that the program agenda is also expected to include an interactive workshop that focuses on transitioning into college and the mentors will provide the high school students with guidance, advice, and feedback throughout the workshop. Mrs. Hugelmeyer stated that the workshop will have a variety of topics ranging from learning strategies, career advice, involvement in student life, getting along with your roommates, and receiving accommodations. Mrs. Hugelmeyer stated that all students who attend Transition to College Day will also have the opportunity to speak with an admissions advisor regarding any questions about NJIT.

Mrs. Hugelmeyer stated that the last article is *EHS Forensics Shines at NJFL State Championships*. Mrs. Hugelmeyer stated that the Elizabeth High School speech and debate team competed in the New Jersey Forensics League State Championships at Bridgewater-Raritan High School and approximately 35 schools from the state were present at this prestigious New Jersey Speech and Debate League event. Mrs. Hugelmeyer stated that the dedication, drive, and hard work exhibited by the members of the Elizabeth High School speech and debate team earned fifth place in Speech and many individual awards. Mrs. Hugelmeyer stated that John Paipilla is the State Champion in Humorous Interpretation and will be recognized at the Governor's Awards in Arts Education and receive a scholarship from the New Jersey Speech and Debate League. Mrs. Hugelmeyer stated that other awards include Angelo Egoavil, 2nd Place in Humorous Interpretation; David Ecaracao, 3rd Place in Humorous Interpretation; Ariel Aguilar, 6th Place in Points of Information; John Paipilla and Angelo Egoavil, 5th Place in Duo Interpretation; Aaron Taveras, Semifinalist in Congressional Debate; and Janice Figueroa, Semifinalist in Original

Oratory. Mrs. Hugelmeyer congratulated Forensics Coach Renee Drummond on the excellent achievements. Mrs. Hugelmeyer stated that this concludes her report.

Ms. Bathelus thanked Superintendent Hugelmeyer for her report.

Mr. Neron commended the teacher of the class at School No. 16 for coordinating that class to do a sensible project and he is sure there are several sensible projects happening throughout the district. Mr. Neron stated that one of the things when we pass resolutions sometimes it is just ceremonial and some people don't follow through on it and most do. Mr. Neron stated that clearly in this class they did where they put a project together. Mr. Neron stated that the key thing that he can say and the theme that has been running tonight is about the children. Mr. Neron stated that Shaquille O'Neal made it very clear that he wanted to just satisfy the children and make their dreams come true and their lives will forever be changed. Mr. Neron stated that the looks on their faces and the joy that it brought to their lives that they could put something forth and actually make a plan and see it come to reality was absolutely amazing. Mr. Neron commended the class and the students and commended Shaquille O'Neal for living up to his promise for the kids and making their life and their day and their dreams come true.

Authorizations Report – Authorization to Enter Into Agreement, etc.

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

Mr. Trujillo asked for more information on the "Get The Word Out" grant and what is it that they do.

Mrs. Hugelmeyer explained that this is a grant opportunity that our Director of Athletics is collaborating with the NCAA on being able to properly inform students with regard to the various opportunities that they have available to them. Mrs. Hugelmeyer stated that it is primarily geared to student athletes with regard to ensuring that they are effectively educated with regard to college opportunities and is essentially a communications initiative on the part of the NCAA.

Mr. Trujillo asked what the obligations are that the Elizabeth Board of Education will have if we accept this grant.

Mrs. Hugelmeyer stated that she believes that the only obligation is with regard to having our guidance counselors commit a portion of their time in being able to meet with the students and being able to communicate the importance of college which is essentially a part of their responsibility.

Mr. Trujillo asked if anyone vetted who administers the funds to see if we can accept the funds from Get Out the Word.

Mrs. Hugelmeyer stated that all of our grant applications are reviewed by our Supervisor of Grants. Mrs. Hugelmeyer stated that this was reviewed and approved for submission together with our Director of Athletics and our Assistant Superintendent for Schools.

Mr. Trujillo stated that he is trying to figure out who the Get The Word Out people are and if they are honest brokers and have been vetted to make sure that we are not taking money from someone who is inappropriately handing out grants. Mr. Trujillo stated that we have had that happen before.

Mrs. Hugelmeyer stated that it is a national organization of athletics and is highly reputable.

Mr. Trujillo stated that it doesn't mention the NCAA in anything he has in front of him and only says Get The Word Out grant.

Mrs. Hugelmeyer stated that it is definitely with the NCAA and in collaboration with the NCAA.

Mrs. Carvalho stated that as a parent of two athletes, one who has graduated from Elizabeth High School and one who is presently at Elizabeth High School, she looks forward to a group coming in and help to inform the parents about college possibilities for our athletes. Mrs. Carvalho stated that is one of the concerns that parents have approached her with and it is very important that the children understand what is out there and that these counselors are also taught what is out there for these children. Mrs. Carvalho stated that there is a very big gap there right now and this will bring an opportunity to our district to help our children.

Mr. Rodriguez stated that in his high school they had a big issue with the NCAA and the way one of their students, sadly, was affected by it. Mr. Rodriguez stated that the way the NCAA accepts courses from high schools' wording and just a single word or two for the same course may give a student credit for that course or not. Mr. Rodriguez stated that the NCAA is very strict when it comes to that and a single word for World History to World Culture could give that student credit or may not allow that student to play in college. Mr. Rodriguez stated that there are these small nuances that at times may seem ridiculous but the NCAA is very strict. Mr. Rodriguez stated that this will help our guidance counselors learn what to do and what the NCAA wants from our student athletes.

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho (abstain- Panasonic Foundation Leadership Associates Program), Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus (abstain- Panasonic Foundation Leadership Associates Program) – 9

Negative: None

Mr. Neron stated that in the Authorizations Report there is a charts for the EPS Division of Food and Nutrition Services. Mr. Neron asked if every elementary school is getting everything that this form is stating.

Mr. Kennedy explained that was pulled prior and it needs to go to the finance committee first for review.

Ms. Bathelus stated that there have been several parents that have contacted her with regard to the food and nutrition of the district. Ms. Bathelus stated that she has a recommendation to do a focus group regarding nutrition throughout our district. Ms. Bathelus stated that is something that we need to focus on and as a Board come together and see how we can address that for the district.

Mrs. Carvalho stated that if possible when that group is formed she has had concerns from parents that they are not getting enough food and could we look into that.

Supplemental Authorizations Report – Authorization to Apply, 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: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Nina, Perreira, Rodriguez, Trujillo, Ms. Bathelus (abstain- Union County Workforce Investment Board, Union County College, United Way of Greater Union County) – 9

Negative: None

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

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

Mr. Rodriguez stated that legal fees have always been an issue and he would like the public to know that last year at this time we spent \$298,826. on legal fees and this year we are going to be approving \$130,758. for legal fees which is more than a 50% reduction year to year and we continue to save and save.

The motion was carried by the following vote:

Affirmative: Mrs. Amin (negative- DeCotiis, FitzPatrick & Cole, LLP; DiFrancesco Bateman Kunzman Davis Lefrer & Flaum, PC; Florio, Perrucci, Steinhardt & Fader, LLC; LaCorte, Bundy, Varady & Kinsella Attorneys at Law), Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez, Trujillo (negative- DeCotiis, FitzPatrick & Cole, LLP; DiFrancesco Bateman Kunzman Davis Lefrer & Flaum, PC; Florio, Perrucci, Steinhardt & Fader, LLC; LaCorte, Bundy, Varady & Kinsella Attorneys at Law), Ms. Bathelus – 8

Abstain: Mr. Perreira – 1

Negative: None

Supplemental Finance and Accounting Report – Transfer of Funds

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

Negative: None

Award of Contracts Report

Mr. Williams asked and recommended that the report be amended to carry until the next Board meeting the three contracts for Aspire Technology Partners as the contracts require further review. Mr. Williams stated that they have ascertained that these services and goods are available from the state list at a significantly reduced cost.

A motion was made by Mrs. Carvalho, seconded by Mr. Neron, that the amended report be accepted (without the contracts for Aspire Technology Partners).

Mr. Trujillo asked about the contract for Donald Johnson and what are his credentials, certifications, references, etc. which qualify him to make this presentation to Elizabeth school children. Mr. Trujillo asked if his credentials have been certified and references and fitness to appear before children been verified. Mr. Trujillo asked if the content and message of the program Gang Awareness and Prevention been reviewed for its appropriateness and fitness for presentation to students.

Mrs. Hugelmeyer stated that Mr. Johnson is an approved professional development provider and is a retired law enforcement officer. Mrs. Hugelmeyer stated that he has been providing Gang Awareness and Prevention training to a number of districts. Mrs. Hugelmeyer

stated that he approached our district as well and met with several principals and this was a need that came out of various requests that had been made by the schools and therefore he is being presented on the agenda for the Board's approval on this issue.

Mr. Trujillo asked if the content of his program has been reviewed.

Mrs. Hugelmeyer responded yes and stated that since this is being funded under Title I our Supervisor of Grants has reviewed all of the topics and there is actually detailed information that has been submitted to our Supervisor with regard to the training.

Mr. Trujillo asked if there is a need for parents to sign some type of waiver for children to participate in this and is it necessary for the parents to be made aware and there be some type of disclosure to them.

Mrs. Hugelmeyer stated that all parents are informed of the opportunities that are provided to the students with regard to whatever topic is being presented. Mrs. Hugelmeyer stated that she will confirm with the Assistant Superintendents that is the procedure that we have in place.

Mr. Trujillo stated that perhaps he is misunderstanding and asked just so he is clear when some material like this is being presented to our students do we require the parents to sign off.

Mrs. Hugelmeyer stated that a signoff is not required. Mrs. Hugelmeyer stated that a signoff is typically required for a field trip whenever a student is going to leave the school. Mrs. Hugelmeyer stated that our obligation is to inform our parents with regard to any particular topic that is going to be presented to them.

Mr. Trujillo asked how was this done in this particular situation and was a letter sent home.

Mrs. Hugelmeyer stated that she will be glad to look into that and asked the Assistant Superintendents to please follow up with the principal with regard to the process.

Ms. Bathelus stated that this is not the first time that the contract with Donald Johnson has been approved. Ms. Bathelus stated that it has been approved for the last two or three months and even some time last year.

Mrs. Carvalho asked if we did not all receive our agendas on Friday.

Ms. Bathelus stated that yes we did and the agendas always go out on Friday before the Board meeting.

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

Miscellaneous Communication

Ms. Bathelus stated that the chairperson of each committee will present a report at this time.

Finance and Accounting Committee

Chairperson Stanley Neron stated that the Finance and Accounting Committee met on February 29, March 8 and 10, 2016.

Mr. Neron stated that on February 29, 2016 an overview of the budgeting process for both central office and the schools was presented to the members of the committee including the enrollment projections for 2016-2017, the needs assessments for all schools, and the instructional priorities for both the divisions and the schools.

Mr. Neron stated that on March 8, 2016 the directors of Transportation, Plant, Property, and Equipment, and Technology and Information Systems presented an overview of their respective 2016-2017 budgets.

Mr. Neron stated that on March 10, 2016 the proposed 2016-2017 budget was reviewed by the members of the committee.

School Properties Committee

Chairperson Maria Carvalho stated that the Properties Committee met on March 2, 2016.

Mrs. Carvalho stated that an overview was provided of the table of organization for the Division of Plant, Property, and Equipment to the members of the committee by the Director of Plant, Property, and Equipment. Mrs. Carvalho stated that information was provided with regard to the policies and protocols. Mrs. Carvalho stated that a review of all current projects was presented and the status of each item was discussed.

Mrs. Carvalho stated that the committee engaged in a discussion with regard to the status of the lease agreements for the 2016-2017 school year as well as identifying the priority areas for the division.

Educational Management Committee

Chairperson Stanley Neron stated that the Educational Management Committee met on March 3, 2016.

Mr. Neron stated that the members of the committee were presented with an overview of the roles and responsibilities of the Division of Bilingual/ESL. Mr. Neron stated that the priority areas for both central office and the schools for the 2016-2017 budget were also reviewed and included the Bilingual/ESL Department, World Languages Department, Art Department, Music Department, and the Physical Education Department.

Mr. Neron stated that in addition the members of the committee discussed the status of the request for a Strategy Meeting with both the John E. Dwyer Technology Academy and the Admiral William F. Halsey, Jr. Health and Public Safety Academy. Mr. Neron stated that the meeting had already taken place earlier in the week with various stakeholders and the outcome will be reported at the next School Safety Committee meeting. Mr. Neron stated that the Recess Bill s1594 was discussed to assess the recess time provided at the present time in our school district. Mr. Neron stated that the current parent/student handbook was also reviewed. Mr. Neron stated that recommendations were brought forth in an effort to expand services to our children that will be reviewed by the administration.

Negotiations Committee

Chairperson Stanley Neron stated that the Negotiations Committee met on March 3, 2016.

Mr. Neron stated that Victoria Flynn, Esq., DeCotiis, Fitzpatrick, and Cole, LLP, provided an overview of the current contract and further explained the negotiations process. Mr. Neron stated that the necessary next steps were explained to the members of the committee.

Legal Committee

Chairperson Jose Rodriguez stated that the Legal Committee met on March 9, 2016.

Mr. Rodriguez stated that David Sciarra, Executive Director for the Education Law Center presented to the members of the committee. Mr. Rodriguez stated that since 1996, Mr. Sciarra has litigated to enforce access for low-income and minority children to an equal and adequate education under state and federal law and has served as counsel to the plaintiff students in New Jersey's landmark Abbott v. Burke case. Mr. Rodriguez stated that Mr. Sciarra provided information regarding New Jersey's School Funding Reform Act and the Governor's proposed

2017 budget. Mr. Rodriguez stated that Mr. Sciarra reported on the current state of our district and how it continues to be significantly underfunded.

Mr. Rodriguez stated that our Co-General Counsel reviewed various legal matters with the members of the committee.

Ms. Bathelus thanked the chairpersons for their reports.

Mr. Rodriguez stated that the budget process has consumed a lot of time and thanked Mr. Nina and Mrs. Carvalho. Mr. Rodriguez thanked Mr. Trujillo because this month we had to reschedule a lot of other committee meetings that we weren't able to have because the budget had to take precedence. Mr. Rodriguez stated that he texted him a few times changing dates and thanked him for his flexibility and other members for their flexibility while they went through the budget process.

Mr. Neron echoed his gratitude to the Board members and the administration. Mr. Neron stated that a lot of time you hear these reports come forth and you don't realize the amount of hours and time it takes and we are hard at work to make sure that we are fulfilling the job that we were elected to do. Mr. Neron thanked the entire team for working together.

Mr. Trujillo stated that he would like to enter into the record his objection of how the assignments to the committees have been made as he referred to in the last meeting. Mr. Trujillo stated that Mr. Perreira, Mrs. Amin, and he are being left out and we are not being part of the process. Mr. Trujillo stated that he brought it out to her awareness last month and we are yet to hear anything. Mr. Trujillo stated that the Negotiations Committee is actually being chaired by two individuals when in fact he has no conflicts and could be sitting on that. Mr. Trujillo stated that he has been here long enough to negotiate the last two contracts with the EEA and is well versed in the process. Mr. Trujillo stated that he could be of service there and he is being left out for whatever reason and he thinks it is strictly political. Mr. Trujillo stated that he really wishes that we would put the past behind us and we could move forward and he be allowed to participate and his colleagues as well are allowed to participate in some of these committees. Mr. Trujillo stated that he refuses to participate in this dropout committee which he finds to be illegal and it expired. Mr. Trujillo stated that the committee had actually expired and it is continuing to meet. Mr. Trujillo stated that we are elected just like you are and we have the same authority as you. Mr. Trujillo stated that you have a responsibility as the President to make sure that we all participate and that things are held above board and out in full disclosure. Mr. Trujillo stated that he is asking again that she please reconsider the assignments and that she allows them to participate in the process.

Ms. Bathelus stated that she is responding to his comments that he made for a second time. Ms. Bathelus stated that she has heard his concerns and actually every Board member that is sitting on this dais is part of a committee. Ms. Bathelus stated that she put every person on a committee and some have not shown, some have not attended the meetings, and we have had several meetings over the last two months. Ms. Bathelus stated that she understands that life takes precedence but at the end of the day your obligation as a Board member is to attend the committee meetings that you are part of. Ms. Bathelus stated that as Mr. Trujillo said rightfully so, he doesn't have any conflicts. Ms. Bathelus stated that before Mr. Trujillo made his comments she had already leaned over to the Superintendent to send Mr. Trujillo and every Board member on this dais a letter tomorrow letting them know that Mr. Trujillo will be on the Negotiations Committee. Ms. Bathelus stated that it is not because of what Mr. Trujillo just said but she had already had on her mind that she was going to put Mr. Trujillo on the Negotiations Committee so that Mr. Trujillo can give his expertise that he has had on the Board for the last ten years. Ms. Bathelus stated that to his response Mr. Trujillo will be on the Negotiations Committee.

Mr. Trujillo thanked Ms. Bathelus for hearing him and taking this action. Mr. Trujillo stated that it is a step in the right direction and he knows he can lend a lot to that negotiating committee. Mr. Trujillo also asked that she consider his colleagues for other committees, legal, ed management, and the finance committee as well. Mr. Trujillo stated that these are important committees and she has several people actually chairing multiple committees. Mr. Trujillo stated that is not fair. Mr. Trujillo stated that he is taking what she is giving so far and thanked Ms. Bathelus. Mr. Trujillo asked that she continue to try to bridge the gap and we put politics aside and we put the past behind us, start to move forward, and put the children first.

Ms. Bathelus stated that she always puts politics aside and always does what she feels is right for our children and our district. Ms. Bathelus stated that Mr. Trujillo is absolutely correct by saying that we should have different people on different committees. Ms. Bathelus stated that this is our first time doing everything but to his point last year and the year before, no one except for Mr. Neron was on an important committee that Mr. Trujillo says is important. Ms. Bathelus stated that your previous president had the obligation to put all of them on the committees and she chose not to do so. Ms. Bathelus stated that at this point she feels more confident with the people she has on the committees and that is why they are on the committees. Ms. Bathelus stated that she feels that Mr. Trujillo will add to the Negotiations Committee so for now he has been added to the Negotiations Committee. Ms. Bathelus stated that when she feels that the other Board members will contribute to other committees she will then do so.

Mr. Trujillo stated that he doesn't want to regress to the past and relive history. Mr. Trujillo stated that what was done in the past if it was wrong let's leave it in the past and let's just move forward.

Ms. Bathelus stated that thank you for admitting that it was wrong and let's move forward.

Claims List

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, Rodriguez,
Ms. Bathelus – 7

Abstain: Messrs. Perreira, Trujillo – 2

Negative: None

Resolution – Autism Awareness Month

Mrs. Amin read the resolution.

A motion was made by Mrs. Amin, seconded by Mr. Trujillo 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 – National Library Week

Mr. Rodriguez read the resolution.

A motion was made by Mr. Rodriguez, 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, Nina, Perreira,
Rodriguez, Trujillo, Ms. Bathelus – 9

Negative: None

Resolution – Requisition for Taxes

A motion was made by Mr. Rodriguez, seconded by Mr. Trujillo 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 – Adoption of the Tentative Budget 2016-2017 School Year (Tabled Until Later)

A motion was made by Mr. Rodriguez, seconded by Mrs. Carvalho, to table the resolution until later this evening.

The motion to table the resolution until later this evening 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 – Payment for Unused Vacation Days

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

Mr. Williams reminded the Board members and the members of the public that this was tabled last month. Mr. Williams stated that we have done a review of the request for the payment of unused vacation days in accordance with state law. Mr. Williams stated that they have also checked personnel records and the days that were actually taken and the calculations are correct and we do recommend payment of these three former employees.

Mrs. Carvalho asked if there was any change.

Mr. Williams responded no.

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 – Appointment of Investigator – Tomas Escribano

Mrs. Hugelmeyer read the resolution.

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

Mr. Perreira stated that last month or the January meeting we moved forward with cutting one investigator from the budget and the way he understood it was based on a savings to the district. Mr. Perreira asked what the reasoning is behind this.

Mrs. Hugelmeyer stated that with regard to the recommendation that was brought forth at a previous Board meeting the recommendation at that time that was made by the Board was as a cost savings in regard to that particular position. Mrs. Hugelmeyer stated that we still have the investigator position in the budget but the recommendation for Mr. Escribano is at a much lower salary rate and in essence it does translate to a cost savings for the district. Mrs. Hugelmeyer stated that in addition there are additional duties that Mr. Escribano based on his background will be able to perform namely, not only the investigations which is one of his main responsibilities but also for being able to assist the district with truancy in particular. Mrs. Hugelmeyer stated that the issue with the budget was with regard to the former position and the terms of the savings as it had been set previously in the budget.

Mr. Perreira asked if this won't also open us for litigation with the former person not being considered even though we are bringing back that position.

Mr. Williams stated that he doesn't believe that it will on two fronts. Mr. Williams stated that it is for significantly less money and the qualifications of this person in terms of his history as a former police officer who dealt exclusively for many years with school age children. Mr. Williams stated that he believes we are in a very good position should any such claim be made. Mr. Williams stated that he doesn't think that it opens us up to liability. Mr. Williams stated that you can always litigate but the question is would we have an appropriate response and he thinks the answer is yes we would.

Mr. Trujillo stated that he remembers the gentleman that was released and he had a similar background. Mr. Trujillo stated that Mr. Williams is saying that this gentleman here today has an expertise, one could say that the gentleman that held the position for several years had experience. Mr. Trujillo stated that his concern is not one or the other but it is the liability as Mr. Perreira said. Mr. Trujillo stated that he wants to be assured that this position was actually posted and that the gentleman who held the position previously had the opportunity to apply and be considered even at the lower salary.

Mr. Williams stated that as he understands it there is no requirement that the position be posted. Mr. Williams stated that the qualifications that he described in his response to the earlier question are extraordinarily different. Mr. Williams stated that this gentleman has extensive experience for the many years he spent as a police officer working exclusively with juveniles and school age children. Mr. Williams stated that it makes him uniquely qualified far more than the individual who was let go even though the other individual was making quite a bit more money. Mr. Williams stated that this individual will come in at a lower cost and provide us with the background and expertise that he brings to the position. Mr. Williams stated that it was for that reason that he met with him and recommended him to the Superintendent. Mr. Williams stated that he is going to work in the Legal Department. Mr. Williams stated that he recommended him to the Superintendent and the Superintendent agreed with the assessment that he made along those lines.

Mr. Trujillo stated that concerns him. Mr. Trujillo asked if Mr. Williams was making a recommendations to the Superintendent who to hire.

Mrs. Hugelmeyer stated that in accordance with our table of organization the investigator falls directly under General Counsel. Mrs. Hugelmeyer stated for that reason Mr. Williams had the opportunity to be able to interview Mr. Escribano and make the necessary recommendation.

Mr. Trujillo asked Mr. Williams who else he interviewed and were there other candidates or was this the only gentleman he interviewed.

Mr. Williams stated that when he saw his qualifications he felt that he brought, as he indicated previously, an extraordinary degree of qualification to the position and felt very comfortable having met him to make the recommendation to the Superintendent. Mr. Williams stated that he still feels that way and he thinks that the Board is very lucky to have him.

Mr. Trujillo stated that he doesn't disagree that the man is qualified and he knows the man and his body of work speaks for itself and he is a decorated police officer in the City for many years, a great public servant, and well deserving of the opportunity. Mr. Trujillo stated that his concern is to the taxpayers is the appearance that something was done wrong or there maybe something here to hide. Mr. Trujillo stated that he just wants to make sure that the people understand that there is a process in place and it is being followed. Mr. Trujillo stated that he is not here to debate his qualifications and he trusts Mr. Williams' judgment that he reviewed his qualifications. Mr. Trujillo stated that he is concerned that he only found out about this

gentleman. Mr. Trujillo stated that he is not aware that Mr. Williams lives in town and Mr. Trujillo and members of this Board would know him but he is curious on how his qualifications ended up on Mr. Williams' desk. Mr. Trujillo stated that he wasn't aware that we were looking for another investigator when we had just let go an investigator.

Mr. Williams stated that as he indicated previously the question isn't whether or not he will litigate and anyone can litigate anything. Mr. Williams stated that the question is whether or not we have a legitimate defense to any claim that might be made. Mr. Williams stated that there is no question under these circumstances that we do.

Mr. Trujillo stated that there are two questions and obviously he did answer one. Mr. Trujillo stated that the second question is how did he come across this gentleman's resume and when did you decide that we were going to fill the position again. Mr. Trujillo asked did you interview or review anyone else's credentials and did anyone else have the opportunity to apply.

Mr. Williams stated that he knows he answered that one. Mr. Williams stated that he didn't interview or meet with anybody else. Mr. Williams stated that the other question is how this gentleman's resume came to my attention. Mr. Williams responded that it was provided by the Assistant Superintendent for Personnel. Mr. Williams stated that he became aware of the fact that the position was open and that we needed the services of an investigator in the law department because he spends a lot of time at the law department every week assessing the work loads and the things that need to be done and the kind of interaction that we need. Mr. Williams stated that when this person's resume was brought to his attention it was a no brainer.

Mr. Trujillo thanked Mr. Williams and stated that now he understands the process. Mr. Trujillo stated that basically Mr. Williams asked the Assistant Superintendent for Human Resources to provide him with a resume so that Mr. Williams could hire an investigator to work under him.

Mr. Williams stated that he would like to make one thing clear that he doesn't hire anybody. Mr. Williams stated that this Board hires people and the Superintendent recommends people. Mr. Williams stated that in this instance as the Superintendent indicated because of his role as General Counsel under the table of organization the gentleman and the people in that position do report to General Counsel. Mr. Williams stated that he was asked to meet with him, interview him, and he did so and made a recommendation to the Superintendent who in turn is making a recommendation to this Board. Mr. Williams stated that the hiring or not hiring is up to you.

Mr. Trujillo stated that, so he is clear, that the Superintendent came to Mr. Williams to tell him to hire someone.

Mr. Williams stated that he represents this entire Board in his capacity as Co-General Counsel and in that capacity he works and does work day in and day out with the people who work in the law department. Mr. Williams stated that in that context he became aware of the fact that there was a need for services from someone who would be able to do investigative work. Mr. Williams stated that he and the Assistant Superintendent consulted on that and he received a resume. Mr. Williams stated that he did the interview and he was pleased with the interview. Mr. Williams stated that based on that he made a recommendation to the Superintendent.

Mr. Trujillo asked Mr. Cuesta if he provided any other information on any other candidate or was this the only candidate who applied for the position. Mr. Trujillo stated that the Assistant Superintendent for Human Resources refuses to answer the question and asked the Superintendent if she could answer the question and were any other resumes reviewed, did anyone else apply, or did he solely pick this out of thin air and make this recommendation.

Mrs. Hugelmeyer stated that the process that we use is that when anyone inquires about a particular position we have a list of candidates that have applied in the past and we normally review anyone that we have interviewed for these positions in the past. Mrs. Hugelmeyer stated that information is brought forth to the individual who is requesting it.

Mr. Trujillo asked if that process was done and can she assure him that is what was done.

Mrs. Hugelmeyer stated that we would have no reason to deviate from that process.

Mr. Trujillo stated that is not his question and it is obvious that we would not have any reason. Mr. Trujillo stated that his question is can she assure him that is the way it happened and that this came from some sort of resume bank of people who had applied in the past. Mr. Trujillo stated that would leave him to believe that Mr. Stigliano was here for several years and so that this is a very old resume that was sitting around and someone went and got it.

Mrs. Hugelmeyer stated that she thinks Mr. Trujillo's question is with regard to whether we abided to the process. Mrs. Hugelmeyer stated that we would have no reason to believe that we would not abide by the process and that is how our Human Resources Department has always operated. Mrs. Hugelmeyer stated that she can't imagine the Department operating any differently.

Mr. Trujillo asked did we follow the process or not.

Mrs. Hugelmeyer asked Mr. Cuesta if we followed the process.

Mr. Cuesta responded in the affirmative.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Nina, Rodriguez,
Ms. Bathelus – 6
Abstain: Mrs. Amin, Messrs. Perreira, Trujillo – 3
Negative: None

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, W.C., V.J., T.E.; tenure, specifically N.D., F.N., J.P., and P.Z.; settlement agreement L.D.; insurance broker services, waiver for liquor license; and workers' compensation matters, specifically, P.C., J.H., D.M., K.V., and J.Z. The Board will reconvene in public to take formal action.

A motion was made by Mr. Neron, 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

Ms. Bathelus stated that Mr. Nina gave proper notification to be excused from the meeting at 10:57 p.m.

A motion was made by Mr. Perreira, seconded by Mr. Trujillo, to reconvene in public session at 12:08 a.m. to continue the meeting and take formal action.

Resolution – Qualifying and Appointing a Risk Management Broker – Acrisure, LLC

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

The motion was carried by the following vote:

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

Abstain: Mr. Trujillo – 1

Negative: None

Resolution – Qualifying and Appointing a Health Insurance Broker – Acrisure, LLC

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

The motion was carried by the following vote:

Affirmative: Mmes. Amin, Carvalho, Miss Goncalves, Messrs. Neron, Rodriguez, Ms. Bathelus – 6

Abstain: Messrs. Perreira, Trujillo – 2

Negative: None

Resolution – Waiver of Requirement for Liquor License – LaJolla, LLC

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

The motion was carried by the following vote:

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

Negative: None

Resolution – Settlement Agreement between Elizabeth Board of Education and V.J.

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

The motion was carried by the following vote:

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

Abstain: Mr. Trujillo – 1

Negative: None

Resolution – Settlement Agreement between Elizabeth Board of Education and W.C.

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

The motion was carried by the following vote:

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

Negative: None

Resolution – Settlement of Workers' Compensation Claim (2014-18660) – D.M.

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

The motion was carried by the following vote:

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

Negative: None

Resolution – Settlement of Workers' Compensation Claim (2013-23067) – J.H.

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

The motion was carried by the following vote:

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

Negative: None

Resolution – Settlement of Workers’ Compensation Claim (2010-7678) – P.C.

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

The motion was carried by the following vote:

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

Negative: None

Resolution – Settlement of Workers’ Compensation Claim (2008-8202) – P.C.

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

The motion was carried by the following vote:

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

Negative: None

Resolution – Employment Separation Agreement and Resignation – L.D.

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

The motion was carried by the following vote:

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

Negative: None

A motion was made by Mr. Rodriguez, seconded by Mr. Perreira, to take off the table the Resolution – Adoption of the Tentative Budget 2016-2017 School Year.

The motion was carried by the following vote:

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

Negative: None

Resolution – Adoption of the Tentative Budget 2016-2017 School Year

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

Mr. Perreira stated that he wants to understand because Tuesday night when they met the way the budget read and was balanced was that 125 staff members were being cut which is more than \$3 million and that is what it was costing us. Mr. Perreira stated that subsequent to that meeting the budget has been changed. Mr. Perreira asked where did we get \$4 million from in order to balance the budget.

Mrs. Hugelmeyer stated that what was examined was the amount that we currently have in surplus which is 8.9 million. Mrs. Hugelmeyer stated that we took \$3.9 million out of surplus with the understanding that this is a unique circumstance in terms of the fact that we are now working with new brokers and it is also a year in which we are negotiating the contract. Mrs. Hugelmeyer stated that we are hopeful that we will be able to essentially have that money identified and restored to the surplus account. Mrs. Hugelmeyer stated that essentially we are borrowing for the moment the \$4 million in order to ensure that we do not have any employees laid off for the 2016-2017 school year. Mrs. Hugelmeyer stated that in turn hopeful that we are able to be successful through these new partnerships in order to restore those funds.

Mr. Perreira thanked Mrs. Hugelmeyer and everyone else who works on the budget and he knows it starts sometime in December to put together these numbers, start talking to the principals, everybody across the district and all the departments to make sure that we are able to get to this point where we are here tonight. Mr. Perreira applauded everyone for that hard work as well as the Finance Committee. Mr. Perreira stated that to his understanding for the past 4 years that he has been doing the budget he has never and this is the first time, and if that is possible the members on the Finance Committee have to tell him what was their way of getting that out of Mr. Kennedy or Mrs. Hugelmeyer. Mr. Perreira stated that he has always been told that we are not to touch those funds because they are essentially for emergent situations. Mr. Perreira stated that he is not saying that it is the wrong thing to do and he agrees with bringing people back. Mr. Perreira stated that if that had been known to them there have been many situations in the past where we have had to lay off people and had we known that this was a possibility we wouldn't have had to let these people go. Mr. Perreira stated that he doesn't understand what the difference is between now and then or the past and the present. Mr. Perreira stated that he doesn't know how to take it to understand that some of his decisions that were made in the past actually cost people's jobs when he could have probably actually saved them.

Mr. Rodriguez stated that he does want to applaud Mr. Perreira's efforts and now for the first year sitting in the Finance Committee he can finally understand the amount of work that Mr. Perreira put in last year as a Chairperson and probably the previous years he was sitting on the committee. Mr. Rodriguez stated that it is a monumental task racking your brain trying to find areas. Mr. Rodriguez stated that a big reason why we were able to actually use some of the surplus is because in years past some of that surplus was held because legal fees were so high. Mr. Rodriguez stated that just last year we had almost \$6 million in legal fees and the years before that they were multiple millions of dollars in legal fees. Mr. Rodriguez stated that you had that buffer for that reason. Mr. Rodriguez stated that this year since we were committed and able to hold legal fees down at such a low rate we were confident that some of those what ifs as big as they may be wouldn't have affected us as much because we are keeping other areas down. Mr. Rodriguez stated that is one of many things that we are going to do and that is one of the biggest reasons that we are able to feel safe that we could go into surplus and it was a cushion. Mr. Rodriguez stated that it wasn't an easy task and there is really not much more that we could have taken from there and we were advised that is probably the limit.

Mr. Williams stated that he would like to remind everyone that the vote tonight is for the preliminary budget only to be forwarded to the County Superintendent. Mr. Williams stated that the adoption of the budget which can be fine-tuned is going to be available for review and input. Mr. Williams stated that the final budget will be adopted by May 7. Mr. Williams stated that we have identified a line item for surplus in order to achieve the end result but it is certainly possible that ranging from legal fees, and other potential savings in other areas such as the reduction in the number of workers' comp claims that are being filed which are significantly less than in the past, other areas involving the procurement of new insurance contracts, the union negotiations, and it's very likely that we will be able to backfill some of the surplus sums that are being reduced. Mr. Williams stated that he thinks that it is for that reason that we in a position to recommend that a certain amount of surplus be utilized for this first go around recognizing that we hope to restore even that much back into surplus by the time we get through the process.

Mr. Neron stated that he appreciates Mr. Perreira's expertise. Mr. Neron stated that over the next couple of months they are going to be working with the Education Law Center as well to see what kind of advocacy we can do to also secure funds from the state level as well and see if we can reexamine the formula of how we are funded as a former Abbott district. Mr. Neron stated that also not funds that are currently present but advocacy work that has to be done. Mr. Neron stated that they are still looking at departments and reexamining how those dollars are spent so we can make sure that what we are presenting can be something that is solidified moving forward.

Mr. Perreira stated that he knows the Education Law Center and asked what process or what step they are in with the lawsuit trying to hold the State accountable again. Mr. Perreira stated that they did it before and we received in excess of \$80 million four years ago. Mr. Perreira stated that right after we received it that one year the State hasn't held to the formula ever since. Mr. Perreira stated that it almost like a vicious circle that we go about with the same process. Mr. Perreira stated that he doesn't know if we are looking at getting those monies within the next couple of years maybe, if not more or probably wait until the next governor.

Mr. Rodriguez stated that it is going to take a while and Mr. Sciarra asked us in the Legal Committee if we were okay with him working with central administration to compile all the cuts, personnel and program, that we've had to endure since we had the \$80 million windfall.

Mr. Perreira stated that we pay \$1. per student to the Ed Law Center.

Mr. Rodriguez stated that every year that we do the resolution it's definitely money well spent. Mr. Rodriguez stated that he is in the process of compiling that information from us and other districts as well to include in the lawsuit.

Mr. Trujillo asked Mr. Kennedy if the surplus total was \$8 million plus.

Mr. Kennedy responded that the total anticipated surplus in the budget is about \$13 million and it's combined of breakage coming out of 15-16 plus on our balance sheet we have available surplus of about \$8.9 million. Mr. Kennedy stated that would be reduced by \$3.9 million and the rest is coming out of unspent money from 15-16.

Mr. Trujillo stated that \$13 million in total and approximately \$4 million is being used and asked if that is correct.

Mr. Kennedy stated that there is going to be surplus generated in 15-16 of approximately \$9 million and then we have on our balance sheet surplus of \$8.9 million so we are going to use the \$9 million coming out of 15-16 unspent and then we are going into our reserve fund balance and reduce that by \$4.9 million.

Mr. Trujillo stated that will leave us with \$4 million.

Mr. Kennedy responded yes on our balance sheet.

Mr. Trujillo stated that he is curious about a few things and he knows without getting into specifics that there is a very large case out there which he believes was settled with the union with a very large sum of about \$45 million. Mr. Trujillo stated that he is wondering when that is finally come to terms and is paid he was told it is going to be somewhere in the neighborhood of \$6 or \$7 million that we may be on the hook for and asked Mr. Kennedy if that is correct.

Mr. Kennedy stated that he is not sure what the legal status of that claim is at this point.

Mr. Trujillo stated that it is out there.

Mr. Williams stated that he is aware of the matter that Mr. Trujillo is discussing and he is also aware that negotiations with the union are likely to include that particular matter as part of the discussions that we are going to be engaging in for a future contract. Mr. Williams stated that rather than getting into any further public discussion about the status of that matter or what it can be settled for he is respectfully asking that we refrain from any further discussion about the litigation. Mr. Williams stated that it is a good point that Mr. Trujillo made and is something that

they took into account. Mr. Williams stated that the result of the fact that we took that into account will not affect the use of surplus funds that we focusing on right now.

Mr. Trujillo stated that he is all for saving as many jobs as possible. Mr. Trujillo stated that his concern is leaving us in a position where we will eventually have to pay not only this claim but other claims and things happen throughout the district. Mr. Trujillo stated that he remembers one year we had a boiler go down at School No. 15 and we had to rush around to fix that and we have several buildings that are old and these things do happen. Mr. Trujillo stated that he is concerned about that and that we would not be protected and we would actually end up in a deficit of sorts. Mr. Trujillo stated that may or may not happen but it is just a concern.

Mr. Trujillo stated that he asked earlier and he didn't get an answer. Mr. Trujillo stated that last year we had cut back transportation and although we didn't cut special services we actually increased last years' budget for special services. Mr. Trujillo stated that he wants to know if this budget now puts back the transportation piece to where it was because there is obviously a surplus of money and is that going to be put back to where it belongs. Mr. Trujillo asked if we are increasing any special services.

Mrs. Hugelmeyer stated that the intent is to ensure that we do not have any layoffs for this upcoming school year. Mrs. Hugelmeyer stated that she certainly does not feel comfortable in going any further into the surplus and in fact she will not go any further into the surplus. Mrs. Hugelmeyer stated that is not wise at all. Mrs. Hugelmeyer stated that in terms of covering the \$3.9 million and with regard to conversations that have taken place that looks very optimistic that we will be able to replace that money to make ourselves whole. Mrs. Hugelmeyer stated that would be definitely the appropriate course of action but not to start taking surplus for the purpose of trying to restore what we have lost over many years. Mrs. Hugelmeyer stated that in support of what Mr. Neron was referring to Mr. Sciarra does want all the former Abbott districts to pursue going back to Supreme Court and that is our opportunity to show all of the cuts that we have had to make since 2010 which are significant and be able to show all of the resources that our district has lost as a result of being under adequacy. Mrs. Hugelmeyer stated that it would not be the right decision to begin to use surplus to be able to restore things that we have lost over time.

Mr. Trujillo stated that it is no on the transportation and no on special services.

Mrs. Hugelmeyer stated that it is not necessarily no to transportation and no to special services. Mrs. Hugelmeyer stated that you have the time period from March 22 to April 29 to be able to have these conversations in terms of examining the budget, looking at what it is that we have proposed, and having discourse that we are having right at this moment. Mrs. Hugelmeyer stated that the only thing that we were obligated to do this evening was for the Board to be able to vote on the submission of the budget to the County Superintendent as Mr. Williams stated. Mrs. Hugelmeyer stated that in terms of having questions about what has been funded and what has not been funded she respectfully requested to be able to schedule meetings anytime from March 22 on to be able to explore these critical areas that Mr. Trujillo has raised.

Mr. Neron stated that one of the things that they requested as a result of the committee meeting is to look at all the central services that were cut that were indeed essential to the district. Mr. Neron stated that when you look at transportation and special needs that we do a serious assessment to look at what kind of cuts we have had over the years to see how we can retain that and really make a case through the Education Law Center and say these are the most essential things that we need per student that applies to our special needs population and our transportation needs population and to look out how we can bring back services that we lost. Mr. Neron stated that a lot of cuts were made in the past and we have to vouch for that and advocate to see what can be done and rearrange how things are being done. Mr. Neron stated that as you saw tonight a number of things are being done to create the room and space to restore some essential services.

Mr. Rodriguez stated that the law states that we can only carry a maximum amount of 2% of surplus from year to year. Mr. Rodriguez stated that for us that hovers around \$10.5 million that we can hold. Mr. Rodriguez stated that right now Mr. Kennedy's office has been pretty good year to year on budgeting what the surplus might be at the end of the year. Mr. Rodriguez stated that it is not a surplus until it's not spent and they have been pretty spot on and if they are saying they will hit \$9 million they have been pretty good to hit that over the years. Mr. Rodriguez stated that over this year obviously we are going to be cutting back and if we are holding \$4 million now and his office is budgeting for about \$9 million at the end of the year. Mr. Rodriguez stated that brings us to about \$13 million and even if it is off by \$1 million we will actually have more money than we can legally have so we will actually be forced to spend some of the money. Mr. Rodriguez stated that we actually can start going in to special services and increasing that budget and if it is in the middle of the year we probably couldn't touch transportation in the middle of the year but it is something to look at. Mr. Rodriguez stated that the good news is we are going to and continue to find areas that we can cut back on, cut back on legal services, and be in a great position throughout the year to slowly, smartly, and jointly bring back some of those services that we have lost throughout the years.

The motion was carried by the following vote:

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

Abstain: Mrs. Amin – 1

Negative: Mr. Trujillo – 1

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 stated that in the Legal Committee they were discussing many ways to try to save money and one of them is to authorize our General Counsel to be able to settle claims up to a certain amount without having to wait a month, spend money on legal fees, come to the Board and get a yes or no question. Mr. Rodriguez stated that he would like to introduce a resolution authorizing General Counsel to settle claims up to \$5,000. without a specific vote.

Resolution – Authorizing General Counsel to Settle Claims up to \$5,000.

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

Mr. Perreira stated that he understands the implication of trying to save money and asked wouldn't it be better to use in-house attorneys who are paid a salary to do that process and therefore we don't incur the cost.

Mr. Rodriguez stated that is a good idea and asked Mr. Williams if there are any things that they couldn't handle.

Mr. Williams responded yes and it would be always smart to do that with the in-house legal counsel. Mr. Williams stated that depending on the nature of the case there are many claims where there are complicated legal theories where the amount of the claim might be low so it might be something that is judged on a case by case basis. Mr. Williams stated that he doesn't see any downside to giving authority for either in-house legal counsel or General Counsel to settle claims up to \$4,999. and also to report back to the Board after any such settlement is entered into. Mr. Williams stated that as to which lawyer is actually going to do that in order to save money a good many of those should be done in-house.

The motion was carried by the following vote:

Affirmative: Mrs. Carvalho, Miss Goncalves, Messrs. Neron, Rodriguez,
Ms. Bathelus – 5
Abstain: Mrs. Amin, Mr. Trujillo – 2
Negative: Mr. Perreira – 1

Mr. Trujillo stated that he has a request for documents. Mr. Trujillo stated that at Board organization meeting held on January 7, 2016, a resolution was adopted appointing Jonathan Williams of DeCotiis, FitzPatrick & Cole, LLP and Robert Varady of LaCorte, Bundy, Varady, & Kinsella as Co-General Counsel for this Board for a term of one year. Mr. Trujillo stated that at the regular meeting of the Elizabeth Board of Education held on February 18, 2016 a resolution was adopted approving professional services contracts with the two above named attorneys appointed to serve as Board Co-General Counsel. Mr. Trujillo stated that he is requesting that the Board Secretary provide him and this Board with full and complete copies of the executed contracts with each of these two attorneys within seven days' time in accordance with the provision of the Open Public Records Act afforded to the public. Mr. Trujillo stated that additionally he is requesting complete copies of whatever written policy and procedures may exist which details the operations of authority governing Co-General Counsel as it presently exists for this Board under this arrangement. Mr. Trujillo stated that if none exists then he is requesting a written statement to that effect. Mr. Trujillo stated that further he is requesting full and complete copies of any written agreements or other documents which may exist detailing how work assignments and responsibilities are determined, who among the two Co-General Counsel is ultimately responsible for the work assignment of the other Co-General Counsel, the in-house staff attorneys and the outside contracted attorneys, and who is responsible for control and approval of professional service billings from the other Co-General Counsel and all outside contracted attorneys. Mr. Trujillo stated that the request is made for receipt of full and complete copies of these documents within seven days' time. Mr. Trujillo stated that should any or all of the requested documents not exist in any form then request is made for a reply in writing to that effect from the Board's Co-General Counsel.

Mr. Trujillo stated that he has a second request for documents. Mr. Trujillo stated that at the regular meeting of the Elizabeth Board of Education held on January 21, 2016 the following four captioned resolutions were adopted: Acceptance of Consolidated Monitoring Report issued by OFAC in October 2015 (Case #CM-039-14) and Adoption of District Corrective Action Plan; Acceptance of OFAC Report issued in Case #ECE-008-14 regarding the Early Childhood Preschool Education Program provided by Jefferson Park Daycare Center for the 2011-2012 Budget Year and Adoption of District Corrective Action Plan; Acceptance of OFAC Report issued in Case #ECE-009-14 regarding the Early Childhood Preschool Education Program provided by Jefferson Park Daycare Center for the 2012-2013 Budget Year and Adoption of District Corrective Action Plan; and Acceptance of OFAC Report issued in Case #ECE-010-14 regarding the Early Childhood Preschool Education Program provided by the New Hope Memorial Childcare Center (July 2009-June 2013) and Adoption of District Corrective Action Plan. Mr. Trujillo stated that his first request is made for the provision of full and complete copies of all reports of OFAC and District Corrective Action Plans as referenced in the Board's adopted resolutions enumerated here above. Mr. Trujillo stated that his second request is made for the annual payments made by this Board to all contracted Early Childhood Preschool Education Programs for the five-year period ending with the 2014-2015 school year. Mr. Trujillo stated that his third request is made for the census of students served by all contracted Early Childhood Preschool Education Programs for each year for the five-year period ending with the 2014-2015 school year. Mr. Trujillo stated that his fourth request is made for the budgets and census of students served by all of the Early Childhood Preschool Education Programs provided by the Elizabeth Board of Education for each year of the five-year period ending with the 2014-2015 school year.

Mr. Trujillo requested that the Board Secretary record the Request for Documents that he has made at this Board meeting to be reflected in full in the minutes of the meeting.

Ms. Bathelus stated that Mr. Trujillo has requested a lot of information and she doesn't know if seven days is an adequate amount of time for Mr. Kennedy to get you all the information. Ms. Bathelus asked Mr. Trujillo to be patient with the administration office so they can get you the requested information as a Board member in time.

Mr. Trujillo stated that he understands and he hears. Mr. Trujillo stated that he would request that he has this in seven days and he doesn't believe that is unreasonable and that is the law.

Ms. Bathelus asked what law.

Mr. Trujillo responded the OPRA.

Ms. Bathelus asked if Mr. Trujillo did an official OPRA request.

Mr. Trujillo stated that he doesn't have to, he is a Board member, and it is public information.

Ms. Bathelus stated that there have been some Board members that have done so.

Mr. Trujillo stated that this can serve as my official OPRA to Mr. Kennedy.

Ms. Bathelus stated that she wants Mr. Trujillo to remember that within the next seven days we are going on Easter break so he may not be able to get that to you before that. Ms. Bathelus stated that she is sure he will get it to you soon after so please be patient with our department.

On a motion by Mr. Neron, seconded by Miss Goncalves, the meeting was adjourned at 12:55 a.m.

The motion was carried by the following vote:

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

Negative: None

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