

BOARD OF EDUCATION  
REORGANIZATION MEETING

January 7, 2016

SWEARING IN NEW BOARD MEMBERS  
AND PRESENTATIONS

ORDER OF BUSINESS

1. ELECTION OF PRESIDENT
2. ELECTION OF VICE PRESIDENT
3. TERMINATION OF EMPLOYMENT OF SUPERVISING GENERAL COUNSEL/BOARD ATTORNEY
4. APPOINTMENT OF CO-GENERAL COUNSEL
5. INTRODUCTION OF AMENDMENTS TO RULES OF GOVERNANCE FOR FIRST READING
  
6. PUBLIC PARTICIPATION
  
7. APPOINTMENTS TO STANDING COMMITTEES (to be determined at a later date)
  
8. DESIGNATION OF REPRESENTATIVES (to be determined at a later date)
  
9. RESOLUTIONS
  1. Official Results of the School Board Election
  2. Directing Prior Special Counsel to Deliver Board of Education files to Board Law Department
  3. Designation of Official Media Services
  4. Designation of Depositories for School Funds
  5. Appointment of Special Counsels
  6. Appointment of Insurance Consultant
  7. Appointment of Auditor and Forensic Auditor
  8. Appointment of Chief Medical Inspector
  9. Appointment of Medical Inspectors
  10. Appointment of Treasurer of School Moneys
  11. Election of Representative to Union County Education Services Commission
  12. Schedule of Meetings
  
10. NEW BUSINESS

ADJOURNMENT

# OPENING CALENDAR

January 7, 2016

## PUBLIC SESSION

### **Presentation of the Colors**

Admiral William F. Halsey, Jr. Leadership Academy JROTC

### **Pledge of Allegiance**

Juan Romero, Bruna De Souza, Martin Aziz  
8<sup>th</sup> Grade Students Juan Pablo Duarte - José Julián Martí School No. 28

### **Star Spangled Banner by Francis Scott Key - CD**

### **Pledge of Ethics**

Cesar Lopez, Steven Rodriguez  
8<sup>th</sup> Grade Students Juan Pablo Duarte - José Julián Martí School No. 28

## **PERFORMANCES**

### **“Mambo No. 5” by Damaso Perez Prado**

Juan Pablo Duarte - José Julián Martí School No. 28 – Kindergarten Students

### **“Patacon Pisao” by Johnny Ventura**

Juan Pablo Duarte - José Julián Martí School No. 28 – 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Grade Students

### **"Let There Be Peace" by Andy Beck**

Juan Pablo Duarte - José Julián Martí School No. 28 - Chorus

### **Swearing in of New Board Members**

### **Celebrating Election as Board Members**

Charlene Bathelus  
Stephanie Goncalves  
Daniel Nina

### **Opening of Reorganization Meeting**

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

**Election of Board President**  
**Election of Vice President**

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Y**BOARD OF EDUCATION****RESOLUTION****TERMINATION OF EMPLOYMENT OF SUPERVISING GENERAL  
COUNSEL/BOARD ATTORNEY**

**WHEREAS**, the employment relationship between the Elizabeth Board of Education and Supervising General Counsel, Mr. Marvin Lehman, may be terminated by the Elizabeth Board of Education, at any time, for any reason; and

**WHEREAS**, the Elizabeth Board of Education has determined that it is not in the district's best interests to continue the attorney-client relationship with Mr. Marvin Lehman; and

**WHEREAS**, the Elizabeth Board of Education has decided to terminate the employment of Supervising General Counsel, effective immediately, and will appoint two law firms to provide legal services on behalf of the Elizabeth School District, effective immediately; and

**WHEREAS**, it is anticipated that the elimination of the employment relationship with Mr. Lehman will better serve the legal, financial and operational interests of the Elizabeth School District.

**NOW, THEREFORE, BE IT RESOLVED**, that the Elizabeth Board of Education hereby exercises its sole discretion to terminate the employment of Supervising General Counsel with Mr. Marvin Lehman, effective immediately.

**BE IT FURTHER RESOLVED** that to the extent the terms of any existing contract or resolution conflicts with the terms of this appointment, the terms of this resolution shall control.

**BE IT FURTHER RESOLVED** that Mr. Marvin Lehman shall return any and all legal files to superseding legal counsel immediately, in accordance with the Rules of Professional Conduct.

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

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

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

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

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

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

**WHEREAS**, the Elizabeth Board of Education intends for this appointment to commence immediately at its reorganization meeting of January 7, 2016.

**NOW, THEREFORE, BE IT RESOLVED**, that Mr. Jonathan Williams, Esq. of DeCotiis, FitzPatrick & Cole, LLP and Mr. Robert F. Varady of LaCorte, Bundy, Varady & Kinsella shall be appointed as Co-General Counsel for the Board of Education for a term that shall commence immediately (January 7, 2016) and until the next reorganization of the Elizabeth Board of Education in January 2017, in accordance with the following rates \$155.00 per hour.

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

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

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

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

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

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

**WHEREAS**, questions have arisen regarding the Policies previously adopted by the Elizabeth Board of Education at prior reorganization meetings; and

**WHEREAS**, the Board believes that it is necessary to review these Policies prior to their adoption in whole or in part; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Elizabeth Board of Education adopts for first reading the Policies attached hereto.

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

**BE IT FURTHER RESOLVED** that the Board directs the President of the Board to create a committee to review and analyze those Policies previously adopted by the Board and to report to the Board at a later meeting on what Policies, if any, should be adopted by the Board.

## Changes to Elizabeth Board of Education Bylaws

### BYLAW

### CHANGE

9120 – Election and Appointment of Officers and Auxiliary Personnel	Removed the clause “unless the person holding that office is tenured” from the final sentence of the Bylaw.
9123 – School Business Administrator/Board Secretary	Removed the School Business Administrator from Bylaw 9123 and created a separate bylaw (9124) for School Business Administrator.  Removed the “Job Description” Exhibit from the Bylaw.
9124 – School Business Administrator	Created a new Bylaw for School Business Administrator.
9126 – Attorney	Removed this Bylaw.
9127 – Auditor	Removed this Bylaw.
9130 – Committees	Added a Committee on Negotiations” under the heading of “the following standing committees shall be established.  Added the matters the Committee on Negotiations shall oversee to the 9130 Regulation.
9150 – Board Consultant	Removed this Bylaw.
9272 – Banning Pay to Play	Removed the final two paragraphs of the Bylaw.
9322 – Public Participation in Board Meetings	Removed the requirement that “Participants for the public portion must sign in <u>up to an hour</u> prior to the advertised start of the Board meeting” in paragraph B of the 9322 Regulation.
9323/9324 – Agenda Preparation/Advance Delivery of Meeting Material	Separated the School Business Administrator/Board Secretary positions in the first paragraph of the bylaw.  Removed the sentence “However, existing Board policies and bylaws may not be revised or new ones adopted unless the proposals are on the written agenda” from the third paragraph.
9325.2 – Order of Business	Removed this Bylaw.

9350 – Management Oversight	Removed this Bylaw.
9351 – Board Workshops	Removed this Bylaw.
9400 – Board Self Evaluation	Remove the Board Self-Evaluation Form Exhibit.

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Y**BOARD OF EDUCATION****RESOLUTION****OFFICIAL RESULTS OF THE SCHOOL  
BOARD ELECTION HELD ON NOVEMBER 3, 2015**

**NOW BE IT RESOLVED**, that the Official Results of the School Board Election held on November 3, 2015, have been certified and sent to the Union County Executive Superintendent's Office in accordance with N.J.S.A. 19:60-1 et seq.

Stephanie Goncalves	<b>5027</b>
Maria Medeiros-DaRassi	548
Michelle Velez-Jonte	4222
A. Tony Monteiro	4514
Daniel Nina	<b>4868</b>
Elcy Castillo-Ospina	4177
Charlene Bathelus	<b>4961</b>

**BOARD OF EDUCATION****RESOLUTION****DIRECTING PRIOR SPECIAL COUNSEL TO DELIVER  
BOARD OF EDUCATION FILES TO BOARD LAW DEPARTMENT**

**WHEREAS**, the Elizabeth Board of Education (hereinafter “Board) has complied with the requirements of N.J.S.A. 18A and N.J.A.C. 6A and solicited requests for proposals to provide legal services to the Board; and

**WHEREAS**, following receipt and review of these proposals the Board has appointed the following law firms Garrubbo & Capece; Glazer & Kamel; Jasinski, P.C.; Lenox, Socey, Wilgus, Formidoni, Brown & Giordano; Machado Law Group, LLC; McCusker, Anselmi, Rosen & Carvelli; Methfessel & Werbel; Pashman Stein P.C.; Ricci, Fava & Bagley; Scarinci & Hollenbeck, LLC; Schwartz, Simon, Edelstein & Celso, LLC, to provide legal services to the Board, effective January 7, 2015; and

**WHEREAS**, the Board’s contract Garrubbo & Capece; Glazer & Kamel; Jasinski, P.C.; Lenox, Socey, Wilgus, Formidoni, Brown & Giordano; Machado Law Group, LLC; McCusker, Anselmi, Rosen & Carvelli; Methfessel & Werbel; Pashman Stein P.C.; Ricci, Fava & Bagley; Scarinci & Hollenbeck, LLC; Schwartz, Simon, Edelstein & Celso, LLC, expired on January 7, 2016; and

**WHEREAS**, the Board desires to make the transition of legal services seamless and ensure adequate legal protection for the Board.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board directs Garrubbo & Capece; Glazer & Kamel; Jasinski, P.C.; Lenox, Socey, Wilgus, Formidoni, Brown & Giordano; Machado Law Group, LLC; McCusker, Anselmi, Rosen & Carvelli; Methfessel & Werbel; Pashman Stein P.C.; Ricci, Fava & Bagley; Scarinci & Hollenbeck, LLC; Schwartz, Simon, Edelstein & Celso, LLC to turn over all files to its administrative offices, Law Department, before the close of business on January 19, 2016 and to immediately provide a summary of all open/outstanding matters to Co-General Counsel: DeCotiis, FitzPatrick & Cole, LLP and LaCorte, Bundy, Varady & Kinsella.

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

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

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

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

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

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

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

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

**BOARD OF EDUCATION****RESOLUTION****APPOINTMENT OF SPECIAL COUNSELS**

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

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

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

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

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

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

Kevin D. Harris, Esq., 66 Ninth Ave., East Orange, NJ 07018

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

Marshall, Dennehey, Warner, Coleman & Coggin  
425 Eagle Rock Ave., Suite 302, Roseland, NJ 07068

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

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

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

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

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

**FURTHER RESOLVED,** General Counsel shall prepare a contract for each Special Counsel, which shall be in effect from this date and until the Reorganization meeting of 2017 at an hourly rate of \$155.00.

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

**RESOLVED**, that the Elizabeth Board of Education appoint Edmund A. Palmieri, M.B.A., 333 Thornall Street, Suite 9b, Edison, New Jersey, as the Elizabeth Board of Education insurance/health benefit consultant, in an amount not to exceed \$42,000.00.

This contract shall be in effect from this date and shall terminate as of the Reorganization Meeting of 2017.

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

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

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

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

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

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

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

**WHEREAS**, the Elizabeth Board of Education intends for this appointment to commence immediately at its reorganization meeting of January 7, 2016.

**NOW, THEREFORE, BE IT RESOLVED**, that the Elizabeth Board of Education appoint Suplee, Clooney & Co., Westfield, New Jersey, as the District’s Auditor to provide professional accounting and auditing services related to the District’s Comprehensive Annual Financial Report, as of and for the year ended June 30, 2016, in an amount not to exceed \$125,000.00 plus reimbursable expenses.

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

**BE IT FURTHER RESOLVED**, that Lerch, Vinci & Higgins, LLP shall provide forensic accounting and auditing services for the District for a term that shall commence immediately (January 7, 2016) and until the next reorganization of the Elizabeth Board of Education in January 2017, in accordance with the following rates: \$140.00 per hour, not to exceed a total of \$20,000.00 without further Board approval.

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

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

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

These contracts shall be in effect from this date and shall terminate as of the Reorganization Meeting of 2017.

**BOARD OF EDUCATION**

**RESOLUTION**

**APPOINTMENT OF CHIEF MEDICAL INSPECTOR**

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

**BOARD OF EDUCATION**

**RESOLUTION**

**APPOINTMENT OF MEDICAL INSPECTORS**

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

Francisco Munoz, M.D.  
James Perez, M.D.

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

RECOMMENDED: That the Elizabeth Board of Education appoint, Louis C. Mai, CPA and Associates, Treasurer of School Monies, in an amount not to exceed \$42,000.00 annually.

This contract shall be in effect from this date and shall terminate as of the Reorganization Meeting of 2017.

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

Resolved, that the setting of the following dates and time for the holding of the public meeting sessions for the ensuing year to be held at 7:00 p.m. in the Multipurpose Room of the Donald Stewart Center for Early Childhood Education, 544 Pennsylvania Avenue, Elizabeth, New Jersey 07207, be and is hereby submitted.

January 21, 2016  
February 18, 2016  
March 17, 2016  
April 21, 2016  
May 12, 2016  
June 16, 2016  
July 21, 2016  
August 4, 2016  
September 8, 2016  
October 20, 2016  
November 21, 2016  
December 15, 2016

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Y**BOARD OF EDUCATION****RESOLUTION****ABOLISHING POSITION OF ASSISTANT BOARD SECRETARY**

**WHEREAS**, the Elizabeth Board of Education has determined that it is not financially feasible nor consistent with the organizational interest of the District to continue with the position of Assistant Board Secretary; and

**WHEREAS**, the elimination of the Assistant Board Secretary position will result in a significant financial savings for the Elizabeth School District.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Education eliminates the position of Assistant Board Secretary, effective immediately.

**BE IT FURTHER RESOLVED** that to the extent the terms of any existing contract or resolution conflicts with the terms of this appointment, the terms of this resolution shall control.

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Y**BOARD OF EDUCATION****RESOLUTION****APPOINTMENT OF ACTING ASSISTANT SUPERINTENDENT  
FOR HUMAN RESOURCES**

**WHEREAS**, the Elizabeth Board of Education desires to employ Francisco J. Cuesta as its Acting Assistant Superintendent for Human Resources, and

**WHEREAS**, Francisco J. Cuesta has agreed to undertake the role of Acting Assistant Superintendent for Human Resources.

**NOW, THEREFORE, BE IT RESOLVED**, that the Elizabeth Board of Education hereby appoints Francisco J. Cuesta as its Acting Assistant Superintendent for Human Resources effective immediately for the balance of the 2015-2016 school year at a pro-rated annual salary of \$167,000.00\* pending the review and written approval by the Board and Roger Jinks, Interim Executive County Superintendent of Schools.

**BE IT FURTHER RESOLVED**, that the Board President and Board Secretary are authorized and directed to execute the aforesaid Acting Assistant Superintendent Employment Contract on behalf of the Board of Education.

\*Subject to corrections.