

BOARD OF EDUCATION
(Official)

January 6, 2015
Elizabeth, New Jersey

A special meeting of the Board of Education was called on January 6, 2015 at 7:00 p.m., in the Multi Purpose Room, Donald Stewart Center for Early Childhood Education, 544 Pennsylvania Avenue, Elizabeth, New Jersey.

Board Vice President Eley Castillo-Ospina presented the following statement at 7:15 p.m.

“Ladies and Gentlemen, good evening. This is a special 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 January 4, 2015. 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 to this January 6, 2015 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 one hour prior to the advertised start of the meeting so that they may have the opportunity to speak. The sign-in sheet states the name, address, telephone number and reason that the person wants to comment, whether it is an agenda item or a general education comment.”

Present: Ms. Bathelus (arr. 7:50 p.m.), Messrs. Fajardo, González, Neron, Perreira, Rodriguez, Trujillo, Mrs. Castillo-Ospina – 8

Absent: Mr. Monteiro – 1

Superintendent of Schools Olga Hugelmeyer, School Business Administrator/Board Secretary Harold E. Kennedy, Jr., Assistant Superintendent for Schools Linda Seniszyn, Assistant Superintendent for Schools Rafael Cortes, Interim Assistant Superintendent for Teaching and Learning Jennifer Cedeno, Assistant Board Secretary Donald Goncalves, Comptroller William Greene, Supervising General Counsel/Board Attorney Marvin Lehman, and members of the public were in attendance.

Mr. González gave the invocation.
Pledge of Allegiance
Pledge of Ethics

Personnel Report – Leaves of Absence, etc.

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

The motion was carried by the following vote:

Affirmative: Messrs. Fajardo, González, Perreira, Trujillo, Mrs. Castillo-Ospina – 5

Abstain: Messrs. Neron, Rodriguez – 2

Negative: None

Supplemental Personnel Report – Reappointments, etc.

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

The motion was carried by the following vote:

Affirmative: Messrs. Fajardo, González, Perreira, Trujillo, Mrs. Castillo-Ospina – 5

Abstain: Messrs. Neron, Rodriguez – 2

Negative: None

Finance and Accounting Report – Authorization to Pay Vouchers

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

The motion was carried by the following vote:

Affirmative: Messrs. Fajardo, González, Perreira, Trujillo, Mrs. Castillo-Ospina – 5

Abstain: Messrs. Neron, Rodriguez – 2

Negative: None

Resolution – Payment for Unused Sick Days

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

The motion was carried by the following vote:

Affirmative: Messrs. Fajardo, González, Neron, Perreira, Rodriguez, Trujillo, Mrs. Castillo-Ospina – 7

Negative: None

Resolution – Payment for Unused Vacation Days

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

The motion was carried by the following vote:

Affirmative: Messrs. Fajardo, González, Neron, Perreira, Rodriguez, Trujillo, Mrs. Castillo-Ospina – 7

Negative: None

Resolution – Special Education Settlement Agreement L.H. and L.S., Jr. o/b/o L.S.

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

The motion was carried by the following vote:

Affirmative: Messrs. Fajardo, González, Perreira, Trujillo, Mrs. Castillo-Ospina – 5

Abstain: Messrs. Neron, Rodriguez – 2

Negative: None

Mrs. Castillo-Ospina spoke of the tremendous loss the district sustained on the passing of Christine Dzienisiewski, sixth grade teacher at William F. Halloran School No. 22 @ 31. Mrs. Castillo-Ospina then called for a moment of silence.

Board Vice President Castillo-Ospina presented the following public participation statement.

“At this time, the microphones are open for public comment to those who have signed in prior to this session. 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.”

Since there were no citizens signed in to address the Board, Mrs. Castillo-Ospina declared this portion of the public meeting closed.

School Business Administrator/Board Secretary Harold E. Kennedy, Jr. stated that he received communication from Board member Tony Monteiro that he would like to tender his resignation from the Board.

A motion was made by Mr. Trujillo, seconded by Mr. Perreira, to accept the resignation of Board member Tony Monteiro.

The motion was carried by the following vote:

Affirmative: Messrs. Fajardo, González, Perreira, Trujillo, Mrs. Castillo-Ospina – 5

Negative: Messrs. Neron, Rodriguez – 2

A motion was made by Mr. González, seconded by Mr. Trujillo, to appoint Rafael Fajardo to replace Tony Monteiro for an unexpired term of one year if Rafael Fajardo resigns his current position first.

Mr. Neron asked if the resignation was accepted and if it passed.

Mr. Kennedy responded the vote was five affirmative and two negative so it passed.

Mr. Neron asked if only five votes were needed and not six votes.

Mr. Kennedy responded that five votes are needed.

Mr. Rodriguez asked if the member being put into the one year unexpired term would have to first resign.

Mr. Lehman explained that he would resign first before being elected and sworn into that position.

Mr. Rodriguez asked if he would have to resign first before the nomination can go through.

Mr. Lehman responded no.

Mr. Rodriguez asked how he can be nominated while still being on the Board and he is a member currently.

Mr. Lehman explained that he could be nominated for another position on the Board, resign his position first before being sworn into the new position.

Mr. Rodriguez asked if he would have to be sworn in tomorrow.

Mr. Lehman responded no, tonight.

Mr. Rodriguez stated that let's just say he accepts the nomination and he is voted in. Mr. Rodriguez stated that what he is confused about is how he can accept the nomination while still being a Board member.

Mr. Lehman stated that there is a motion on the floor and it has been seconded. Mr. Lehman stated that assuming the vote appoints him to that position, he would then resign his current seat and then be sworn into the new seat.

Mr. Rodriguez stated that this smells of corruption and that it is disgusting. Mr. Rodriguez stated that he doesn't understand how ethically and he knows legally it can be done. Mr. Rodriguez stated that, hell, slavery was legal, too but it wasn't ethical. Mr. Rodriguez stated that to him this is a joke and the people have spoken and did not elect Mr. Fajardo in this past election. Mr. Rodriguez stated that he feels that is slapping those voters in the face telling them that their voice doesn't matter. Mr. Rodriguez stated that he knows the present election is in court and that is Mr. Fajardo's absolute right and he has no issues with that. Mr. Rodriguez stated that he feels, personally, that doing this is something low and the vote is something sacred and the voters spoke. Mr. Rodriguez stated that they thought this was going to happen but it was just so ridiculous that this is actually occurring. Mr. Rodriguez stated that he is shocked and doesn't understand how a member can do this to the public. Mr. Rodriguez stated that his colleague, Mr. Fajardo, is just trying to desperately hold on to power. Mr. Rodriguez stated that while he believes in a fair election, he put his name out and they didn't choose him and that this shouldn't be a way to try to maintain power on this board or try to control a certain entity in Elizabeth. Mr. Rodriguez stated that he guesses he shouldn't be shocked but he is and he still has hope in our fellow man and people should do the right thing. Mr. Rodriguez stated that it is not enough to do the right thing every single day but you must always be seen to do the right thing especially in a position where you have been elected and where you should hold yourself to a higher threshold than the common or the average person. Mr. Rodriguez stated that to accept this, and he doesn't know yet if Mr. Fajardo will accept this or not but he assumes he would, would be something that is just unacceptable. Mr. Rodriguez stated that tomorrow morning if this were to go through, because of course he believes that he will have the votes but he won't have his vote, and he will have the votes to pass and he believes it is something that shouldn't be done. Mr. Rodriguez stated that just because it is legal and you are able to do it he doesn't feel it is appropriate. Mr. Rodriguez stated that he is just beside himself and he shouldn't be shocked because people said it was coming but it is just unacceptable. Mr. Rodriguez stated that he doesn't even know what to do and he wishes he could get up and leave but sometimes you have to be a witness to injustice and you have to speak up. Mr. Rodriguez stated that even though this is a democratically elected body and he believes he will have the votes to pass and sometimes in a democracy the majority rules, 51% to 49%, but that is the will of the people. Mr. Rodriguez stated that this just smells of corruption and it is just something that if anyone were to vote yes on this to really search your souls on this that it is just not right and not appropriate. Mr. Rodriguez stated that Mr. Fajardo will have his day in court and he is having it and that should work out the way it should and we have a justice system for that exact reason. Mr. Rodriguez stated that it is Mr. Fajardo's absolute right and he has no qualms about it but to do this to the people of Elizabeth so blatantly to say, forgive my language, but so blatantly to say (expletive deleted) to the people that their vote doesn't matter that he's going to maintain himself on this Board regardless of what you say, no matter how you voted, what the judiciary says and that none of that matters. Mr. Rodriguez stated that he believes he is above the law, above those who vote you into the seat. Mr. Rodriguez stated that it smells of corruption and it is disgusting and in all honesty he should be ashamed of himself. Mr. Rodriguez stated that how he could put his head on the pillow and feel comfortable with what he believes is about to occur. Mr. Rodriguez stated that the people have said so far that they do not want Mr. Fajardo on this Board of Education. Mr. Rodriguez stated that the people voted and that must be respected. Mr. Rodriguez stated that while this is

something legal, it can be done, it is immoral and it is not right. Mr. Rodriguez stated that he doesn't know what else to say.

Mr. Neron stated that he thinks it is an outright injustice and to have the unmitigated gall to sit here and be reappointed for an unexpired term until next year is just a shame. Mr. Neron stated that there was a public election held, the citizens of this City voted, and the people have spoken. Mr. Neron stated that Mr. Fajardo served for many, many years and he thinks that his work has proven itself and the people who supported him in his many years of successes and he thinks that has been celebrated. Mr. Neron stated that everybody has their time and that time comes and goes and you celebrate it, you serve as a President, you serve as a Board member, and you move on, whatever elected position that is and that is why we have a democratic system here in these United States. Mr. Neron stated that to continually find your way on this Board of Education whether the people vote him on or not is a shame and is a disgrace to the people. Mr. Neron stated that the people sitting here will understand that and he doesn't know how you debate that. Mr. Neron stated that if you feel you were done unjustly at the polls then it's in court and the judges will handle that matter and see that you have your justice. Mr. Neron stated that his day will come when justice is served but to do this when all the rumors are out there and it is no secret that this was going to be done and have a meeting the day before our reorganization meeting to do something like this. Mr. Neron stated that he wasn't born yesterday and is no fool and has been involved in this system since he was sixteen years old, campaigning, working, and advocating for the rights of our children here in our district. Mr. Neron stated that he can't talk about policy, he can't talk about stuff that he really wants to talk about, the children and education. Mr. Neron stated that to waste this amount of time and take valuable time from everyone's schedule to have this meeting to do this is a shame. Mr. Neron stated that you're a team working on a campaign for many months and the other team is working on a campaign for many months and it went to the polls and everything was settled on November 4th and then again it was certified. Mr. Neron stated that so now we want to go ahead and navigate through the system and do this and it is a shame and the people need to be clear about it. Mr. Neron stated that you can deny the corruption all you want, that's fine, but when you do stuff like this where there is smoke there is fire and that's what we see. Mr. Neron stated that you learn something when you first get appointed as a Board member and go to the New Jersey School Board Association to get trained that assumption is reality and whatever perception you put out there is the reality that the people are going to see. Mr. Neron stated that the ball is in your court, do as you wish, do as you must. Mr. Neron stated that we will be here to continue to fight for our children and we will be here to fight for our administrators and our teachers. Mr. Neron stated that we are not here to create an atmosphere of bullying, we are not here to bully the administrators, we are not here to bully our staff, and we are not here to bully our constituents or the system. Mr. Neron stated that we are here to have justice be served and that is what he is about and that is what Mr. Rodriguez is about, and he hopes that is what the staff who is here is about and believes, respects, and stands for.

Mr. Rodriguez stated that this is becoming a show and he thinks as a minority member of the Board of Education his only true power right now to block this would be to just keep speaking for the next few hours as a filibuster. Mr. Rodriguez stated that he knows because there was no time limit set to the comment section no one on this Board of Education can censor him.

Mr. Trujillo stated that he does respect his opinion but there is a motion and a second.

Mr. Rodriguez stated that it is the comment portion and because there is no time limit given before the comments he is allowed to speak. Mr. Rodriguez stated that he will continue to speak until he has to, until we all leave.

Mr. Trujillo stated that Mr. Rodriguez has already spoken.

Mr. Rodriguez stated that he didn't bring his book, he should have brought his book, so he is going to read the BBC News. Mr. Rodriguez stated that he is sorry for those in the audience that have to listen to this but he is not going to stop speaking until 12:00 tomorrow morning when the term expires so we have four and one-half hours.

Mr. Lehman stated that Mr. Rodriguez has had his say and it is time for the President to call the question.

Mr. Rodriguez began reading from the BBC News.

Vice President Castillo-Ospina stated that we are stopping this right now and this is not a game. Mrs. Castillo-Ospina stated that we need to respect the community and everyone who sits here. Mrs. Castillo-Ospina stated that she works for a school system and she has never, ever seen anything like this. Mrs. Castillo-Ospina stated that she does not think this is funny.

Mr. Rodriguez stated that they are making a mockery of this Board of Education. Mr. Rodriguez asked if the President was censoring him and if he was being censored.

Mrs. Castillo-Ospina asked Mr. Kennedy to take roll call.

Mr. Rodriguez stated that he assumes he is being censored.

The motion was carried by the following vote:

Affirmative: Messrs. González, Perreira, Trujillo, Mrs. Castillo-Ospina – 4

Abstain: Mr. Fajardo – 1

Negative: Messrs. Neron, Rodriguez – 2

Mr. Fajardo resigned his current seat on the Board of Education.

A motion was made by Mr. Trujillo, seconded by Mr. Perreira, to accept the resignation of Board member Rafael Fajardo.

The motion was carried by the following vote:

Affirmative: Messrs. González, Perreira, Trujillo, Mrs. Castillo-Ospina – 4

Abstain: Mr. Fajardo – 1

Negative: Messrs. Neron, Rodriguez – 2

Mr. Rodriguez stated that he did research on the Sunshine Law and notice of this meeting is in question. Mr. Rodriguez stated that he is headed to court tomorrow to make sure that we nullify any action taken today because 48 hour notice in his opinion was not given and the spirit of the law is 48 hours but it is 48 hours where a newspaper, at least minimum a newspaper, is able to print this meeting. Mr. Rodriguez stated that tomorrow he will seek that action.

Rafael Fajardo took the oath of office administered by Harold E. Kennedy, Jr., School Business Administrator/Board Secretary.

Mr. Fajardo stated that it is a very difficult evening for him to sit here and be lectured by individuals and that he has never in all the years he has served on this Board of Education used a profane word. Mr. Fajardo stated that this individual has the audacity to lecture him. Mr. Fajardo stated that it is embarrassing. Mr. Fajardo asked him what he is so afraid of and why is he so afraid of him. Mr. Fajardo stated that he doesn't work for City Hall, his family doesn't work for City Hall, he is not dependent on City Hall's salary to do what they tell you to do, and he is not beholden to anybody that has financed his campaign. Mr. Fajardo stated that he has served the children of this City for a long, long time and the record speaks for itself. Mr. Fajardo stated that the previous speaker who tried to be so eloquent when he used the vulgarity that he used should be off this Board of Education and just spoke as a Board member to 26,000 children including his

grandchildren, nieces and nephews. Mr. Fajardo stated that it is a shame that he is here to lecture anyone.

Mr. Perreira stated that he finds it hurtful when he sits here and hears statements made that personify his seat here on the Board calling him corrupt. Mr. Perreira stated that there is nothing that he has ever done that he feels ashamed about. Mr. Perreira stated that elections of members to elected office for unexpired terms are done all across the State and it is done in this City numerous times, in the County it has been done quite a numerous amount of times and he has never heard any of the members that just spoke ever go up and say anything to that extent to call those bodies of elected offices corrupt in any shape or form. Mr. Perreira stated that his personal opinion is that unfortunately they do have reasoning to be impartial and it is always pointed and directed at us here at the Board of Education as if for some reason he is sitting here in order to take away monies from children. Mr. Perreira stated that he has two boys who attend schools here and will be going to the Elizabeth Public Schools until they graduate and that is why he serves here. Mr. Perreira stated that he dedicates a lot of time, visits a lot of schools, and he gives a lot of his time to his work here as a Board member. Mr. Perreira stated that to hear that every time the Board takes an action that we are criticized as being in some way unlawful is comical because this happens all the time in City Hall and yet those same individuals don't speak. Mr. Perreira stated that it is comical when he hears people calling him corrupt, saying that he is not bipartisan, and saying that he only takes certain actions, and that he takes offense to that. Mr. Perreira stated that yet they don't speak the truth for everyone as a whole and they just want to point fingers. Mr. Perreira stated that he is here to serve the children, he has always been here to serve the children, and he will continue to be here to serve the children.

A motion was made by Mr. Trujillo, seconded by Mr. Perreira to adjourn the meeting at 7:55 p.m.

Mrs. Castillo-Ospina acknowledged that Board member Charlene Bathelus joined the meeting.

Mr. Rodriguez stated that we did not even go through old business or new business yet.

Mr. Kennedy explained that it is just what is on the agenda at a special meeting.

Mr. Rodriguez asked if could make a comment.

Mrs. Castillo-Ospina reminded him that he is talking about 26,000 children in this district.

Mr. Rodriguez stated that exactly, we are talking about 26,000 children. Mr. Rodriguez stated that they have the gall to say the things that they said and they really should be ashamed of themselves. Mr. Rodriguez stated that the people have spoken in elections, fairly won, fair elections, you have your day in court and to do what you did for those of you who voted should really be ashamed of yourselves.

The motion was carried by the following vote:

Affirmative: Ms. Bathelus, Messrs. Fajardo, González, Neron, Perreira, Rodriguez, Trujillo, Mrs. Castillo-Ospina – 8

Negative: None

Harold E. Kennedy, Jr.

School Business Administrator/Board Secretary