

APPROVED

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BOARD OF EDUCATION
(Official)

January 7, 2015
Elizabeth, New Jersey

Prior to the scheduled reorganization meeting of the Elizabeth Board of Education at 7:30 p.m. held in the MultiPurpose Room, Donald Stewart Center for Early Childhood Education, 544 Pennsylvania Avenue, Elizabeth, New Jersey, Board member Paul Perreira welcomed everyone.

Mr. Perreira stated that the district team members have sustained many losses during the past year. Mr. Perreira spoke of the tremendous losses in the months of December and January including the passing of Christine Dzienisiewski, sixth grade teacher at William F. Halloran School No. 22 @ 31; Susana Garcia Villarino, fourth grade teacher at Madison-Monroe School No. 16; Beverly Rogers, retired teacher from Winfield Scott School No. 2; and John Mark Dunn, former music teacher at Frances C. Smith Center for Early Childhood Education School No. 50. Mr. Perreira stated that a few of these teachers were very young when they were taken from us at an early age and very young children are now motherless because of these losses. Mr. Perreira stated that we should all come together as a community, as a school district, and as a family to help these families as much as we can and to keep them in our prayers. Mr. Perreira called for a moment of silence in remembrance of all those we lost during the past year.

Mrs. Castillo-Ospina welcomed everyone to the meeting and recognized visiting elected officials including a senator, an assemblywoman, councilmen, and a councilwoman. Mrs. Castillo-Ospina thanked the administrators, community, family, and friends who were in attendance.

Dr. Greene gave the invocation.

Colors were presented during the Flag Ceremony by members of the Admiral William F. Halsey, Jr. Leadership Academy Marine Corps Junior R.O.T.C.

Pledge of Allegiance
National Anthem
The Pledge of Ethics

Mrs. Castillo-Ospina introduced a video presentation of the Core Beliefs and Commitments.

Senator Raymond Lesniak stated that he received a gift from President William Jefferson Clinton, *William Jefferson Clinton Selected Remarks 2014*, and wished to present it to Superintendent of Schools Olga Hugelmeyer for the high school library.

Board members elect Ana Maria Amin and Maria Z. Carvalho took the oath of office administered by Senator Raymond Lesniak. Re-elected Board member Paul Perreira took the oath of office administered by Harold E. Kennedy, Jr., School Business Administrator/Board Secretary.

Mr. Kennedy asked if the new and re-elected Board members would like to give any remarks or comments.

Mrs. Amin stated that this moment is very humbling to her and when she came to this country she knew she would be provided with great opportunities in hope to fulfill her dreams. Mrs. Amin stated that

it was not always perfect and knows that hard work and determination can help overcome most of the challenges that we experience in life. Mrs. Amin stated that never did she imagine when she stepped off the plane that she would be here on January 7, 2015 being sworn into a public office. Mrs. Amin stated that what is so important is the education of our children. Mrs. Amin stated that this nation is a wonderful place and thanked this great country for the opportunity to serve and may God Bless America. Mrs. Amin stated that the American dreams continue today as she looks at her son, someone who has filled her heart with love and is now one of the 26,000 reasons why she wanted to be a Board member for this school district to represent all of the children of Elizabeth so that they can reach their full potential in life. Mrs. Amin stated that we have much work to do but we can get it done by working together for the right reasons in a positive direction for the children of Elizabeth. Mrs. Amin stated that she will work with anyone who is sincere in their effort and we owe that to the citizens of Elizabeth. Mrs. Amin stated that she has an obligation to thank those who have supported her along the way helping to deliver the large amount of support that she received and she is very grateful. Mrs. Amin thanked the citizens of Elizabeth for their support, thanked the Latino community who was there for her, and thanked the parents and teachers who offered their ideas and feedback that are needed to be an excellent Board member. Mrs. Amin thanked the elected officials who supported her and helped her to reach the moment we are at today and gave special thanks to Senator Lesniak and Mayor Bollwage for their support. Mrs. Amin thanked the team of running mates who now have the chance to deliver for children. Mrs. Amin stated that her thoughts are sincere and her agenda is one that will make this school district one of the best in the whole country.

Mrs. Carvalho stated that she is honored to have the privilege to stand before everyone as the newest elected Board member of the Elizabeth Board of Education. Mrs. Carvalho stated that tonight together we have made history here in the City of Elizabeth and you all know what a journey this has been for her. Mrs. Carvalho stated that being up here and being honored with this responsibility would not be possible if it were not for the countless sacrifices and continuous support of her family. Mrs. Carvalho stated that being raised here from an immigrant family taught her about the importance of dedication and commitment to serving our community and that it is the very essence of who she is. Mrs. Carvalho stated that she is not a politician and is simply a mother, wife, sister, and a daughter who loves her family and is passionate about making a difference in the lives of others. Mrs. Carvalho stated that being a proud Portuguese immigrant she is committed to being the example for all those who desire, aspire, and believe in change. Mrs. Carvalho stated that while conviction is not based on race or ethnic origin it is about being mindful where you come from and those who helped you become the person she is today. Mrs. Carvalho acknowledged some of the people who are here including Councilmen Torres, Gonzalez, Kanary, Gallman, Auguste-Perkins, Grova, Cuesta, Karen Cuesta, Mayor Chris Bollwage, Senator Lesniak, Freeholder Granados, Mayor Holly, Assemblywoman Quijano, and Honorable Judge Marshall and his wife. Mrs. Carvalho stated that she could not be here without all of them. Mrs. Carvalho stated that it is an honor to serve on this Board of Education. Mrs. Carvalho thanked all of her soccer moms, Portugal Day family, Elizabeth Lions, Portuguese Club family, and Malik. Mrs. Carvalho stated that Ana, Jose, Charlene, Stan and she are going to do really good work together and they supported her and she promises to support them. Mrs. Carvalho stated that this is her commitment and pledge as she honorably takes oath in serving as a Board member and words cannot begin to express her gratitude to all the people who worked so hard and who have been by her side giving her strength and reminders of the great good. Mrs. Carvalho thanked her family, friends, volunteers, and all of the employees at the Elizabeth Board of Education for empowering her belief that our children come first and that the employees of the Board of Education deserve the basic right to work every day, not out of fear, but for their livelihoods because they too want to make a difference for the children of the City of Elizabeth. Mrs. Carvalho stated that to her there is a difference between fear and respect and she chooses to earn their respect by her dedication and service. Mrs. Carvalho stated that she gives her word that it is her conviction to have our children come first and this is the very essence of her purpose, her cause for

her being here and working together for a better tomorrow. Mrs. Carvalho thanked everyone for believing in her and entrusting her with the privilege to serve as a Board member.

Mr. Perreira stated that it has been a long journey and is thankful he has been elected to a second term. Mr. Perreira stated that first he is giving much thanks to God because he definitely deserves praise and always keeps him in his heart. Mr. Perreira thanked his wife and children and stated that he spends a lot of time doing this and it takes away a lot of time from his being at home watching over his children and watching them grow. Mr. Perreira asked them to keep understanding that he is doing this for them. Mr. Perreira thanked everyone who came out, helped, and supported him day in and day out during the campaign, before the campaign, and was always there to support him either giving him words of wisdom and kept him energetic and focused on the task at hand. Mr. Perreira spoke to the parents and stated that he is here and will always be here as long as he is elected to be their voice, to be available and accessible to them, and to convey whatever messages they want to this group sitting here. Mr. Perreira stated that as a father he shares the same passion and goal to make sure our children are successful in their future and they are able to be successful in life. Mr. Perreira stated that is his goal for his own children and your children as well. Mr. Perreira stated that if he keeps that in his heart it will definitely come true. Mr. Perreira spoke to the taxpayers and stated that he will be mindful of everyone's struggles and he hopes that the rest of the City can come together and work together as a team. Mr. Perreira stated that we are here to work together and only together can we make changes. Mr. Perreira stated that he will always be independent and he promises to be their voice. Mr. Perreira thanked everyone for being here tonight and thanked them for their support.

Mr. Kennedy presented a Certificate of Election to newly sworn in Board members Ana Maria Amin and Maria Z. Carvalho and re-elected Board member Paul Perreira.

Mr. Kennedy introduced a video of the accomplishments of the district.

Mr. Trujillo thanked everyone for coming tonight and participating in our meeting. Mr. Trujillo stated that it is nice that the public has taken such an interest in the education of our children. Mr. Trujillo stated should that be the case going forward there isn't anything this school district can't do. Mr. Trujillo congratulated the candidates and thanked them for having the courage to participate. Mr. Trujillo stated that it is a very rewarding office, we do a lot of great work here, and it is very important work. Mr. Trujillo stated that they are going to sacrifice a lot of their time and that is very commendable. Mr. Trujillo stated on behalf of himself and his family that he sincerely appreciates that they have taken the task on and looks forward to working with them. Mr. Trujillo stated that hopefully many of the ideas that have been exchanged throughout the campaign can actually come to fruition and we can actually help unite the City and get behind our children and move the agenda of the children forward.

Mr. Trujillo recognized former Board President Tony Monteiro who is present and thanked him for his countless hours of tireless devotion to this Board as President over the last two years in doing what he loves to do serving the people of Elizabeth. Mr. Trujillo stated that many know that Mr. Monteiro is very successful in the restaurant business and has decided that for now he wants to work on other problems in the City and he cannot do that serving in this capacity. Mr. Trujillo stated that, knowing Tony as well as he does, he will be just as successful in doing that as he is in business and as he was as President of this Board. Mr. Trujillo thanked Mr. Monteiro for his commitment to this City and his continued hard work and all that he does. Mr. Trujillo wished Mr. Monteiro much success and may God bless him.

The members of the Board of Education met for the purpose of reorganization on Wednesday, January 7, 2015 at Donald Stewart Center for Early Childhood Education, 544 Pennsylvania Avenue, Elizabeth, New Jersey.

School Business Administrator/Board Secretary Harold E. Kennedy, Jr. presented the following statement at 8:18 p.m.

“Ladies and Gentlemen, good evening. This is the annual reorganization meeting of the Board of Education. Pursuant to New Jersey Statutes and the rules adopted by the Board of Education, notice of this meeting was sent to Worrall Community Newspapers, The Star Ledger, and Cablevision of Elizabeth on December 30, 2014. In addition, this notice is posted on the bulletin board in the lobby of the Mitchell Building, 500 North Broad Street, and pursuant to this act, a copy has been filed with the City Clerk of Elizabeth.

There will be a public portion for citizens to address the Board. Participants for the public portion must sign in one hour prior to the advertised start of the meeting so that they may have the opportunity to speak. The sign-in sheet states the name, address, telephone number and reason that the person wants to comment, whether it is an agenda item or a general education comment.”

Present: Mrs. Amin, Ms. Bathelus, Mmes. Carvalho, Castillo-Ospina, Messrs. Fajardo, Neron, Perreira, Rodriguez, Trujillo – 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, Supervising General Counsel/Board Attorney Marvin Lehman, Assistant Board Secretary Donald Goncalves, Comptroller William Greene, and members of the public were in attendance.

Mr. Kennedy stated that the Education Act requires that at the organization meeting the Board shall elect from its members a President and a Vice President who shall serve for terms of one year. Nominations will be made from among the membership of the Board present. Elections shall be by the majority of the vote present and voting which means this is the majority of the quorum. When nominations are made they do not require a second, however, in order to close nominations there must be a motion to second and then a vote to close nominations for the office of President or Vice President.

Mr. Kennedy called for nominations for Board President.

Mr. Rodriguez nominated Ms. Bathelus for President.

Mr. Perreira nominated Mr. Fajardo for President.

Mrs. Castillo-Ospina nominated Mrs. Amin for President.

A motion was made by Mr. Trujillo, seconded by Mr. Perreira, that nominations be closed.

The motion was carried by the following vote:

Affirmative: Mrs. Amin, Ms. Bathelus, Mmes. Carvalho, Castillo-Ospina, Messrs. Fajardo, Neron, Perreira, Rodriguez, Trujillo – 9

Negative: None

Mr. Lehman stated that he has a legal opinion that he has to read that directly affects the business of this Board and the nominations for President. Mr. Lehman stated that he would like to read it and he has copies for each Board member. Mr. Lehman began reading and stated that Elizabeth Board of Education Policy 9126 provides...(at which time he was interrupted)

Ms. Bathelus stated that a nomination is on the floor.

Mrs. Carvalho stated that she is new at this and asked for someone to explain to her.

Mr. Neron stated that before Mr. Lehman continues with that statement we have a nomination and we have to complete the election for President prior to the election. Mr. Neron stated that he cannot make a statement prior to the election. Mr. Neron asked if we can complete the election and allow Mr. Lehman to make a statement.

Mr. Lehman stated that it is not a statement it is a legal opinion that directly affects the vote of this Board.

Mr. Neron stated that it is an opinion and it can't stop the vote.

Mr. Lehman stated that he is not stopping the vote.

Mr. Neron stated that he can make his opinion afterwards.

Mr. Lehman stated that it directly affects the vote...

Mrs. Carvalho asked if we can vote first.

Ms. Bathelus said to let us vote first.

Mr. Kennedy stated that we just voted to close the nominations.

Mrs. Carvalho said to move it please.

Mr. Kennedy stated that the vote has not been brought up yet so he believes Mr. Lehman should read his statement.

Mr. Rodriguez stated that it is only a legal opinion just like any other opinion and is just an opinion.

Mr. Lehman began reading the legal opinion and stated that Elizabeth Board of Education Policy 9126 provides that the Board Attorney shall be the legal advisor to the Board and its officers in questions related to their official duties. It further provides that the Board Attorney shall give a written opinion on matters referred by the Board, the Chief School Administrator, or the School Business Administrator. Not long ago, it was revealed that a member of the Board of Education, Jose Rodriguez, is the President of the Watchung Hills Regional Education Association. At a recent Board meeting, Mr. Rodriguez....(at which time Mr. Lehman was interrupted)

Ms. Bathelus asked what are you doing and stated that you cannot sit here and talk about a Board member and say his name in front of everyone at a public meeting.

Mr. Neron stated that it is illegal.

Ms. Bathelus stated that he has never done that before and now you want to say something.

Mrs. Carvalho asked Mr. Kennedy if they can please vote for nomination for President.

Mr. Kennedy called for order in the meeting.

Mr. Rodriguez told the members of the audience that they don't want the meeting to be cancelled.

Mrs. Carvalho stated that she was elected by the people and asked Mr. Kennedy to please vote.

Mr. Kennedy stated that we just finished closing the nominations.

Ms. Bathelus stated that we don't need to listen to Mr. Lehman and can we just move on.

Mr. Kennedy stated that Mr. Lehman...(at which time Mr. Kennedy was interrupted)

Mrs. Carvalho stated that she makes a motion to vote.

Mr. Neron seconded the motion.

Mrs. Carvalho requested Mr. Kennedy to let's move forward.

Mr. Neron stated that there is a motion on the floor.

Ms. Bathelus stated that there is a second.

Mr. Fajardo stated that he has a question.

Ms. Bathelus asked for roll call.

Mr. Kennedy stated that we need order in the meeting. Mr. Kennedy stated that Mr. Lehman is legal counsel of the district and he needs to speak.

Ms. Bathelus asked if there is another attorney that she can get an opinion from.

Mr. Fajardo asked Mr. Lehman if he is advising this Board of a legal opinion.

Mr. Lehman responded yes.

Mr. Fajardo asked Mr. Lehman to please read his legal opinion so that people on this Board of Education know that they have to be guided by law which was created by the people of the State of New Jersey. Mr. Fajardo stated that he would appreciate if we can continue the meeting and if the people in the audience do not behave then there has to be a way that we can continue this meeting so that we can go ahead with the function of the people's business. Mr. Fajardo stated that this is a democracy and we are not ruled by a mob.

Mr. Neron stated that he is happy that he said that. Mr. Neron stated that Mrs. Carvalho had a motion on the floor and asked Mr. Kennedy to recognize it. Mr. Neron stated that he seconded it so he needs that to be recognized.

Mr. Fajardo asked if we can vote without hearing the legal opinion.

Mrs. Carvalho stated that yes we can.

Mr. Fajardo asked counsel if the legal opinion needs to be put on the record before a vote is taken.

Mr. Rodriguez stated that it is okay.

Mrs. Carvalho stated that it's not that it is okay and it is the fact that they are going to say a name in public is illegal. Mrs. Carvalho stated that we were not given this to read.

Steven Edelstein, Esq., Schwartz, Edelstein, stated that if Mr. Lehman is unable for reasons of decorum to read his legal opinion he may distribute it if it is in writing. Mr. Edelstein stated that he may distribute it to all the Board members, file it with Mr. Kennedy, and whatever that opinion is will be as binding as if...(at which time Mr. Edelstein was interrupted)

Mrs. Carvalho made a motion for that to happen and we can all vote on that.

Mr. Lehman asked for the legal opinion to be distributed.

Mr. Neron stated that they have it. Mr. Neron asked if they can go to vote now and he seconded the motion.

Mr. Kennedy stated that we have three candidates for President of the Board and the vote will be by name.

Ms. Bathelus asked who the three candidates are.

Mr. Kennedy stated that three candidates are Charlene Bathelus, Rafael Fajardo, and Ana Maria Amin.

Mr. Fajardo stated that one more point for the Board members is that he wants to make sure the Board members read the letter that was distributed tonight.

Mrs. Carvalho spoke to the members of the audience and said everyone should be respectful. Mrs. Carvalho asked everyone again to be respectful so that we can move forward and stated that she has children that need to go to school tomorrow. Mrs. Carvalho told Mr. Kennedy to please take control of this meeting.

The following vote was taken on the election of President.

Affirmative for Ms. Bathelus: Ms. Bathelus, Mrs. Carvalho, Messrs. Neron, Rodriguez – 4

Affirmative for Mrs. Amin: Mmes. Amin, Castillo-Ospina, Messrs. Fajardo, Perreira, Trujillo – 5

Affirmative for Mr. Fajardo: None

Negative: None

Mrs. Amin having received the required number of votes was declared President.

Mr. Kennedy called for nominations for Vice President.

Mr. Perreira nominated Mrs. Castillo-Ospina for Vice President.

Mrs. Carvalho nominated Mr. Rodriguez for Vice President.

A motion was made by Mr. Trujillo, seconded by Mr. Perreira, that nominations be closed.

The motion was carried by the following vote:

Affirmative: Ms. Bathelus, Mmes. Carvalho, Castillo-Ospina, Messrs. Fajardo, Neron, Perreira, Rodriguez, Trujillo, Mrs. Amin – 9

Negative: None

Mr. Kennedy stated that there are two candidates for Vice President and the vote will be by name. The following vote was taken on the election of Vice President.

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

Affirmative for Mr. Rodriguez: Ms. Bathelus, Mrs. Carvalho, Messrs. Neron, Rodriguez, Mrs.
Amin – 5

Negative: None

Mr. Rodriguez having received the required number of votes was declared Vice President.

Mr. Kennedy stated that the next order of business is the adoption of the existing Rules of Governance.

Mr. Rodriguez asked if he could make a comment.

Mr. Rodriguez thanked everyone for attending this meeting taking time away from their families, friends, and their lives. Mr. Rodriguez quoted Margaret Mead, “Never doubt that a small group of thoughtful, committed citizens can change the world; indeed it’s the only thing that ever has.” Mr. Rodriguez stated that tonight we the freely and justly chosen representatives of the people of Elizabeth show you the power of the people and what committed citizens can do. Mr. Rodriguez stated that tonight he pledges to aggressively pursue and end waste, incompetence, and ineffectiveness. Mr. Rodriguez stated that he pledges to end political appointments and promotions and to end the era of paying for your job with political contributions and kickbacks. Mr. Rodriguez stated that a new era where administrators will be able to lead, supervisors will be able to support, teachers will be able to teach, and our support staff will be able to work in a climate free of fear. Mr. Rodriguez stated that this indeed is a new day, a new day for our students, a new day for our families, and a new day for our community. Mr. Rodriguez stated that even though some of the things that occurred in the past couple of days and today remember that it is always darkest before the dawn so he wants to pledge good morning Elizabeth to a new day. Mr. Rodriguez stated that a new day for all no matter who you voted for. Mr. Rodriguez stated to the 4,000 employees to do their job, do it to the best of your ability, and do right by our students. Mr. Rodriguez stated that this district does not exist to create jobs this district is here to serve our students and the future of our city, state, and country. Mr. Rodriguez stated that what we do here today and every day will have a ripple effect for all of us. Mr. Rodriguez stated that how we bring up our children today will determine the world that we live in tomorrow, a place where you will be judged on your actions and work ethics and not by who you know, or how much you contribute, or how many vote by mails you can get. Mr. Rodriguez stated that this is only the beginning, there is much work to be done, and the road is long and filled with many people who will try to distract us from our goal which will always be the full education of our children. Mr. Rodriguez quoted Nelson Mandela, “Education is the most powerful weapon which you can use to change the world.” Mr. Rodriguez stated that he intends to do just that.

Mrs. Amin thanked Senator Raymond Lesniak and Mayor Chris Bollwage for their support. Mrs. Amin stated that she is a person who is about education and she will do everything to work with the teachers, parents, students, and administration to give to the children of the City of Elizabeth the best education possible.

A motion was made by Mrs. Amin, seconded by Mr. Neron, to amend the agenda.

Mr. Kennedy asked if we have the amended agenda.

Mr. Perreira asked what amended agenda.

Mr. Neron stated the new agenda.

Mr. Perreira asked the Superintendent if she reviewed the amended agenda.

Mrs. Hugelmeyer stated that she has no input into this amended agenda and as Superintendent she has the role by statute and policy formulating the agenda. Mrs. Hugelmeyer stated that she has not reviewed this and is not aware of the contents of this amended agenda. Mrs. Hugelmeyer stated that as Superintendent she has just received this amended agenda and is not familiar with the contents of this amended agenda so she cannot agree with the changes that are being proposed.

Mr. Perreira asked who put together this amended agenda. Mr. Perreira stated that he doesn't understand this. Mr. Perreira stated that his understanding is that we hire staff in the district to sit with the President of the Board, Superintendent, and Business Administrator who put together these agendas, present it to the Board, and we vote whether up, down, sideways, we vote. Mr. Perreira stated that he doesn't understand who put this together if no one from the administration put it together. Mr. Perreira asked if anyone could answer that. Since no one responded Mr. Perreira asked again if anyone could answer that.

Mr. Perreira stated that no one could answer that.

Mrs. Carvalho stated that there is a motion for roll call.

Mr. Trujillo stated that although there is a motion and a second let us be respectful of each other. Mr. Trujillo stated that, although we may not agree on everything we do, we have to be respectful. Mr. Trujillo stated that we do have a right to make comments prior to the vote. Mr. Trujillo stated that we do have a right to make comments so let's not cut each other down by not allowing each other to speak and let's be respectful. Mr. Trujillo stated that we're not moving the people's agenda by not allowing each other to speak. Mr. Trujillo stated that Mr. Perreira had the floor, he was recognized, he has an opinion, and he thinks we should all be able to express our opinion if we are going to be sincere in saying that we are going to work together and move the agenda forward. Mr. Trujillo stated that it is our right to have a say. Mr. Trujillo stated to please let's not rush to judgment and we just got a new agenda and he hasn't even looked at it. Mr. Trujillo stated that he can't say that anybody in good faith has given him a new agenda and expects him to support it. Mr. Trujillo stated that it is incredibly wrong. Mr. Trujillo stated that goes contrary to everything that Mr. Rodriguez just went on and read in his statement. Mr. Trujillo stated that to come in here and prepare an agenda and just drop it in front of us and then just push and rush to a vote. Mr. Trujillo stated that quite frankly he doesn't think it is legal for you to prepare an agenda. Mr. Trujillo asked if someone could give him legal advice.

Mr. Lehman stated that Mr. Trujillo is correct and it is not legal.

Mr. Trujillo stated that he is very concerned that someone would come here and prepare this agenda. Mr. Trujillo stated that Mr. Neron gave him this agenda and asked if Mr. Neron prepared it. Since there was no response Mr. Trujillo again stated that Mr. Neron gave him the agenda and asked if Mr. Neron prepared it.

Mr. Neron stated that he prepared it.

Mr. Trujillo stated that Mr. Neron stated that he prepared it and asked what gives him the right to prepare an agenda. Mr. Trujillo stated that he, himself, doesn't have a right to prepare an agenda. Mr. Trujillo stated that we don't have the right to prepare an agenda.

Mr. Rodriguez stated that it is not preparing of an agenda. Mr. Rodriguez stated that this is just presenting resolutions that we are going to present ahead of time.

Mr. Trujillo stated that there is a process for that. Mr. Trujillo stated that you can propose a resolution but just to rewrite a whole agenda, in all sincerity, usurps what we are doing here. Mr. Trujillo stated that the agenda he came here prepared to support and vote on was prepared by the outgoing President along with Superintendent and that is the way it is done. Mr. Trujillo stated that let's not start changing the rules and getting ourselves in all other kinds of legal problems. Mr. Trujillo stated that it is not fair to change the rules in the middle of a game. Mr. Trujillo stated that there is a way of doing this, a right way of doing this. Mr. Trujillo stated that he understands the newly elected Board members are part of a majority, and he respects that, he is willing to respect their majority and even willing to work with them but he will not support destroying the system. Mr. Trujillo stated that there has to be some principles here.

Mrs. Bathelus excused herself from the meeting at 8:51 p.m.

Mr. Perreira stated that we had a meeting last night and a couple of Board members said that always perception is key and they went to the training that we all go to as Board members and part of that training is perception is key. Mr. Perreira asked what the perception is of something that was prepared by no one in the administration. Mr. Perreira stated that we pay these people to do that. Mr. Perreira stated that he doesn't have the knowledge to do so. Mr. Perreira stated that we elected a Superintendent who is the head of our district, we have a Business Administrator who is here to run it and provides his recommendations with the Superintendent, and put together with the President, in this case it was the exiting President Tony Monteiro, and then they vote yes or no. Mr. Perreira stated the fact that this agenda came up he was interested to see what the vote would be because if he is just seeing it now then that means everyone on this table should have just seen it now. Mr. Perreira stated that he just doesn't see how he can vote for all of this. Mr. Perreira stated that he is seeing what it is and if some of you could understand what this exactly is, it is essentially appointing contracts to attorneys and companies that support political bosses and that is exactly what it is. Mr. Perreira stated that they come in here and say that they want to talk about the children, that they want to do it for the children, and it's not about the children. Mr. Perreira stated that it goes contrary to what he just heard from Mr. Rodriguez's whole statement that he was here for the children. Mr. Perreira stated that now we get shown the fact that none of the people that we pay to do their job is even here and what do we pay our Superintendent and Business Administrator for then. Mr. Perreira stated that he thinks that it is wrong and if they don't think it is wrong, it is his opinion, but he was presented an agenda that was not put together by anyone of this administration so he can't agree with it.

Mr. Trujillo stated that this agenda is not only wrong it is illegal. Mr. Trujillo stated that this is not the process. Mr. Trujillo stated that what he understands from counsel is that it is an illegal agenda and is illegal for us to vote on it. Mr. Trujillo stated that he suggests that we don't vote on it and there isn't anything here that cannot be moved forward on another day. Mr. Trujillo stated that this should be done the right way and we have to respect the process. Mr. Trujillo stated that despite having our disagreements we must respect the process and in order for government to work we have to respect the process.

Mr. Neron stated that prior to the meeting we got legal counsel from our counsel that said we could amend the agenda. Mr. Neron stated that we put a motion on the floor to amend the agenda. Mr. Neron stated that is why they consulted with Mr. Edelstein to amend the agenda.

Mr. Trujillo stated that if that is the case he needs clarification.

Mr. Neron asked the Superintendent if they did not get opinion from legal counsel. Mr. Neron stated that yes they did.

Mr. Trujillo stated that the attorneys are here and we can ask them.

Mr. Edelstein responded to Mr. Neron and stated that as far as he is concerned any Board member may make a motion to amend any item on the agenda and if that motion is seconded then the motion to amend the agenda should be voted on.

Mr. Neron thanked Mr. Edelstein.

Mr. Trujillo thanked Mr. Edelstein.

Mrs. Carvalho stated to the President to please move the vote.

Mrs. Amin asked if there were any other comments.

Ms. Bathelus returned to the meeting at 9:03 p.m.

The motion to amend the agenda was carried by the following vote:

Affirmative: Ms. Bathelus, Mrs. Carvalho, Messrs. Neron, Rodriguez, Mrs. Amin – 5

Negative: Mrs. Castillo-Ospina, Messrs. Fajardo, Perreira, Trujillo – 4

Mr. Kennedy asked for the amended agenda so it could be voted on.

Mr. Fajardo questioned that Mr. Kennedy does not have the amended agenda.

Mr. Kennedy stated that he does not have it.

Mr. Fajardo gave Mr. Kennedy his copy of the agenda. Mr. Fajardo stated that this is a meeting of the Board of Education and that respect has to be given to everyone. Mr. Fajardo stated to all the Board members here that this is a very dangerous precedent, very dangerous. Mr. Fajardo stated that we have here elected officials who have sworn to uphold the laws. Mr. Fajardo stated that we have already voted to amend the agenda and he is just trying to explain to all of the Board members that this could end up in a big mess so he suggests that if you are not sure of what you are going to do you better be careful everyone. Mr. Fajardo stated that a no vote is the right vote.

Adoption of the Existing Rules of Governance

A motion was made by Mr. Rodriguez, seconded by Mr. Neron, that the existing Rules of Governance be adopted.

The motion was carried by the following vote:

Affirmative: Ms. Bathelus, Mmes. Carvalho, Castillo-Ospina, Messrs. Fajardo, Neron, Perreira, Rodriguez, Trujillo, Mrs. Amin – 9

Negative: None

Mr. Fajardo stated that we just voted to adopt the Rules of Governance and he hopes that we guide ourselves under these Rules of Governance. Mr. Fajardo stated that we have attorneys here that have to guide us according to these Rules of Governance. Mr. Fajardo asked legal counsel to make sure that any vote that is not properly conducted that it be so noted so that we do not break the rules or the law.

Union County Educational Services Commission Representative

A motion was made by Mr. Rodriguez, seconded by Mr. Neron, that Mrs. Castillo-Ospina represents the Board on the Union County Educational Services Commission.

The motion was carried by the following vote:

Affirmative: Ms. Bathelus, Mmes. Carvalho, Castillo-Ospina, Messrs. Fajardo, Neron, Perreira, Rodriguez, Trujillo, Mrs. Amin – 9

Negative: None

Mrs. Amin stated that she would be appointing Board members to represent the Board at the New Jersey School Boards Association, Urban School Boards Association, Union County School Boards Association and Board committees.

Mr. Rodriguez stated that he would like to make a motion for a resolution.

Resolution – Abolish the Legal Department

Mr. Rodriguez read the resolution.

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

Mr. Rodriguez stated that he wanted to let the public know that we faced a difficult budget year and a lot of people had to suffer. Mr. Rodriguez stated that we are going to attempt to put money back into those areas of need to get services back to the community. Mr. Rodriguez stated that he can't promise where it goes and he is only one person and we would have to get the majority. Mr. Rodriguez stated that we all know that there are a lot of bussing needs, there are a lot of special education needs, and other needs in the district and that it must be student first decisions.

Mr. Lehman stated that there are twelve resolutions on the amended agenda. Mr. Lehman stated that if the Board wishes they could bundle them together and have one vote on all twelve resolutions.

Mr. Perreira stated that he is going to try to translate into plain English what that resolution read. Mr. Perreira stated that this is important and it is great to sit here and read something that sound righteous when it has a secondary meeting. Mr. Perreira stated that when the Legal Department was created it was created because there was excessive expenditures because you had to have lawyers handle cases and every lawyer gets paid an hourly fee. Mr. Perreira stated that in order to manage cases in house and not have to pay lawyers hourly fees to handle cases which is more costly that is why the Legal Department was created and that is why we have attorneys in house being paid a salary and not an hourly wage as most attorneys do. Mr. Perreira stated that part of this resolution once this Legal Department is abolished is for secondary resolutions that you are going to hear soon to hire attorneys that are going to get paid an hourly fee in order to handle the cases that are still going to be here and they are not going away. Mr. Perreira stated that you are still going to have to expend money and is going to be more expensive and it's not going to be cheaper. Mr. Perreira stated that if Mr. Rodriguez would like to make it sound like he is righteous and he's trying to save the children's money, it is not. Mr. Perreira stated that we have gone through this before and this Board has done it time and time again and for years it was spending excessive amounts of money on lawsuits. Mr. Perreira stated that many of the attorneys that are actually on the list, which is funny, are a lot of the attorneys that were representing the clients who were suing the Board. Mr. Perreira stated that just so you understand the resolution is to close the department because they want to save money, yes it will save the money of the salaries, but once you put that workload to hourly waged people you are going to have an over the top expenditure. Mr. Perreira stated that he doesn't know how mathematically the assumption that was here is correct. Mr. Perreira stated that to him it is wrong, it's going to expend more capital from the schools' budget and the money that is supposed to go to the teachers, students, and the district. Mr. Perreira stated that he doesn't understand how they can claim that

it is going to save money. Mr. Perreira stated that it has no valid proof to him mathematically because math is one plus one equals two. Mr. Perreira stated that it is not going to work and he can't support it.

Mrs. Hugelmeyer stated that she would like to consult Mr. Edelstein or Mr. Lehman because it is her understanding that the Board does not have the authority to abolish the Legal Department because it involves many personnel actions that requires the Superintendent's recommendation and she has not provided those recommendations. Mrs. Hugelmeyer stated that she would like to defer to Mr. Edelstein and Mr. Lehman.

Mr. Fajardo stated that was going to be his question.

Mr. Rodriguez stated that, to him, he knows the Board of Education has the authority to abolish departments so while this is not a personnel move what we are doing is amending the chart of organization. Mr. Rodriguez stated that therefore a Board of Education, obviously in his opinion, has the ability to remove entire departments. Mr. Rodriguez stated that he wouldn't categorize it as a personnel move he would categorize it more as we have the authority to change and amend the chart of organization that has been approved by the County Superintendent.

Mr. Fajardo asked Mr. Edelstein for a professional opinion.

Mr. Edelstein stated that this is a question that comes up frequently at school districts of the interaction between organizational changes and personnel changes. Mr. Edelstein stated that if the Board were considering a resolution that made only an organizational change and had no personnel implications whatsoever, then Mr. Rodriguez would be completely correct. Mr. Edelstein stated that since this resolution both in its practical effect and in its language has lots and lots of personnel action embodied within it the Board doesn't have the prerogative. Mr. Edelstein stated that the one thing that all school lawyers would agree on is that personnel actions, save one which is the hiring of the Superintendent, must occur on the recommendation of the Superintendent. Mr. Edelstein stated that the Board has no initiative in this by statute and many, many decided cases. Mr. Edelstein stated that the Superintendent may make recommendations for the elimination of positions, for the termination of employees, for the transfer of employees, for the redistribution of who secretaries report to, for eliminating staff, and all those things as contrasted to changing an organizational chart that has no personnel implications must occur only on the recommendation of the Superintendent. Mr. Edelstein stated that when the Superintendent makes recommendations the Board is not obligated to accept them so come May which is when Superintendent recommendations by statute are made for renewals if the Superintendent recommends that a non-tenured person be renewed the Board is absolutely free to vote no on that and the person is no longer employed. Mr. Edelstein stated that this resolution whether acted on or not acted on, whether passed or not passed, is unlawful and would have no effect at all.

Mr. Rodriguez stated that if he were to present a resolution that just abolishes the Legal Department period would that take care of the personnel issues.

Mr. Edelstein responded no because you can't abolish the Legal Department without having a corresponding personnel effect. Mr. Edelstein stated that this isn't like moving the teachers from School A to School B where the teachers are a fungible commodity because they all have the same job description. Mr. Edelstein stated that you have people in the Legal Department who have no job description other than to work in the Legal Department so their employment is necessarily ended if the Legal Department is abolished. Mr. Edelstein stated that is why you can't do it and it has to occur on the recommendation of the Superintendent.

Mr. Perreira asked if we still vote on this and how do we vote on something that is not legal.

Mr. Edelstein stated that if the question is addressed to him his suggestion would be that you not vote on it. Mr. Edelstein stated that even if you do vote on it then it is not going to have any effect because it is an unlawful resolution.

Mr. Kennedy stated that he is allowed to make a comment. Mr. Kennedy stated that the way it is written, particularly Item C where the legal secretaries are being assigned to him to figure out what to do with the secretaries as a result of this resolution, in our organization all of the recommendations come through the Superintendent and the HR Department. Mr. Kennedy stated that he is not capable of deciding which secretaries go where and he wants to point that out before he takes the roll call.

The vote was as follows:

Affirmative: Ms. Bathelus, Mrs. Carvalho, Messrs. Neron, Rodriguez, Mrs. Amin – 5

Abstain: Mr. Trujillo – 1

Negative: Mrs. Castillo-Ospina, Fajardo, Perreira – 3

Mr. Edelstein stated that, since he was asked, his instruction to Mr. Kennedy would be that the resolution is of no force and effect. Mr. Edelstein stated that it violates the Superintendent's statutory rights.

Mr. Fajardo stated that the previous vote was a total illegal vote and asked if that was correct.

Mr. Edelstein responded yes.

Mrs. Carvalho told the President to move the agenda.

Resolution – Official Results of School Board Election

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: Ms. Bathelus, Mmes. Carvalho, Castillo-Ospina, Messrs. Fajardo, Neron, Perreira, Rodriguez, Trujillo, Amin – 9

Negative: None

Mr. Rodriguez stated that he would like to present a resolution.

Resolution – Appointment of General Counsel

Mr. Rodriguez read the resolution.

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

Mr. Perreira stated that he has a question to our legal counsel. Mr. Perreira stated that his understanding is that our current legal counsel is Mr. Lehman and he is still sitting here. Mr. Perreira stated that to his understanding the last resolution for the abolishment of the Legal Department did not pass and therefore how do we appoint a secondary general counsel to a seat that is already filled.

Mr. Edelstein stated that Mr. Lehman is indeed the general counsel and is a full-time employee of the district in that position. Mr. Edelstein stated that this district has no such position as outside general counsel. Mr. Edelstein stated that it has a number of outside special counsel.

Mr. Perreira stated that to understand whatever we spend already on the Legal Department and Mr. Lehman acting as our general counsel through his position we are adding a secondary cost.

Mr. Lehman stated that there is no position as general counsel and one would have to be created by this Board before you could fill it. Mr. Lehman stated that it is not part of the budget.

Mr. Edelstein stated that moreover it is not part of your policy and the policies describe who the general counsel is.

Mr. Fajardo stated that he is reading a memo that was sent out by Mr. Edelstein's Office regarding Mr. Rodriguez.

Mr. Lehman stated that is his memo.

Mr. Fajardo stated that is correct and Mr. Rodriguez is not allowed to make such a motion or participate in such a vote according to this legal opinion that was sent out that the public did not care to listen to.

Mr. Lehman stated that is correct.

Mr. Perreira stated that in essence if this is voted on tonight it is another nullified vote because it is not part of our policy, it is not part of our budget, and it is not on our table of organization. Mr. Perreira stated that he doesn't understand. Mr. Perreira stated that this is what happens when you bring forth an agenda that hasn't been discussed with our Superintendent, our Business Administrator and with anyone else in the administration and they have no clue what they are doing.

Mr. Fajardo stated that he would just like to say to the members of this Board of Education that you either have to vote no on this resolution and if you're not sure, especially to the people that head our Board of Education the President and Vice President, you better be careful how you vote on this because you were just told by legal counsel that this is illegal. Mr. Fajardo stated that if you're not sure what you are doing be very careful.

Mr. Kennedy stated that he does have the right to comment and stated that what was handed out to the Board by Mr. Lehman indicated that he is directed to not record, under certain circumstances, the vote of Mr. Rodriguez. Mr. Kennedy asked legal counsel if that is carrying over to this resolution before us now.

Mr. Lehman responded yes it is.

Mrs. Carvalho asked don't we have a motion on the table.

Mr. Perreira responded to Mrs. Carvalho that they weren't privy like you were to this agenda so he's sorry if they have some questions.

Mrs. Carvalho stated that this is the first time that she has seen this agenda.

The vote was as following:

Affirmative: Ms. Bathelus, Mrs. Carvalho, Mr. Neron, Mrs. Amin – 4

Negative: Mrs. Castillo-Ospina, Messrs. Fajardo, Perreira, Trujillo – 4

Mr. Kennedy stated that based on that advice Mr. Rodriguez's vote doesn't count. Mr. Kennedy stated that we have a four to four tie.

Mr. Rodriguez stated that just to let the public know what we were given, yes, he is president of his local education association at the place where he teaches, Watchung Hills Regional High School. Mr. Rodriguez stated that proudly he has been the president there for three years where he fought for his members and also the education of his students at that high school. Mr. Rodriguez stated that what they were presented with today was they believe in their legal opinion, and it is just an opinion, that causes a conflict of interest. Mr. Rodriguez stated that he has done much research through NJEA and also through School Boards Association that nothing precludes him from being a member voting on anything. Mr. Rodriguez stated that the only thing that he has by law that he cannot do is that he cannot sit on negotiations for contracts here in this City, in this Board of Education. Mr. Rodriguez stated that he can only vote on the final product. Mr. Rodriguez stated that they have two Board of Education members that have family members that are union members and they fall under that law also and are not allowed to be at the bargaining table like himself but they are allowed to vote on the final product like he is. Mr. Rodriguez stated that once the bargaining is done and the bargaining team of the Board of Education presents us with the final deal saying that they met with the collective bargaining units and this is what we agreed to and then we have a vote. Mr. Rodriguez stated that only at that time may he vote on that. Mr. Rodriguez stated that he cannot be part of any kind of conversation, he cannot be on that team and that he knows. Mr. Rodriguez stated that the legal opinion that he would be compromised to any other vote to any other negotiation and that he cannot sit as either Vice President or even President of this Board has been researched by NJEA lawyers that he has asked for and also some School Board lawyers. Mr. Rodriguez stated that while it is an opinion and everyone is entitled to an opinion he must say that opinion, in his opinion, is not correct.

Mrs. Carvalho called for Mr. Varady.

Mr. Kennedy stated that based on the recommendation from legal counsel he is being directed to ignore Mr. Rodriguez's vote. Mr. Kennedy stated that it is a four to four tie on the vote.

Mr. Fajardo asked Mr. Kennedy, in the ethics form that all Board members are required to fill out, was this information ever disclosed to you the affiliation of Mr. Rodriguez and his union as President.

Mr. Rodriguez stated that it is not legally mandated.

Mr. Fajardo stated that he was asking Mr. Kennedy.

Mr. Kennedy stated that he is not sure what Mr. Rodriguez's forms say at this point without looking at them.

Mr. Fajardo stated that Mr. Kennedy doesn't know if that information has been disclosed because if that is the case Mr. Rodriguez has been sitting here for a year and based on the advice of the attorney he has taken not only this vote here tonight but also for a whole year. Mr. Fajardo asked how many votes has he been involved and participated in that are inappropriate. Mr. Fajardo stated that would have to be researched and he is sure that it is dozens and dozens of votes that he has taken, participated in discussion of personnel, etc. where he is the President of the Local that works for the NJEA, similar to the local that we have here so there is a huge conflict of interest. Mr. Fajardo stated that Mr. Rodriguez and the other Board members voted that in a case of a four to four tie that things stay as they are.

Mr. Neron stated that being given the fact that Mr. Rodriguez has been voting all year so you have received a legal opinion and recommendation and is not bound by law or policy that Mr. Rodriguez cannot vote tonight as he has been all year. Mr. Neron stated that he is recommending that we accept his vote. Mr. Neron stated that we accept his vote like we've been doing all year long until we get further

information and allow for Mr. Rodriguez to defend himself and allow for all the proper research to be done. Mr. Neron stated that if we hired a Legal Department and we have this Legal Department defending us and going by proper guidelines it is no secret of what Mr. Rodriguez's positions are and what he does and this is not a mystery to anyone. Mr. Neron stated that all year long and now they are just bringing this up so they allowed him to vote for an entire year.

Mr. Fajardo stated that this was just brought to our attention in the last month or two.

Mr. Neron stated two months ago and now you are just bringing it up.

Mr. Fajardo stated that the legal opinion has been brought up and asked Mr. Edelstein to comment.

Mr. Edelstein stated that it is not his research but Mr. Lehman's memo and what it says is that there is an inherent conflict between being an official of the NJEA, this being an NJEA district, and voting on certain items that could touch labor relations such as lawyers who handle negotiations, lawyers who handle employment issues and so on. Mr. Edelstein stated that the fact of the matter is that the decision recognizes and he believes it to be the truth and, to Mr. Neron's point, as one of the outside labor counsels he certainly had no idea that Mr. Rodriguez was the President of an NJEA Local and would have raised issues a long time ago had he known that. Mr. Edelstein stated that it is his belief that no one else in the administration or Legal Department knew it either.

Mr. Rodriguez stated that many times in private he has made it aware to many people that what he does as President of his local that they had this certain situation and this situation and how he added. Mr. Rodriguez stated that he always precluded those conversations with as President of his local.

Mr. Perreira stated that the only time he has heard Mr. Rodriguez say that in the past year was when at the last Board meeting in private session we were discussing matters. Mr. Perreira stated that he thinks Mr. Rodriguez should stop lying already.

Mr. Edelstein stated that since Mr. Lehman's position seems to be the one in issue here, he has read the policies and the policies are very clear that the general counsel, that would be Mr. Lehman, renders advice to the administration. Mr. Edelstein stated that no matter what else anyone said it is Mr. Kennedy's responsibility to follow the advice given by Mr. Lehman.

Mr. Rodriguez stated that there is no issue with serving two different constituencies because he fights for his members in Watchung Hills and he fights for the public here in Elizabeth. Mr. Rodriguez stated that it makes him a better Board member knowing and having the knowledge as a Union President of current educational trends that are coming through Trenton and that makes him at times more knowledgeable on subjects than current members that have sat here for multiple decades. Mr. Rodriguez stated that he isn't saying that he is more knowledgeable in everything but his experience helps the taxpayers and the voters of Elizabeth. Mr. Rodriguez stated that the only situation that he has where he cannot vote and he is fully aware of that is when it comes to negotiations and that is the only time where he cannot be included. Mr. Rodriguez stated that at this time he is not even sure what motion is on the floor.

The Board went into recess at 9:35 p.m.

The Board returned to public session at 9:50 p.m.

Mr. Trujillo asked if the public speaking portion was going to open soon.

Mrs. Amin stated that no one signed up for public speaking.

Mrs. Amin stated that she would like to hear the opinion of Robert Varady, Esq., of LaCorte, Bundy, Varady & Kinsella

Mr. Perreira asked why we would recognize Mr. Varady and asked if he is part of the public portion of the meeting.

Mr. Neron stated that he was appointed legal counsel.

Mr. Perreira stated that his understanding is that his position is not lawful so why hear his testimony.

Mr. Rodriguez stated that we will determine that at a later point.

Mr. Perreira asked that if we are determining that at a later date why are we listening to him now and stated that Mr. Varady didn't sign up for public.

Mrs. Amin stated that she would like to hear his opinion first.

Mr. Varady gave his opinion on the vote of Mr. Rodriguez and legal counsel.

Mr. Lehman stated that the legal opinion that he, himself, gave is valid and disagreed with Mr. Varady. Mr. Lehman stated that he would be happy to sit down with the Board and explain why the Legal Department is an asset and not a liability.

Mr. Trujillo stated that he has been here long enough to remember why we created an internal counsel department. Mr. Trujillo stated that it was in the opinion of the Department of Education that because there was such expenditure outside we bring some of this work inside and save money. Mr. Trujillo stated that it was the recommendation of the Department of Education to this Board of Education that we do that. Mr. Trujillo stated that it was his understanding that there were substantial savings in doing it and that he didn't know if Mr. Varady knew the history. Mr. Trujillo stated that Mr. Varady quoted the current expenditures but the previous expenditures over time were a lot higher when we created it. Mr. Trujillo stated that although he respects Mr. Varady's opinion and he is sure Mr. Varady stands by it he has to respectfully disagree because it does not save the district money because in fact it has and it allowed the district not only to save money with the expenditure of attorneys but also it gave the Legal Committee more of an influence when it came to legal matters that the insurance carriers would or would not decide on. Mr. Trujillo stated that we saved substantial amounts of money in cases that would have went way beyond the threshold that the insurance carrier would have carried. Mr. Trujillo stated that you could look at a number and say arbitrarily that it was a big number he thinks the history speaks for itself when you compare the expenditures over history and our expenditures to other districts our size you would know that.

Mr. Varady stated his services and billings.

Mr. Neron stated that he knows this is our reorganization meeting and asked if the Edelstein firm is still our attorney as of this meeting. Mr. Neron stated that he believes their term expires.

Mr. Kennedy stated that our current attorneys are our attorneys until they are replaced.

Mr. Neron asked when does their term expire.

Mr. Kennedy responded at the reorganization meeting.

Resolution – Appointment of Special Counsel

Mr. Lehman stated that his legal opinion is valid and as legal counsel directed Mr. Kennedy not to count the vote of Mr. Rodriguez in this matter.

Mrs. Carvalho told the President to please move the agenda.

Mr. Neron began to read.

Mr. Perreira asked if we are not going in order of the agenda.

Mr. Neron asked if the President was ready for special counsel.

Mr. Rodriguez stated that they went to this page first.

Mr. Trujillo asked if they could share with the rest of us so they could follow along.

Mr. Neron read the resolution.

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

Mr. Trujillo asked if they couldn't find an attorney in Elizabeth. Mr. Trujillo stated that there are a lot of great law firms in Elizabeth. Mr. Trujillo stated that there are a lot of local lawyers here in Elizabeth, the Senator here in the front row is an Elizabeth attorney and he doesn't know where his law firm is. Mr. Trujillo stated that he is sure there is a lot of talent here but he is sure there are attorneys here in Elizabeth that could probably use some Board business. Mr. Trujillo stated that it is sad that you would recommend all of these and not find at least one good attorney from the City of Elizabeth. Mr. Trujillo stated that he sees a few right here and there are plenty of good attorneys here. Mr. Trujillo stated that we should keep the Elizabeth money in Elizabeth as much as possible.

Mr. Fajardo asked Mr. Lehman as far as he understands that this vote we are about to take is a vote that is not under the recommendation of the Superintendent and it will be an illegal vote.

Mr. Lehman stated that is correct.

Mrs. Carvalho asked the President who is our attorney.

Mrs. Amin responded Mr. Varady.

Mrs. Carvalho stated that Mr. Varady is our attorney and that is who we are going to listen to.

Mr. Kennedy stated that the vote was four to four and that it did not pass.

Mr. Neron stated that we didn't even vote yet.

Mr. Varady stated his opinion.

Mrs. Carvalho stated that can we please move forward.

Mr. Rodriguez asked Mr. Kennedy if he was annulling his vote.

Mr. Kennedy stated that he has been instructed by our Supervising General Counsel/Board Attorney.

Mr. Rodriguez stated that Mr. Kennedy was recommended and therefore has annulled his vote.

Mr. Kennedy responded under the direction of Board Counsel.

Mr. Neron stated that he believes that when Mr. Rodriguez took his oath of office they said his vote would count. Mr. Neron stated that until you can prove that his vote does not count and there is a court ruling and a judge has determined that his vote doesn't count his vote counts until then.

Mr. Rodriguez stated that we will have a day in court on both sides for sure.

Mr. Varady gave his opinion.

Mr. Trujillo stated that in all reality what we just created was more litigation, more money that is going to be spent, and taken away from education towards legal fees. Mr. Trujillo stated that is exactly what the City of Elizabeth and our children need and you have got to understand what is going on here and he gets it. Mr. Trujillo stated that he gets it and there is a new direction that you want to take this Board in and that's fine and he respects that because he respects the process. Mr. Trujillo stated that the fact that they continue to just make up their own process as they go along is a slap in the face to even the people who voted for you who aren't here cheering you on like the Council President who is probably more vocal here than she is at City Council. Mr. Trujillo stated that, quite frankly, let's have a little respect for each other and for the taxpayers. Mr. Trujillo stated that this is probably going to end up in court and we understand that now. Mr. Trujillo stated that it really goes contrary to everything we are trying to do and you say you're going to save so much money by having an internal legal department and you're going to save money by going outside and you're already creating a lawsuit just to get there. Mr. Trujillo stated that quite frankly it is shameful.

The vote on the motion was as following:

Affirmative: Ms. Bathelus, Mrs. Carvalho, Mr. Neron, Mrs. Amin – 4

Negative: Mrs. Castillo-Ospina, Messrs. Fajardo, Perreira, Trujillo – 4

Mr. Kennedy stated that once again on advice from legal counsel we have a four to four tie.

Mrs. Carvalho asked the President once again who our legal counsel is.

Mrs. Amin responded Mr. Varady.

Mrs. Carvalho welcomed Mr. Varady aboard. Mrs. Carvalho told the President to please move the agenda.

A motion was made by Mrs. Amin, seconded by Mr. Rodriguez, to table the rest of the agenda for the next meeting.

The motion was carried by the following vote:

Affirmative: Ms. Bathelus, Mmes. Carvalho, Castillo-Ospina, Messrs. Fajardo, Neron, Perreira, Rodriguez, Mrs. Amin – 8

Abstain: Mr. Trujillo – 1

Negative: None

Mr. Kennedy asked about the Schedule of Board Meetings. Mr. Kennedy stated that the agenda was just tabled so we don't have any Board meetings.

Mr. Trujillo stated that if he is correct there are a few things missing here. Mr. Trujillo asked if the school calendar needs to be approved.

Mr. Kennedy stated that we have a school calendar through June 30th. Mr. Kennedy stated that we do need to approve a Schedule of Board Meetings.

Resolution – Schedule of Board Meetings

Mr. Rodriguez read the resolution.

A motion was made by Mr. Rodriguez, seconded by Mrs. Amin, to adopt the resolution.

Mr. Perreira asked for an explanation of the idea behind having two meetings in February and September. Mr. Perreira stated that we generally have one Board meeting scheduled each month.

Mrs. Amin stated that usually in the beginning of the school year we have a lot of business so it's better to have two meetings in September.

Mr. Perreira stated that he understands that. Mr. Perreira stated that it actually works better if we do it before September perhaps in the month of July while we have no children in the school so we can move the agenda to be ready for school when we open in September. Mr. Perreira asked why there are two meetings in February.

Mr. Rodriguez stated that it is a good discussion to have and we can have it later.

Mr. Perreira stated that he is about to vote.

Mr. Rodriguez responded ok.

Mr. Perreira stated that you just don't have any answer.

The motion was carried by the following vote:

Affirmative: Ms. Bathelus, Mrs. Carvalho, Messrs. Fajardo, Neron, Rodriguez, Mrs. Amin – 6

Abstain: Mr. Trujillo – 1

Negative: Mrs. Castillo-Ospina, Mr. Perreira – 2

Mrs. Amin requested Vice President Rodriguez to read 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. The President 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, and 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. Amin declared this portion of the public meeting closed.

On a motion by Mrs. Amin, seconded by Mr. Trujillo, the meeting was adjourned at 10:17 p.m.

The motion was carried by the following vote:

Affirmative: Ms. Bathelus, Mmes. Carvalho, Castillo-Ospina, Messrs. Fajardo, Neron, Perreira, Rodriguez, Trujillo, Mrs. Amin – 9

Negative: None

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