

BOARD OF EDUCATION
(Official)

May 9, 2019
Elizabeth, New Jersey

The regular business meeting of the Board of Education was called at 5:30 p.m. on May 9 2019 in the MultiPurpose Room, Donald Stewart Center for Early Childhood Education, 544 Pennsylvania Avenue, Elizabeth, New Jersey.

Board President Stephanie Pestana presented the following statement at 5:51 p.m.

“Ladies and Gentlemen, good evening. This is a regular business 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 May 3, 2019. 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, New Jersey.

We want to welcome everyone present and our television viewers to this 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. We also ask that you silence the sound on your electronic devices. Since it is legally mandated that these proceedings be accurately recorded, we may have to ask for order periodically should noise begin to interfere with our recording capabilities. We are pleased that you have taken time to join us here for our Board of Education meeting. 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 may sign in up to the start of the public speaking 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. Barbosa, Ms. Bathelus (arr. 6:03 p.m.), Mmes. Carvalho, Chevres, Hernandez, Mr. Jacobs (via phone 6:24 p.m., in person 7:53 p.m.), Mrs. Moreno-Ortega (arr. 6:03 p.m.), Mr. Neron (arr. 6:04 p.m.), Mrs. Pestana – 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 Judy Finch Johnson, Chief of Operations Francisco Cuesta, Comptroller Rajeev Malhotra, Co-General Counsel Jonathan Williams, Esq. of DeCotiis, Fitzpatrick & Cole, LLP and members of the public were in attendance.

Mrs. Pestana called for a moment of silence for Gardenia Parker, cognitive moderate teacher at Dr. Antonia Pantoja School No. 27.

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

The Pledge of Allegiance was led by Kisha Café and Phidonia Pacious, eighth grade students at Dr. Antonia Pantoja School No. 27.

The *Star Spangled Banner* by Francis Scott Key was played.

The national anthem of Cuba, *La Bayamesa* by Perucho Figueredo, was played.

The national anthem of Haiti, *La Dessalinienne* by Justin Lherisson, was played.

The national anthem of Portugal, *A Portuguesa* by Henrique Lopes de Mendonca, was played.

The Pledge of Ethics was led by students in the Fifth Grade Dance Ensemble at William F. Halloran School No. 22.

Mrs. Pestana introduced video presentations of the Core Beliefs and The President's Tour.

Mrs. Pestana introduced Alliana Maynard, senior at Thomas Jefferson Arts Academy, who recited the poem *I Have a White Rose to Tend* by José Martí. Mrs. Pestana thanked Alliana Maynard for the wonderful performance.

Mrs. Pestana introduced students from Dr. Antonia Pantoja School No. 27 who performed a Haitian folklore dance to *A.K.I.K.O.* by Emeline Michel. Mrs. Pestana thanked the students for a wonderful performance.

Mrs. Pestana introduced students in the Fifth Grade Dance Ensemble at William F. Halloran School No. 22 who performed a Portuguese folklore dance to *Vira de Santa Marta* by Quim Barreiros. Mrs. Pestana thanked the students for a wonderful performance.

Mrs. Barbosa recognized three seniors who have recently earned exceptional honors including Brian Esteves, senior at Alexander Hamilton Preparatory Academy, who earned the Boy Scouts Eagle Scout Award; Marina Periera, senior at Alexander Hamilton Preparatory Academy, who earned the Girl Scouts Gold Award; and Cesar Pereira, senior at Thomas Jefferson Arts Academy, who received the Elizabeth Promise Award. Mrs. Barbosa and Board members congratulated them and presented each with a certificate of commemoration.

Mrs. Carvalho recognized Gianni Raimundo, senior at Thomas Jefferson Arts Academy, for her exceptional achievements. Mrs. Carvalho and Board members congratulated Gianni Raimundo and presented her with a certificate of commemoration.

Mrs. Hernandez recognized the students and team members from Juan Pablo Duarte-José Julián Martí School No. 28 for being selected as the 1st Place Winner of the Fresh Fruit and Vegetable Program's Very Impressive Produce Award. Mrs. Hernandez and Board members congratulated them and presented the school with a certificate of commemoration.

Mr. Neron invited everyone of Haitian heritage to come forward to celebrate.

Mrs. Pestana invited everyone of Cuban heritage to come forward to celebrate.

Mrs. Pestana invited everyone of Portuguese heritage to come forward to celebrate.

Mrs. Pestana stated that she has designated office hours from 5:30 p.m. to 7:00 p.m. every Monday night during which Elizabeth families may make an appointment to meet and discuss any issues or concerns pertaining to the Elizabeth Public Schools.

Mrs. Pestana shared her appreciation for our performers and community members of Cuban, Haitian, and Portuguese heritage for being here with us this evening. Mrs. Pestana thanked everyone for honoring and sharing their heritage with us and for helping us showcase the tremendous strength and unique qualities our community possesses through its diversity. Mrs. Pestana stated that in honor of Teacher Appreciation Week and National School Nurse Day she applauded our teachers and nurses for the outstanding work they do each day to ensure our students

are in good health and are receiving the skills and knowledge necessary to succeed after they leave our schools. Mrs. Pestana stated that Mother's Day is this Sunday and recognized and thanked all the mothers here in our school community and the greater Elizabeth community, the wonderful mothers who sit beside her on the board that sacrifice so much for this great City, and the mothers everywhere for the heroic work they do in raising children to become our next generation of leaders. Mrs. Pestana wished all of the mothers a wonderful day and she hopes they enjoy it in the presence of family and loved ones and that the day brings all the joy they deserve.

Superintendent of Schools Hugelmeyer spoke about the recent tragic events at the STEM School in Highlands Ranch, Colorado and UNC in Charlotte, North Carolina last week. Mrs. Hugelmeyer stated that they are heartbreaking reminders of the external perils that exist and the significance of our efforts to create safe and secure learning environments. Mrs. Hugelmeyer stated that ensuring the safety of our students and team members and the security of our buildings is a collaborative effort that include students, team members, local and regional law enforcement agencies, the NJ Department of Education, and the Department of Homeland Security. Mrs. Hugelmeyer stated that this partnership has resulted in the development and adoption of a crisis plan built upon extensive research, knowledge, and experience that prepares school communities for a full spectrum of emergency situations by outlining specific protocols to follow for each emergency event. Mrs. Hugelmeyer stated that in order for us to ensure to the best of our ability that our students, team members, and visitors will be in the safest conditions possible during an emergency event, it is imperative that our schools participate in school crisis drills twice monthly as predicated by state regulations. Mrs. Hugelmeyer stated that participating in drills and practicing the protocols for various emergency situations help to provide our learning community the best possible opportunity to respond in a manner that enables people to remain safe should a real emergency event take place. Mrs. Hugelmeyer stated that providing a safe and secure school is our most important priority and our efforts go well beyond all of the 27,000 plus students practicing lock down and emergency drills on a monthly basis. Mrs. Hugelmeyer stated that the Elizabeth Public Schools presently employs 167 security guards district-wide, police officers in targeted locations, extensive security monitoring, metal detectors, and camera surveillance systems. Mrs. Hugelmeyer stated that all district schools are locked throughout the day and unauthorized visitors are prohibited. Mrs. Hugelmeyer stated that the district also provides significant professional development in security strategies throughout the school year. Mrs. Hugelmeyer stated that we believe all of these practices are the hallmark of maintaining a safe and secure learning community in which your children can come to school focused on learning, achieving excellence, and realizing their hopes and dreams.

Mrs. Pestana thanked the Superintendent. Mrs. Pestana stated that it is very saddening and disheartening that these mass shootings, including those at schools, seem to be appearing in the news more frequently and it creates an air of uncertainty and concern that touches us at our core. Mrs. Pestana stated that the best way we can honor the lives of those who have been injured or lost their lives in these tragedies throughout our country and the world is to work together as a community to keep our children safe. Mrs. Pestana stated that we must recognize the importance of being in this together and acting accordingly so they can grow and reach their full potential. Mrs. Pestana stated that our children deserve the opportunity to grow with a sole focus of realizing their hopes and dreams and it is our collective responsibility to make that happen. Mrs. Pestana stated that she is confident in those with whom we collaborate to develop our crisis plan such as former law enforcement officers from the juvenile investigation, SWAT, crisis negotiations, investigation, and accident investigation divisions. Mrs. Pestana stated that collectively, they provide an invaluable amount of experience and knowledge to help us in developing and refining our policies and protocols. Mrs. Pestana stated that in the past other districts have reached out to us for guidance and information about our safety and security practices. Mrs. Pestana stated that she believes in the men and women here in our schools and administrative offices charged with keeping our students and team members safe. Mrs. Pestana stated that creating and maintaining safe and caring environments will always be our top priority. Mrs. Pestana stated that with everyone

working together, she knows we will do that successfully and will give our students an ideal environment to achieve excellence so we can continue to celebrate their successes like this evening.

Board President Stephanie Pestana presented the following public participation statement.

“At this time, the microphones are open for public comment to those who have signed in. I shall call individuals to the microphones based on the order of the sign-in. Each statement made by a participant shall be limited to three minutes in duration. The total time of public comment shall be limited to sixty minutes. No individual is able to yield their time to another individual. All statements shall be directed to the presiding officer; no participant may address or question Board members individually. The following rules for public participants shall apply: time limits will be strictly enforced, no personal attacks on individuals, no vulgar or indecent language, a person may address the Board no more than once during a single meeting, speakers should refrain from naming individuals, and comments or questions posed during public participation will not be debated. As a reminder, this is a meeting of the Board in public, not a meeting of the public.”

Mrs. Pestana called upon the first public participant, Maria Echavarria, to address the Board.

Maria Echavarria, 321 Westfield Avenue, spoke about the ESEPAC members who did not attend the meeting, that the parents should be picking the members, and that there was no notification for the SEPAC Fair.

Mrs. Pestana thanked her for her comments and called upon the next public participant, Christina Moreira, to address the Board.

Christina Moreira, 805 Gebhardt Avenue, stated that she agrees with the previous speaker about SEPAC. Mrs. Moreira spoke about the cut in the afterschool budget from 3 days to 2 days and that there should be more intervention services afterschool. Mrs. Moreira stated that School No. 5 has bars on the windows and the children feel like they are in jail.

Mrs. Pestana thanked her for her comments and called upon the next public participant, Maria Lorenz, to address the Board.

Maria Lorenz, 103 Murray Street, stated that it is unacceptable that the board is in violation of school board policies and spoke about independent educational evaluations.

Mrs. Pestana thanked her for her comments and called upon the next public participant, Patricia Gallante, to address the Board.

Patricia Gallante, 750 Grier Avenue, stated that the Board should start the meetings on time. Ms. Gallante spoke about the budget and that the Board needs to stop the no tax game. Ms. Gallante stated that the Board should raise the tax because our kids need things and the no tax game is hurting our children.

Mrs. Pestana thanked her for her comments and called upon the next public participant, Danielle Fienberg, to address the Board.

Danielle Fienberg, 631 North Broad Street, stated that kindergarten doesn't go outside for recess and next year there is a law that they have to go outside. Mrs. Fienberg stated that the Six Flags Autism Day trip was on the same day as science assessments. Mrs. Fienberg stated that personal aides should follow their students and that it is disruptive to a child to lose their aide.

Mrs. Pestana thanked her for her comments. Since there were no other public participants signed in to address the Board, Mrs. Pestana closed this portion of the meeting.

The phone participation by Mr. Jacobs ended at 7:03 p.m.

Board President Stephanie Pestana requested a motion to go into Private Session to consider matters exempt under the Open Public Meetings Act, specifically for discussion of personnel, specifically, 2019-2020 contracts for tenured and non-tenured personnel, employee benefit plans, superintendent evaluation, and school calendars. The board will reconvene in public and may add to the agenda.

A motion was made by Mr. Neron, seconded by Mrs. Moreno-Ortega, to go into private session at 7:04 p.m.

The motion was carried by the following vote:

Affirmative: Mrs. Barbosa, Ms. Bathelus, Mmes. Carvalho, Chevres, Hernandez, Moreno-Ortega, Mr. Neron, Mrs. Pestana – 8

Negative: None

Mr. Jacobs arrived at private session at 7:53 p.m.

Mr. Jacobs excused himself from the meeting at 10:55 p.m.

A motion was made by Mr. Neron, seconded by Mrs. Carvalho, to reconvene in public session at 11:04 p.m.

The motion was carried by the following vote:

Affirmative: Mrs. Barbosa, Ms. Bathelus, Mmes. Carvalho, Chevres, Hernandez, Moreno-Ortega, Mr. Neron, Mrs. Pestana – 8

Negative: None

Mrs. Pestana amended the agenda to reflect personnel actions.

Mrs. Barbosa stated that she would like to untable the 2019-2020 Calendars.

A motion was made by Mrs. Barbosa, seconded by Mrs. Carvalho, to untable the 2019-2020 Calendars and add them to the Authorizations Report.

The motion was carried by the following vote:

Affirmative: Mrs. Barbosa, Ms. Bathelus, Mmes. Carvalho, Chevres, Hernandez, Moreno-Ortega, Mr. Neron, Mrs. Pestana – 8

Negative: None

Mr. Neron stated that he would like to table the Supplemental Award of Contracts Report for the CV Electrical Contractors, Inc.

A motion was made by Mr. Neron, seconded by Mrs. Carvalho, to table the Supplemental Award of Contracts Report for the CV Electrical Contractors, Inc.

The motion was carried by the following vote:

Affirmative: Mrs. Barbosa, Ms. Bathelus, Mmes. Carvalho, Chevres, Hernandez, Moreno-Ortega, Mr. Neron, Mrs. Pestana – 8

Negative: None

Mrs. Pestana asked for a motion to accept the following:

Minutes of the Meetings of April 8, 2019 (Agenda and Business)

Secretary/Treasurer's Report for the Month of March 2019

Personnel Report

Tuition Report

Superintendent's Report – Considerations

Superintendent's Report – Use of Facilities

Supplemental Superintendent's Report – Use of Facilities

Superintendent's Report – Field Trips

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

Authorizations Report

Supplemental Authorizations Report
 Finance and Accounting Report – Authorization to Pay Vouchers
 Supplemental Finance and Accounting Report – Transfer of Funds
 Award of Contracts Report
 Supplemental Award of Contracts Report (except CV Electrical Contractors, Inc. that was TABLED)
 Miscellaneous Communication - None
 Claims List
 Resolution – Cuban American Day
 Resolution – Haitian Heritage Month
 Resolution – Portugal Day
 Resolution – Neptune Township School District Jointure Transportation Services 2018-2019
 Resolution – Short Term Loan
 Resolution – Essex Regional Educational Services Commission Home Instruction 2019-2020
 Resolution – Approving Renewal of Contract with RP Baking, LLC
 Resolution – Appointing American Wear, Inc. for Food Service Uniforms and Aprons
 Resolution – Essex Regional Educational Services Commission Transportation Services 2019-2020
 Resolution – Approving Second Renewal – Cream-O-Land Dairies, LLC - Dairy Products
 Resolution – Appointing Cream-O-Land Dairies, LLC – Fluid Juices
 Resolution – Payment for Medical Health Insurance Waiver
 Resolution – Transfer of Capital Reserve Funds
 Resolution – Appointing Safeway Contracting, Inc. – Partial Roof Replacement at Edison Academy
 Resolution – Approving Second Renewal – American Commercial Equipment Repair Corp.
 Resolution – Approving Form of Contract – McCloskey Mechanical Contractors, Inc.
 Resolution – Appointing W.B. Mason Co., Inc. – Cafeteria Small Equipment
 Resolution – Approving Second Renewal – Appco Paper and Plastics Corp. – Cafeteria Paper and Plastic Goods
 Resolution – Residency Investigative Results
 Resolution – Return to Work Effective May 10, 2019 – S.Q.
 Resolution – Terminations – License Expired for Registered Nurses
 Resolution – Increment Withholding – Performance
 Resolution – Increment Withholding - Discipline

A motion was made by Ms. Bathelus, seconded by Mrs. Hernandez, that the above be accepted.

The motion was carried by the following vote:

Affirmative: Mrs. Barbosa (abstain- Award of Contracts Report – Valenca Restaurant; Resolution – Approving Renewal of Contract with RP Baking, LLC; Resolution – Approving Second Renewal – Cream-O-Land Dairies, LLC – Dairy Products), Ms. Bathelus (abstain- Authorizations Report – County of Union; Superintendent’s Report – Use of Facilities – Request from EEA), Mrs. Carvalho (abstain- Personnel Report – J.Z., M.G., F.C., G.D., M.G., F.M., V.M., J.C.; Resolution – Approving Second Renewal – Cream-O-Land Dairies, LLC), Mrs. Chevres (abstain- Personnel Report – J.C., M.R., J.L., H.C., F.C., A.M., E.D., L.C., C.A., J.R.; Superintendent’s Report – Use of Facilities – Request from EEA; Authorizations Report – Donation from Amerigroup, Councilman Carlos Torres, and Elizabethport Community Center), Mrs. Hernandez (abstain- Authorizations Report – County of Union), Mrs. Moreno-Ortega, Mr. Neron (abstain- Personnel Report – F.M., V.M., F.C., J.C., C.T., R.C., E.R.; Authorizations Report – City of Elizabeth Department of Recreation), Mrs. Pestana (abstain- Authorizations Report – County of Union; Superintendent’s Report – Use of Facilities – Request from EEA) – 8

Negative: None

Mr. Kennedy stated that there is one more item which is the 2019-2020 Budget Adoption.

Mr. Neron asked if we could clarify some items. Mr. Neron stated that there were questions earlier and we want to explain that so it is clear.

Mrs. Moreno-Ortega asked the Superintendent to address the concern.

Mrs. Hugelmeyer stated that this evening there is clarification needed on the after school program. Mrs. Hugelmeyer stated that last week she explained how it was entered into the budget with regard to two-day or three-day based on the offerings in our schools. Mrs. Hugelmeyer stated that she wants to be very clear with everyone and the community especially that we are offering a three day after school program. Mrs. Hugelmeyer stated that it will have different components and it may be two days for the purpose of academics and it may be the third day for enrichment or character education. Mrs. Hugelmeyer stated that regardless, it is a three-day afterschool program. Mrs. Hugelmeyer stated that she hopes that clarifies it.

Mr. Neron stated that for clarification he would like to explain the budget and the reduction of certain schools. Mr. Neron stated that as a board they discussed the reduction of the budget of certain schools. Mr. Neron stated that for the public that may have reviewed the budget, they may have seen a reduction in certain salaries and that does not mean that the school is losing money. Mr. Neron stated that it means that either you save money in benefits, so that money is not being implemented and that money is no longer being added to those teachers' salaries because there has been a reduction in the benefits. Mr. Neron stated that there was another clarification that was made in regard to the salaries as well.

Mr. Kennedy explained that the salaries in the school is a combination of personnel who are in the school with an increase in their salary for 2019-2020. Mr. Kennedy stated that in 2018-2019 it included stipends for the after school program. Mr. Kennedy stated that for a better accounting control we moved that budget out of the schools in what we call a 15 Fund and moved it to a central fund in the district. Mr. Kennedy stated that it is the same accounting code except that it is in the district instead of the individual school based budget. Mr. Kennedy stated that the other thing to take into mind is that the 2018-2019 budget was created last year at this time and was based on the people that were in the school last December and their salaries were increased by the contractual agreement of the bargaining unit. Mr. Kennedy stated that then there could be someone who was at the top of the salary guide, for example at \$100,000. and retired in 2018-2019. Mr. Kennedy stated that in 2018-2019 the \$100,000. salary was in the budget and going into the 2019-2020 they have been replaced by someone on the second step of the guide. Mr. Kennedy stated that means that we are not going to spend the full \$100,000. in the budget and that results in breakage which is the salaries that were budgeted for and the amount paid. Mr. Kennedy stated that when you rollover to 2019-2020, the \$100,000. salary is gone because they retired in 2018-2019 and the replacement is at the second step. Mr. Kennedy stated that there is a decrease in the budgeted salaries but the school is not losing money. Mr. Kennedy stated that it is just a mixture of personnel. Mr. Kennedy stated that to look at the bottom line of a school and say that they are losing money, you really need to analyze it and look at individual line items. Mr. Kennedy stated that one of the things they anticipated was a significant decrease in our benefit number because we hired consultants to do our bargaining and they get better rates. Mr. Kennedy stated that the amount budgeted for benefits is not the same as 2018-2019 and is budgeted for the amount anticipated for 2019-2020. Mr. Kennedy stated that it is fluid based on what you have in 2018-2019 and then there is breakage.

Mr. Neron thanked Mr. Kennedy for the explanation and stated that it does not mean that the school lost money in the operating budget to do programming. Mr. Neron stated that it is more about salaries, benefits, and breakage.

Mr. Kennedy stated that you read in the paper that there are schools with massive layoffs and that is not happening here. Mr. Kennedy stated that there is no change in services.

Mrs. Pestana thanked Mr. Kennedy for the explanation.

Resolution – Adoption of the 2019-2020 School Budget

A motion was made by Mr. Neron, seconded by Mrs. Carvalho, to adopt the resolution.

The motion was carried by the following vote:

Affirmative: Mrs. Barbosa, Ms. Bathelus, Mmes. Carvalho, Chevres, Hernandez, Moreno-Ortega, Mr. Neron, Mrs. Pestana – 8

Negative: None

Superintendent of Schools Olga Hugelmeyer presented the Harassment, Intimidation and Bullying Investigative Results. Mrs. Hugelmeyer stated that according to Board Policy 5131.1 Harassment, Intimidation, and Bullying (HIB) and New Jersey Statute 18A:37 the results of each investigation shall be reported to the Board of Education no later than the date of the next Board meeting following completion of each investigation and include any services provided, training established, discipline imposed, or other action that was taken or recommended. Mrs. Hugelmeyer stated that at the next regularly scheduled meeting after Board members receive the report of HIB investigations, the statute requires that the Board issue a decision in writing to affirm, reject, or modify the Superintendent's decision pertaining to the cases that were reported to the Board members at the last meeting.

Mr. Neron wished all of our mothers a Happy Mother's Day. Mr. Neron thanked all of our moms, mother figures, grandmothers, aunts, and big sisters for all of the great work and dedication they do each and every day of their life.

On a motion by Ms. Bathelus, seconded by Mr. Neron, the meeting was adjourned at 11:25 p.m.

The motion was carried by the following vote:

Affirmative: Mrs. Barbosa, Ms. Bathelus, Mmes. Carvalho, Chevres, Hernandez, Moreno-Ortega, Mr. Neron, Mrs. Pestana – 8

Negative: None

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