## BOARD OF EDUCATION CIT OF LONG BRANCH NEW JERSEY

MINUTES JANUARY 24, 2014

The Special Meeting of the Long Branch Board of Education was held at 540 Broadway, Long Branch, New Jersey. The meeting was called to order by Mrs. Perez, Board President, at 5:30 P.M.

## A. ROLL CALL

Mrs. Perez - President Mr. Grant - absent Mr. Parnell

Mr. Dangler - Vice President Mrs. Critelli Mr. Menkin - absent

Mrs. George Mr. Zambrano Mr. Covin

**Administrators Present** 

Mr. Salvatore Mr. Genovese

Also Present - John Tratynek Esq., attorney for the Board.

# A-1. STATEMENT OF THE MANNER OF NOTIFICATION OF THE MEETING

Peter E. Genovese III, RSBO, QPA, School Business Administrator/Board Secretary made the following announcement: Adequate notice of this Special Meeting of the Long Branch Board of Education was published in the Asbury Park Press and sent to the <u>Atlanticville</u> and the <u>Link News</u> in accordance with law. Notice of this meeting was also posted in the Board of Education Office and the Office of the City Clerk, Long Branch, New Jersey.

Fire exits are located in the direction indicated. In case of fire, you will be signaled by bell and/or public address system. If so alerted to fire, please move in a calm and orderly fashion to the nearest smoke-free exit.

#### A-2. OBJECTIONS, IF ANY, TO THE VALIDITY OF THE MEETING

Mr. Genovese stated that the objecting member must give supporting reasons.

#### B. FLAG SALUTE AND PLEDGE OF ALLEGIANCE

Lucille Perez, Board President, saluted the flag and led the Pledge of Allegiance.

### C-1. STATEMENT TO THE PUBLIC

Mrs. Perez made the following announcement: Often times it may appear to members of our audience that the Board of Education takes action with very little comment and in many cases by unanimous vote. Before a matter is placed on the agenda at a public meeting, the administration has thoroughly reviewed the matter with the Superintendent of Schools. If the Superintendent of Schools is satisfied that the matter is ready to be presented to the Board of Education, it is then referred to the appropriate board committee. The members of the board committee work with the administration and Superintendent to assure that the members fully understand the matter. When the committee is satisfied with the matter, it is presented to the Board of Education for discussion before any final action is taken. Only then is it placed on the agenda for action at a public meeting.

# C-1. STATEMENT TO THE PUBLIC (continued)

Time may be allocated for public comment at this meeting. Each speaker may be allotted a limited time when recognized by the presiding officer. Individuals wishing to address the Board shall be recognized by the presiding officer and shall give their names, addresses and the group, if any, that they represent. Although the Board encourages public participation, it reserves the right, through its presiding officer, to terminate remarks to and/or by any individual not in keeping with the conduct of a proper and efficient meeting. The Board will not, during the public portion of this meeting, discuss matters involving employment, appointment, termination of employment, negotiations, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific or prospective or current employee.

# C -2. OPPORTUNITY TO ADDRESS THE BOARD RELATING TO AGENDA ITEMS

No one addressed the Board.

## D. **ACTION ITEMS**

Motion was made by Mr. Parnell, seconded by Mr. Dangler and carried by roll call vote that the Board approve the following item (1).

Ayes (7), Nays (0), Absent (2) Mr. Grant and Mr. Menkin

## 1. RESOLUTION FOR CLOSED EXECUTIVE SESSION – 5:31 P.M.

WHEREAS, the Open Public Meetings Act (Chapter 231, P.L. 1975) allows for the exclusion from discussion at the public portion of a meeting of certain matters which might endanger the public interest or risk the deprivation of individual rights, and

WHEREAS, the Long Branch Board of Education wishes to discuss the pending litigation among Adele Russo, Joseph M. Ferraina and the Long Branch Board of Education with the resulting action being made public when a proper conclusion has been reached and there is no longer a need for confidentiality;

NOW, THEREFORE, BE IT RESOLVED, the Long Branch Board of Education will hold a closed executive session immediately in the Board Conference Room, 540 Broadway, Long Branch, New Jersey. It is anticipated that the closed session will not last longer than 90 minutes. Action may be taken in the public portion of the meeting upon recessing of this Executive Session back into the open public meeting.

Peter E. Genovese III, RSBO, QPA School Business Administrator/Board Secretary

Aves:

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Navs:

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Absent:

2 (Mr. Grant and Mr. Menkin)

Date:

January 24, 2014

The Board returned to open session at 6:10 P.M.

## **ROLL CALL**

Mrs. Perez - President

Mr. Grant - absent

Mr. Parnell

Mr. Dangler - Vice President

Mrs. Critelli

Mr. Menkin - absent

Mrs. George

Mr. Zambrano

Mr. Covin

Motion was made by Mr. Parnell, seconded by Mr. Dangler and carried by roll call vote that the Board approve the following item (2).

Ayes (7), Nays (0), Absent (2) Mr. Grant and Mr. Menkin

# 2. **APPROVAL OF RESOLUTION**

That the Board approve the Resolution (APPENDIX A).

# E. <u>ADJOURNMENT – 6:15 P.M.</u>

There being no further discussion, motion was made by Mr. Dangler, seconded by Mr. Covin and carried by roll call vote that the Board adjourn the meeting at 6:15 P.M. Ayes (7), Nays (0), Absent (2) Mr. Grant and Mr. Menkin

Peter E. Genovese III, RSBO, QPA School Business Administrator/Board Secretary

# **BOARD OF EDUCATION OF THE CITY OF LONG BRANCH**

### SPECIAL MEETING

### January 24, 2014

#### RECITALS:

- A. A Civil Action Complaint and Jury Demand ("Complaint") was filed in the Superior Court of New Jersey, Law Division, Monmouth County, Docket No. MON-L-2293-11 on May 16, 2011, naming Adele Russo as plaintiff and the City of Long Branch Board of Education and Joseph M. Ferraina, John and Jane Does 1-10 as defendants.
- B. Since the filing of the Complaint, both the Board of Education of the City of Long Branch ("Board") and Joseph M. Ferraina ("Mr. Ferraina") have filed Answers and Counterclaims against Adele Russo ("Ms. Russo"), both denying the allegations of the Complaint. The Complaint, Answers and Counterclaims are collectively referred to herein as the "Litigation".
- C. Since May 16, 2011, extensive discovery has been conducted, a number of motions have been filed and heard and a non-binding arbitration has taken place.
- D. More recently, various motions were filed on behalf of Ms. Russo, the Board and Mr. Ferraina which were heard by the Honorable Dennis R. O'Brien, J.S.C. ("Judge O'Brien") on December 20, 2013.
- E. As of the date of this Resolution, no opinions have been rendered by Judge O'Brien on the motions.
- F. On Friday, January 17, 2014 and Friday, January 24, 2014, the parties, with their counsel, met and a tentative settlement was reached with the assistance of Judge O'Brien.

- G. At the commencement of the meeting held this evening, the Board adopted a Resolution to go into a non-public, closed session to discuss the status of the Litigation during which John F. Tratnyek, Esquire ("Mr. Tratnyek") of the firm of Jackson Lewis, Esqs., the attorneys for the Board, fully explained the status of the Litigation, the reasons and benefits to the Board for entering into a settlement and Mr. Tratnyek responded to all inquiries of all members of the Board with respect to the Litigation and a settlement. During the discussion of the terms and conditions of a settlement, Mr. Tratnyek recommended to the Board that it approved a settlement as discussed.
- H. The settlement provides for the Board and Mr. Ferraina to pay to Ms. Russo the sum of \$600,000.00 inclusive of all of Ms. Russo's attorney's fees and costs and all payments to Ms. Russo, and for Ms. Russo to dismiss forever all of her claims against the Board and Mr. Ferraina.
- I. The Board maintains insurance against these kinds and types of claims filed by Ms. Russo. Therefore, the insurance carrier engaged by the Board will pay said amount of \$600,000.00 in full as a result of which there will be no adverse impact on the taxpayers of the City of Long Branch.
- J. The Board and Mr. Ferraina have denied all of the allegations set forth in the Complaint. Nevertheless, the Board believes that an amicable settlement is warranted based, in part, on the time and attention the Board, certain of the present and former Board members, and the administration will have to expend in connection with a trial of the matters before the Court.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the City of Long Branch as follows:

1. The Recitals set forth above are incorporated into and made a part of this Resolution.

2. The Board of Education accepts a settlement by which Ms. Russo and her

legal counsel will receive a total of \$600,000.00 for all amounts due Ms. Russo and her legal

counsel, including all of the costs and expenses of her legal counsel, as a full and final

settlement of all of the claims that were made or could have been made by Ms. Russo in the

Litigation.

3. The Board of Education directs its legal counsel Mr. Tratnyek to take all

necessary and appropriate action to prepare the appropriate Settlement Agreement

("Agreement") which, when signed by Ms. Russo and Mr. Ferraina and approved by the

Superintendent of Schools, shall be signed on behalf of the Board and the President and

Secretary of the Board respectively, are hereby authorized and directed to sign the Agreement

when same has been approved by legal counsel for the Board and the Superintendent of

Schools

Peter E. Genovese III, RSBO, QPA

School Business Administrator/Board Secretary

Ayes:

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Nays: Absent:

2 (Mr. Grant and Mr. Menkin)

Date:

January 24, 2014

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