

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

Ayes: 7
Nays: 0
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. **ADJOURNMENT – 6:15 P.M.**

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: 7
Nays: 0
Absent: 2 (Mr. Grant and Mr. Menkin)
Date: January 24, 2014