

**BOARD OF EDUCATION
CITY OF LONG BRANCH
NEW JERSEY**

MINUTES

DECEMBER 16, 2020

The Special Meeting of the Long Branch Board of Education was held in the Historic High School, 391 Westwood Avenue, Long Branch, New Jersey.

Mr. Covin called the meeting to order at 6:00 P.M.

ROLL CALL

Mr. Covin - President

Dr. Critelli

Ms. McCaskill

Mrs. Youngblood Brown – VP – call in

Mr. Zambrano – call in

Mrs. Peters

Mr. Grant

Rev. Bennett.

Mrs. Perez

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

Peter E. Genovese III, RSBO, QPA, School Business Administrator/Board Secretary stated adequate notice of the meeting of the Long Branch Board of Education has been provided by a Schedule of Public Meetings published in the Asbury Park Press. Mr. Genovese further stated a Schedule of Public Meetings has been posted in the Board of Education Office and the Office of the City Clerk, Long Branch, New Jersey.

Mr. Genovese made the following announcement: 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

Mr. Covin, Board President, saluted the flag and led the Pledge of Allegiance.

C-1. STATEMENT TO THE PUBLIC

Mr. Covin 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. All agenda attachments are available for public review. In rare instances, matters are presented to the Board of Education for discussion at the same meeting that final action may be taken.

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

Time may be allocated for public comment at this meeting. Each speaker may be allotted up to three (3) minutes and one (1) opportunity to address the Board 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. With the exception of those individuals whose names are on the agenda this evening, the Board will not respond to questions during the public participation portion of this meeting involving the employment, appointment, termination of employment, negotiations, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific, prospective or current employee.

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

No one addressed the Board.

D. **SUPERINTENDENT'S REPORT** – No report

E. **GENERAL ITEMS**

Motion was made by Mrs. Perez, seconded by Dr. Critelli and carried by roll call vote that the Board approve the following item (G1).

Ayes (9), Nays (0), Absent (0)

1. **APPROVAL TO INVOKE THE DOCTRINE OF NECESSITY - APPENDIX E-1**

That the Board approve to invoke the Doctrine of Necessity for the purposes of voting on the Superintendent of Schools appointment as listed on **APPENDIX E-1**.

Motion was made by Mrs. Peters, seconded by Ms. McCaskill and carried by roll call vote that the Board approve the following item (G2).

Ayes (9), Nays (0), Absent (0)

2. **RESOLUTION FOR CLOSED EXECUTIVE SESSION – 6:05 P.M.**

That the Board approve the following Resolution -

RESOLUTION

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 appointment of a Superintendent of Schools** with the resulting action being made public when a proper conclusion has been reached and there is no longer a need for confidentiality;

E. **GENERAL ITEMS (continued)**

2. **RESOLUTION FOR CLOSED EXECUTIVE SESSION – 6:05 P.M. (continued)**

NOW, THEREFORE BE IT RESOLVED, the Long Branch Board of Education will hold a closed Executive Session immediately in the Historic High School, 391 Westwood Avenue, Long Branch, New Jersey. It is anticipated that the closed session will not last longer than 45 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: 9
Nays: 0
Absent: 0
Date: December 16, 2020

The Board returned to open session at 7:32 P.M.

ROLL CALL

Mr. Covin - President	Dr. Critelli	Ms. McCaskill
Mrs. Youngblood Brown – VP – call in	Mr. Zambrano – call in	Mrs. Peters
Mr. Grant	Rev. Bennett.	Mrs. Perez

Motion was made by Mrs. Peters, seconded by Ms. McCaskill and carried by roll call vote that the Board approve the following item (G3).

Ayes (7), Nays (0), Abstain (2) Mr. Zambrano and Mrs. Perez, Absent (0)

3. **APPROVAL TO APPOINT A SUPERINTENDENT OF SCHOOLS - RESOLUTION**

That the Board approve the following Resolution to appoint a Superintendent of Schools:

RESOLUTION

WHEREAS, the Long Branch Public Schools has accepted the retirement of Dr. Michael Salvatore effective January 31, 2021 thereby creating a vacancy in the Office of Superintendent of Schools; and,

WHEREAS, under the direction of the Board President a committee of non-conflicted Board of Education members (herein called “the Committee”) were formed for the sole purpose of recommending a replacement for Dr. Salvatore; and,

WHEREAS, the committee has come before the full Board of Education in executive session December 16, 2020 to discuss the committee’s recommendation,

3. **APPROVAL TO APPOINT A SUPERINTENDENT OF SCHOOLS – RESOLUTION
(continued)**

NOW THEREFORE BE IT RESOLVED THE FOLLOWING:

1. The Committee hereby recommends the appointment of Francisco Rodriguez to the position of Superintendent of Schools effective February 1, 2021.

2. Further it is recommended upon approval of the Monmouth County Executive Superintendent's office that said contract regarding terms and salary be awarded to Francisco Rodriguez for a period of 3 Years and 5 Months starting February 1, 2021 and concluding on June 30, 2024.

3. Said contract terms and salary shall be subject to full Board and County approval, Board Attorney and School Business Administrator review.

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

Ayes: 7
Nays: 0
Abstain: 2 (Mr. Zambrano and Mrs. Perez)
Absent: 0
Date: December 16, 2020

F. **OPPORTUNITY TO ADDRESS THE BOARD ON NON-AGENDA ITEMS**
No one addressed the Board.

G. **ADJOURNMENT – 7:39 P.M.**
There being no further discussion, motion was made by Mrs. Peters, seconded by Ms. McCaskill and carried by roll call vote that the Board adjourn the meeting at 7:39 P.M.
Ayes (9), Nays (0), Absent (0)

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

**BOARD OF EDUCATION
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

RESOLUTION

WHEREAS, the School Ethics Act, N.J.S.A. 18A:12-21 *et seq.* was enacted by the New Jersey State Legislature to ensure and preserve public confidence in school board members and school administrators, and to provide specific ethical standards to guide their conduct; and

WHEREAS, throughout the State, questions have arisen regarding how a Board should invoke the Doctrine of Necessity when a quorum of a Board of Education cannot be reached due to disqualifying conflicts of interest of Board Members on a matter required to be voted upon; and

WHEREAS, the School Ethics Commission ("Commission") provided guidance in Public Advisory Opinion A03-9 (April 1, 1998); and

WHEREAS, the opinion set forth that, when it is necessary for a Board to invoke the Doctrine of Necessity, the Board should state publicly that it is doing so, the reason that such action is necessary, and the specific nature of the conflicts of interest; and

WHEREAS, the Commission, by resolution dated February 25, 2003, further clarified this standard and required a Board of Education invoking the Doctrine of Necessity to adopt a resolution setting forth that they are invoking the Doctrine, the reason for doing so, and the specific nature of the conflicts of interest; and

WHEREAS, the Commission further directed Boards of Education that invoke the Doctrine to read the resolution at a regularly scheduled public meeting, post it where the Board posts regular public notices for a period of thirty (30) days after passage, and provide a copy of the executed resolution to the Commission; and

WHEREAS, the Board wishes to take action on the appointment of the Superintendent of Schools.

WHEREAS, the Board Attorney has reviewed the State regulations and the advisory decisions of the Commission and determined that existing conflicts prohibit six (6) members of the Board from voting on this matter; and

WHEREAS, those Board member conflicts are as follows:

- **Michele Critelli, Ed.D.** - Dr. Critelli has an immediate family member and/or relative employed by the Board and, therefore, is prohibited from participating in all issues relating to contract negotiations.

- **Armand R. Zambrano Jr.** - Mr. Zambrano has an immediate family member and/or relative employed by the Board and, therefore, is prohibited from participating in all issues relating to contract negotiations.
- **Caroline Bennett** - Ms. Bennett has an immediate family member and/or relative employed by the Board and, therefore, is prohibited from participating in all issues relating to contract negotiations.
- **Lauren McCaskill** - Ms. McCaskill has an immediate family member and/or relative employed by the Board and, therefore, is prohibited from participating in all issues relating to contract negotiations.
- **Violeta Peters** - Mrs. Peters has an immediate family member and/or relative employed by the Board and, therefore, is prohibited from participating in all issues relating to contract negotiations.
- **Lucille Perez** - Mrs. Perez has an immediate family member and/or relative employed by the Board and, therefore, is prohibited from participating in all issues relating to contract negotiations.

NOW, THEREFORE, BE IT RESOLVED, by the Long Branch Board of Education, County of Monmouth, State of New Jersey, as follows:

1. That the aforementioned members are prohibited from appointing a Superintendent of Schools because of the conflicts outlined above;
2. That the Board therefore invokes the Doctrine of Necessity in order to allow the full body of the Board to review, discuss and approve the appointment of the Superintendent of Schools mentioned herein;
3. That this resolution shall be read at a regularly scheduled meeting of the Board and be posted on the Board's website; and
4. That a copy of this resolution shall be forwarded to the School Ethics Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the action taken pursuant to this invocation shall be deemed valid notwithstanding the aforementioned conflicts, and the waiver of said conflicts shall not extend beyond the scope addressed within this Resolution.

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

Ayes: 9
Nays: 0
Absent: 0
Date: December 16, 2020