

**BRICK TOWNSHIP BOARD OF EDUCATION
MINUTES
EMERGENCY MEETING
DATE: MAY 7, 2015**

Location/Time: 6:30 PM, Technology Training Center
101 Hendrickson Avenue, Brick, NJ 08724

Present: Mr. Barton, Ms. Suter, Mr. Conti, Ms. Cusanelli, Mr. Pannucci and
Ms. Cantillo

Also present: Dr. Caldes, Interim Superintendent of Schools
Mr. Edwards, Business Administrator/Board Secretary
Ms. Osborn, Human Resources Manager
and, Mr. Sahradnik, Legal Counsel

Ms. Cantillo opened the meeting with a salute to the flag, moment of silence and roll call.

OPEN PUBLIC MEETINGS ACT NOTICE

In accordance with chapter 231 of the Public Laws of 1975, entitled the "Open Public Meetings Act", adequate notice of this meeting was not provided due the unforeseen necessity to deal with an emergency arising out of the criminal charges filed against the District's Superintendent. Any delay for the purpose of providing adequate notice would likely result in substantial harm to the public, specifically the management of the District, and therefore, emergency notice was given pursuant to N.J.S.A. 10:4-9b(3) at 6:10 p.m. today by notifying the Asbury Park Press, Star Ledger and Brick Times of the time, date, location and the agenda for this meeting, and by posting the written notice of this meeting on the Administration Office Bulletin Board, the Official District Website, and the Municipal Clerk's Office. The meeting will be limited to discussion of and action on this urgent matter.

HUMAN RESOURCES ITEMS 1

Mr. Edwards presented Human Resources items 1 for approval.

Motion: Mr. Barton

Second: Mr. Conti

Questions/Comments from the Board or public:

Mr. Sahradnik explained why the Doctrine of Necessity was being presented.

On the motion made by Mr. Barton, seconded by Mr. Conti, the Board of Education approved Operations item # 1 with the following roll call vote:

Mr. Barton	Yes
Ms. Suter	Yes
Mr. Conti	Yes
Ms. Cusanelli	Yes
Mr. Pannucci	Yes
Ms. Cantillo	Yes

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**1. RESOLUTION OF THE BRICK TOWNSHIP
BOARD OF EDUCATION, COUNTY OF OCEAN,
STATE OF NEW JERSEY, INVOKING THE
DOCTRINE OF NECESSITY**

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, questions arose regarding how a Board should invoke the Doctrine of Necessity when a quorum of a Board of Education has conflicts of interest 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 sets 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 School Ethics Commission, by resolution dated February 25, 2003, clarified and required a Board of Education invoking the Doctrine of Necessity to adopt a resolution setting forth that the Board is invoking the Doctrine, the reason for doing so, and the specific nature of the conflicts of interest; and

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

WHEREAS, the State Department of Education promulgated N.J.A.C. 6A:23A-

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6.2, which places additional standards and restrictions upon the ability of a board member to vote on a particular issue; and

WHEREAS, the Brick Township Board of Education desires to vote upon the following items:

- Suspension of District Superintendent with pay pending disposition of criminal charges, or until further action by the Board, pursuant to N.J.S.A. 18A:6-8.3.
- Appointment of Acting/Interim Superintendent to replace the suspended Superintendent.

WHEREAS, the Board Attorney has reviewed the State regulations and the advisory decisions of the Commission and determined board member conflicts prohibit three members of the Board from voting on these matters; and

WHEREAS, the three board member conflicts are as follows:

1. John Barton's wife is a teacher in the school district;
2. Michael Conti's wife is a teacher in the school district; and
3. Frank Pannucci's sister is a teacher in the school district

WHEREAS, Brick Township Board of Education currently consists of six (6) members due to a vacancy; and

WHEREAS, the inability of the these board members to vote on above matters, results in the lack of a quorum; and

WHEREAS, in order to vote on the above matters the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Board of Education, County of Ocean, State of New Jersey, as follows:

1. As the three Board members listed above are prohibited from voting on the matters set forth above, the Board hereby invokes the Doctrine of Necessity in order to vote on these matters.
2. This resolution shall be read at an Emergency meeting scheduled by the Board and be posted on the Board's website.
3. That a copy of this resolution shall be forwarded to the School Ethics Commission.

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Ms. Cantillo asked for a motion to Recess for approximately 10 minutes.

On the motion made by Ms. Suter, seconded by Mr. Conti, the Board of Education approved a motion to enter into a recess with the following roll call vote:

Mr. Barton	Yes
Ms. Suter	Yes
Mr. Conti	Yes
Ms. Cusanelli	Yes
Mr. Pannucci	Yes
Ms. Cantillo	Yes

Ms. Cantillo asked for a motion to reconvene.

On the motion made by Ms. Suter, seconded by Mr. Pannucci, the Board of Education approved a motion to reconvene with the following roll call vote:

Mr. Barton	Yes
Ms. Suter	Yes
Mr. Conti	Yes
Ms. Cusanelli	Yes
Mr. Pannucci	Yes
Ms. Cantillo	Yes

Ms. Osborn presented Human Resources item # 2 for approval.

Motion: Mr. Pannucci

Second: Ms. Suter

Questions/Comments from the Board or public:

Mr. Pannucci questioned why the suspension had to be with pay, Mr. Sahradnik answered.

Mr. Pannucci commented on how he did not want the suspension to be with pay.

Mr. Conti also agreed that he did not want the suspension with pay.

On the motion made by Mr. Pannucci, seconded by Ms. Suter, the Board of Education approved Operations item # 2 with the following roll call vote:

Mr. Barton	Yes
Ms. Suter	Yes
Mr. Conti	Yes with prejudice
Ms. Cusanelli	Yes
Mr. Pannucci	Yes with prejudice
Ms. Cantillo	Yes

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2. To approve the Suspension of District Superintendent, Walter Uszenski, with pay pending disposition of criminal charges, or until further action by the Board, pursuant to N.J.S.A. 18A:6-8.3.

Ms. Osborn presented Human Resources item # 3 for approval.
Ms. Cantillo recommended Dr. Caldes name be inserted into the motion.

Motion: Mr. Barton

Second: Mr. Conti

Questions/Comments from the Board or public:

Ms. Suter suggested that the appointment be made for 90 days.

Several members of the Board discussed what Dr. Caldes should be paid.

Ms. Cantillo questioned where this would fit into the budget, Mr. Edwards answered.

On the motion made by Mr. Barton, seconded by Mr. Conti, the Board of Education approved Operations item # 3 with the following roll call vote:

Mr. Barton	Yes
Ms. Suter	Yes
Mr. Conti	Yes
Ms. Cusanelli	Yes with prejudice
Mr. Pannucci	Yes
Ms. Cantillo	Yes

3. To approve the appointment of Dr. Richard Caldes Interim Superintendent to replace the suspended Superintendent at a per diem rate of \$682.69, effective May 8, 2015 through July 31, 2015.

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BOARD COMMENT:

None

PUBLIC COMMENT:

One member of the public commented on the fact that they didn't believe Dr. Caldes should be getting an increase for this appointment.

ADJOURNMENT

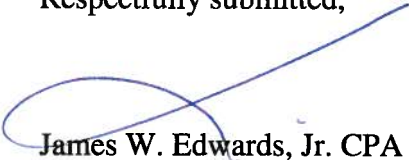
There being no further business before the Board, at 7:40 PM a motion was made by Mr. Pannucci, seconded by Mr. Conti, with the following roll call vote, the Board of Education **adjourned** this meeting.

Motion: Mr. Pannucci

Second: Mr. Conti

Mr. Barton	Yes
Ms. Suter	Yes
Mr. Conti	Yes
Ms. Cusanelli	Yes
Mr. Pannucci	Yes
Ms. Cantillo	Yes

Respectfully submitted,


James W. Edwards, Jr. CPA
Business Administrator/Board Secretary