

**BRICK TOWNSHIP BOARD OF EDUCATION
MINUTES
EMERGENCY MEETING
DATE: SEPTEMBER 30, 2015**

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

Present: Mr. Barton, Ms. Suter, Mr. Conti, Dr. Gagliardi (Present via Teleconferencing pursuant to N.J.S.A. 10:4-6, Mr. Pannucci and Ms. Cantillo

Absent: Ms. Cusanelli

Also present: Dr. Caldes, Interim Superintendent of Schools
Mr. Edwards, Business Administrator/Board Secretary
Ms. McNamara, District Testing Coordinator
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 indictment of 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 5:09 p.m. September 29, 2015 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. Pannucci

Second: Ms. Suter

Questions/Comments from the Board or public:

None

On the motion made by Mr. Pannucci, seconded by Ms. Suter, the Board of Education approved Human Resources item # 1 with the following roll call vote:

Mr. Barton	Yes
Ms. Suter	Yes
Mr. Conti	Yes
Dr. Gagliardi	Yes
Ms. Cusanelli	Absent
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 on the Doctrine of Necessity 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 public meeting scheduled by the Board, 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-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 ("Board") desires to discuss and vote upon a resolution authorizing the suspension of the District Superintendent without pay pending the disposition of the criminal charges set forth in an indictment handed up by the Ocean County Grand Jury on September 29, 2015, or until further action by the Board, pursuant to N.J.S.A. 18A:6-8.3; and

WHEREAS, the Board Attorney has reviewed the State regulations and the advisory decisions of the Commission and determined board member conflicts prohibit five (5) members of the Board from voting on these matters; and

WHEREAS, the five (5) board member conflicts are as follows:

1. John Barton's wife is a teacher in the school district and Mr. Barton is an NJEA member employed in another district;
2. Michael Conti's wife is a teacher in the school district;
3. Frank Pannucci's sister is a teacher in the school district;
4. Dr. Vito Gagliardi Sr.'s sister-in-law is a teacher aide in the school district; and
5. Sharon Cantillo's niece is a teacher in the school district, which conflict recently became known as a result of the School Ethics Commission's issuance of Advisory Opinion A09-15 on July 28, 2015.

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WHEREAS, the Brick Township Board of Education currently consists of seven (7) board members; and
WHEREAS, the inability of the above five (5) listed board members to vote on the 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 five (5) 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 a Resolution suspending the District's Superintendent without pay, effective September 29, 2015, pending the disposition of the criminal charges set forth in an indictment handed up by the Ocean County Grand Jury on September 29, 2015, or until further action by the Board, pursuant to N.J.S.A. 18A:6-8.3.
2. This resolution shall be read at the September 30, 2015 emergency meeting scheduled by the Board and be posted on the Board's website for no less than thirty (30) days.
3. That a copy of this resolution shall be forwarded to the School Ethics Commission.

Mr. Edwards presented Human Resources item # 2 for approval.

Motion: Ms. Suter

Second: Mr. Conti

Questions/Comments from the Board or public:

Ms. Suter questioned item #2, Mr. Sahradnik answered.

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

Mr. Barton	Yes
Ms. Suter	Yes
Mr. Conti	Yes
Dr. Gagliardi	Yes
Ms. Cusanelli	Absent
Mr. Pannucci	Yes
Ms. Cantillo	Yes

2. To ratify the suspension of the District Superintendent without pay, effective September 29, 2015, pending the disposition of the criminal charges set forth in the indictment handed up by the Ocean County Grand Jury on September 29, 2015, or until further action by the Board, pursuant to N.J.S.A. 18A:6-8.3.

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BOARD COMMENT:

None

PUBLIC COMMENT:

Several Members of the Public commented and asked questions on item #2, Mr. Sahradnik, Dr. Caldes, Ms. Cantillo and Mr. Edwards answered.

ADJOURNMENT

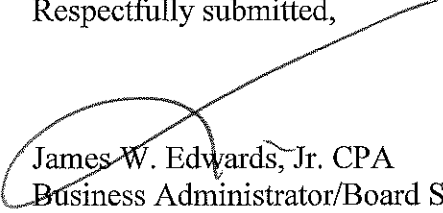
There being no further business before the Board, at 7:17 PM a motion was made by Mr. Pannucci, seconded by Mr. Conti, with the following roll call vote, the Board of Education **adjourned** this meeting.

Motion: Mr. Pannucci

Second: Mr. Conti

Mr. Barton	Yes
Ms. Suter	Yes
Mr. Conti	Yes
Dr. Gagliardi	Left meeting at 7:10 PM
Ms. Cusanelli	Absent
Mr. Pannucci	Yes
Ms. Cantillo	Yes

Respectfully submitted,


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