

**EXTRACT FROM THE MINUTES
OF A MEETING OF THE BOARD OF EDUCATION
OF THE BOROUGH OF NETCONG, MORRIS COUNTY
NEW JERSEY, AS RECORDED IN THE OFFICIAL MINUTE BOOK**

Certified Minutes of the Regular Meeting on November 23, 2020

The following members were present: Mrs. Gervasio, Mr. Kranz, Mrs. Lapsley, Mr. Morton, Ms. Santalucia, Mrs. Santana, Mr. Stevens, Mrs. Dalesandro

Not Present: Mr. Costanzo

Also Present: Mrs. Walsh, Superintendent
Mr. Stabile, Business Administrator/Board Secretary
Mrs. Gutierrez, Board Attorney

On a motion by Mrs. Kranz, seconded by Mr. Stevens to approve the following resolution:

RESOLUTION 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, to provide specific ethical standards to guide the conduct of school officials, and to establish a disciplinary mechanism to ensure the uniform maintenance of these ethical standards; and

WHEREAS, the Board of Education has consulted with its counsel to determine when it is appropriate to invoke the Doctrine of Necessity; and

WHEREAS, the Board of Education wishes to resolve the pending lawsuit against the Board of Education and eight current and former Board members, Docket Number MRS-L-683-18 (“the lawsuit”); and

WHEREAS, there is a pressing need for action in order for the Board to ratify the tentative settlement agreement that has been reached between the Board of Education and the Plaintiff; and

WHEREAS, the ratification of the settlement agreement requires a vote by the full Board of Education; and

WHEREAS, several Board members have conflicts of interest that would render them unable to vote on the ratification of the settlement agreement; and

WHEREAS, the entire Board is a named defendant and therefore potentially has a conflict in voting to approve the settlement; and

WHEREAS, the specific nature of the individual conflicts of interest are as follows:

Bernadette Dalesandro, Kerri Santalucia, Charles Kranz, and Jennifer Santana are current board members and are individually named defendants in the lawsuit subject to the settlement agreement; and

The entire Board of Education is a named defendant in the lawsuit subject to the settlement; and

WHEREAS, the inability of the aforementioned Board members to participate in the vote on the ratification of the settlement agreement would result in the lack of a quorum necessary to approve and ratify the settlement agreement; and

WHEREAS, the inability of the Board to vote upon the ratification of the settlement agreement would preclude the Board from resolving the lawsuit brought against it by the Plaintiff;

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WHEREAS, the Board of Education needs to invoke the Doctrine of Necessity in order to vote on the settlement agreement to resolve said lawsuit; and

WHEREAS, it is in the best interest of the Netcong Public School District to settle said lawsuit;

NOW THEREFORE BE IT RESOLVED that the Board of Education hereby invokes the Doctrine of Necessity in order to allow the full body of the Board to vote on the ratification of the settlement agreement in order to resolve the lawsuit under Docket Number MRS-L-683-18; and

BE IT FURTHER RESOLVED that this Resolution shall be read in its entirety at a scheduled public meeting of the Board on November 23, 2020; and

BE IT FURTHER RESOLVED that this Resolution shall be posted on the Board's website and in all other places where the Board regularly posts public notices, for thirty (30) days; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the School Ethics Commission; and

BE IT FURTHER RESOLVED that the Superintendent of Schools, the School Business Administrator, and the Board Attorney are authorized to take whatever steps are necessary to effectuate the purposes of this resolution.

AYES: Mrs. Gervasio, Mr. Kranz, Mrs. Lapsley, Mr. Morton, Ms. Santalucia, Mrs. Santana, Mr. Stevens, Mrs. Dalesandro

NAYS: None

ABSTAIN: None

STATE OF NEW JERSEY
COUNTY OF MORRIS

I, Paul Stabile, Secretary of the Board of Education of the Borough of Netcong, in the County of Morris, State of New Jersey, hereby certify that the foregoing extract from the minutes of the meeting of the Board of Education of said district duly called and held on November 23, 2020 has been compared by me with the original minutes as officially recorded in my office in the minute book of said Netcong Board of Education and is a true complete copy thereof and of the whole of said original minutes as far as the same relate to the subject matter referred to in said extract; in witness I have hereunto set my hand and affixed the corporate seal of the Board of Education this 23rd day of November, 2020.



Paul Stabile
Business Administrator/Board Secretary