

CALL TO ORDER

The meeting was called to order by President Dalesandro at 7:03 pm

FLAG SALUTE was led by President Dalesandro

OPEN PUBLIC MEETING ACT

The New Jersey Open Public Meeting Law was enacted to ensure the right of the public to have advance notice of and to attend the meetings of public bodies at which any business affecting their interest is discussed or acted upon. In accordance with the provisions of the Act the Board of Education of the Netcong School District in the County of Morris has caused notice of this meeting to be published by having the date, time and place thereof posted. The notice was mailed to the Daily Record and those persons or entities requesting notification and filed with the municipal clerk of the Borough of Netcong.

Due to the public health emergency in the State of New Jersey, the Board will be conducting a virtual meeting. Directions for accessing the virtual public meeting were posted on the District website: netcongschool.org

ROLL CALL

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

Absent: Mr. Costanzo

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

PRESIDENT'S COMMENTS

Welcomed and thanked those who are attending tonight's meeting

SUPERINTENDENT'S COMMENTS

No Report

SCHOOL BUSINESS ADMINISTRATOR / BOARD SECRETARY COMMENTS

No Report

EXECUTIVE SESSION

On a motion by Mr. Stevens, seconded by Mr. Kranz to recess into executive session at 7:05pm. Approved by voice vote. All in favor

RESOLVED, pursuant to N.J.S.A. 10:4:13 and 10:4-12 that the Netcong Board of Education hold a closed Executive Session regarding a legal matter for an estimated time of 60 minutes and action will be taken at the conclusion of the executive session. It is expected that the discussion undertaken in this closed session can be made public at the time official action will be taken.

On a motion by Mr. Kranz, seconded by Mr. Morton to close the executive session at 8:17pm. Approved by voice vote. All in Favor.

ROLL CALL

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

Absent: Mr. Costanzo

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

HEARING OF CITIZENS

On a motion by Mr. Morton, seconded by Mr. Stevens to open the hearing of citizens. Approved by voice vote. All in favor.

Public is invited to address the Board with any questions, comments or concerns. The Board requests that the individual address the Board, giving name and address, and asks that all remarks be directed to the Chair. The public portion shall be limited to thirty minutes with a five-minute time limit on each participant. The Board wishes to remind all attendees at its meeting that while it subscribed without reservation to the principle of keeping the public completely informed, by policy it cannot allow public discussion of personnel matters. If a matter concerning the staff of the Netcong Public School is of interest or concern, the matter would be referred to the Superintendent or the Board of Education, either by telephone or letter.

No comments from the public

On a motion by Mr. Morton seconded by Mr. Stevens to close the hearing of citizens. Approved by voice vote. All in favor.

ACTION ARISING FROM EXECUTIVE SESSION

Mrs. Gutierrez, Board Attorney stated that the Board is is required to adopt a resolution invoking the Doctrine of Necessity.

On a motion by Mr. Kranz, seconded by Mr. Stevens that the following resolution be approved as presented:

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;

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.

Roll Call Vote to Adopt the Doctrine of Necessity:

Roll Call:

Mr. Costanzo – Absent; Mrs. Gervasio – Yes; Mr. Kranz – Yes; Mrs. Lapsley – Yes; Mr. Morton – Yes; Ms. Santalucia – Yes; Mrs. Santana – Yes; Mr. Stevens – Yes; Mrs. Dalesandro – Yes

On a motion by Mr. Kranz, seconded by Mr. Stevens that the following resolution be approved as presented:

RESOLUTION APPROVING SETTLEMENT AGREEMENT

WHEREAS, the Netcong Board of Education and several individual board members were named defendants in a lawsuit under Docket Number MRS-L-683-18; and

WHEREAS, the Netcong Board of Education finds that it is in the best interest of the school district to approve said settlement agreement;

NOW THEREFORE BE IT RESOLVED that the Netcong Board of Education hereby resolves to approve the settlement agreement in the lawsuit under Docket Number MRS-L-683-18; and

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

Roll Call:

Mr. Costanzo – Absent; Mrs. Gervasio – Yes; Mr. Kranz – Yes; Mrs. Lapsley – Yes; Mr. Morton –Yes; Ms. Santalucia – Yes; Mrs. Santana – Yes; Mr. Stevens – Yes; Mrs. Dalesandro - Yes

ADJOURNMENT

On a motion by Mr. Stevens, seconded by Mrs. Gervasio to adjourn the meeting at 8:27pm. Approved by voice vote. All in Favor.

Respectfully Submitted,

P Stabile

Paul Stabile

Business Administrator/Board Secretary