

September 4, 2012

The Board of Education of the Borough of Manasquan, Monmouth County, met for the Special Meeting on Tuesday, September 4, 2012, at 7:00 p.m., in the Manasquan Elementary School Cafeteria

Mrs. LaSala called the meeting to order and read the following Opening Statement: Pursuant to New Jersey Administrative Code, Title 10, Chapter 4, Subchapter 10, notice of this meeting has been provided by publication in the Asbury Park Press and the Coast Star and posted in the Borough Hall of Manasquan and in the schools within the time limits prescribed by law.

Mrs. LaSala requested that everyone join in the Pledge of Allegiance.

Present for Roll Call: Thomas B. Bauer, Jack Campbell, Linda DiPalma, Michelle LaSala, Michael Shelton, Katherine Verdi, Patricia T. Walsh, Manasquan Board of Education Elected Members (MEB), Julia Barnes and Mark Furey, Sending District Representatives (SDR). Absent: John Winterstella (MEB) and Michelle Degnan-Spang (SDR)

Also Present: Margaret M. Hom, Business Administrator/Board Secretary; Mr. Robert Mahon, Mr. McOmber, Board Attorney, representatives of The Coast Star and members of the public.

Mrs. LaSala reported that Mrs. Degnan-Spang had a work commitment and Mr. Winterstella has a schedule conflict and would not be present this evening.

Mrs. LaSala read the Mission Statement: Manasquan School District's mission is to empower students to reach their potential and become life-long learners. We strive to ensure that students play an active role in their education, are guided by rigorous academic standards aligned to the New Jersey Core Curriculum Content Standards, and function within a community that regards students, educators and parents as full participants in the educational process. We dedicate ourselves to the realization of a supportive learning environment that nurtures growth, personal integrity and mutual respect.

Mrs. LaSala turned the meeting over to Mr. McOmber.

He reported that this was a special meeting and due to circumstances beyond the control of anyone and because of the timing of the matter being dealt with tonight there is some question as to whether the notice sent to the newspapers and the other required recipients was in time and complete. He recommended that the Board adopt a resolution to conduct an emergency meeting. Mr. McOmber said he would read the resolution and if accepted by a member of the Board he would ask that it be moved, seconded and approved by $\frac{3}{4}$ of the Board. He pointed out that if $\frac{3}{4}$ of the Board did not approve the resolution the Board could not conduct an emergency meeting. A copy of the resolution will be made part of the formal minutes.

On a motion by Mr. Shelton, seconded by Mrs. Verdi, it was RESOLVED by roll call vote of all those present in favor by the Manasquan Board of Education to approve the holding of the emergency meeting and agreed that due to the reasons set forth in this Resolution and others, the meeting is an emergency meeting within the provisions of N.J.S.A. 10:4-9(b). (MEB/SDR)

Mrs. LaSala read the following Statement to the Public: 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

Call to Order

***Pledge of
Allegiance***

Roll Call

***Mission
Statement***

***Emergency
Meeting
Resolution***

***Statement to
the Public***

September 4, 2012

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 the Superintendent of Schools 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. In rare instances, matters are presented to the Board of Education for discussion at the same meeting that final action may be taken.

*Statement to
the Public
(continued)*

Mrs. LaSala read the following statement prior to opening the Public Forum for discussion on agenda items:

Public Forum

Time may be allocated for public comment at this meeting. Each speaker may be allotted a limited time 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. During the public participation portions of this meeting, the Board will not respond to questions from the public 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. This public forum is limited to comment on items included in this agenda only.

Mrs. LaSala closed the Public Forum seeing no questions or comments from the public.

Mrs. LaSala read the Sunshine Law Resolution:

*Sunshine Law
Resolution*

WHEREAS, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. allows for the exclusion of the public from that portion of a public meeting when certain matters which might endanger the public interest or risk the deprivation of individual rights are discussed; and

NOW THEREFORE BE IT RESOLVED that the Board of Education wishes to discuss the following matters in a non-public closed meeting with the resulting discussion being made public when a proper conclusion has been reached and there is no longer a need for confidentiality;

Under #7 – Any pending or anticipated litigation or contract negotiations other than collective bargaining contract negotiations in which the Board of Education is or may become a party or any matter falling within the attorney-client privilege to the extent confidentiality is required in order for the attorney to exercise his or her ethical duties as an attorney; and

Under #8 – Any matter involving the employment, appointment, termination of employment and the conditions of employment, evaluation or disciplining of any specific employee, unless the individual employee requests in writing that the matter be discussed at a public meeting. (discussion of performance of the Superintendent of Schools).

NOW, THEREFORE, BE IT RESOLVED, that that Manasquan Board of Education will hold a closed executive session immediately in the Manasquan Elementary School Media Center, 168 Broad Street, Manasquan, New Jersey. It is anticipated that the closed session will not last longer than sixty (45) minutes. The Board of Education will be returning to public session after the closed session and action may be taken during the public portion of the meeting following the recess of the Closed Executive Session.

September 4, 2012

On a motion by Mr. Campbell, seconded by Mrs. Walsh, it was RESOLVED by roll call vote of all those present in favor by the Manasquan Board of Education to enter into closed session. (MEB/SDR)

Mrs. LaSala reconvened the Special Meeting and asked for Roll Call.

Present for Roll Call: Thomas B. Bauer, Jack Campbell, Linda DiPalma, Michelle LaSala, Michael Shelton, Katherine Verdi, Patricia T. Walsh, Manasquan Board of Education Elected Members (MEB), Julia Barnes and Mark Furey, Sending District Representatives (SDR). Absent: John Winterstella (MEB) and Michelle Degnan-Spang (SDR)

Also Present: Margaret M. Hom, Business Administrator/Board Secretary; Mr. Robert Mahon, Mr. McOmber, Board Attorney, representatives of The Coast Star and members of the public.

Mrs. LaSala asked for a motion to approve 09/4-01.

On a motion by Mrs. Walsh, seconded by Mr. Shelton, it was RESOLVED by roll call vote of all those present in favor by the Manasquan Board of Education to approve an administrative paid leave for Geraldine Margin, Superintendent of Schools, commencing September 4, 2012. (MEB/SDR)

Mrs. LaSala asked for a motion to approve 09/4-02.

On a motion by Mr. Bauer, seconded by Mrs. DiPalma, it was RESOLVED by roll call vote of all those present in favor by the Manasquan Board of Education to approve the appointment of Robert J. Mahon as Acting Superintendent of Schools for the Manasquan School District, effective with the opening of school on the morning of September 4, 2012 at a per diem rate of \$605.77. The Board of Education directs its attorneys to prepare an Employment Agreement between the Board of Education and Mr. Mahon. (MEB/SDR)

Mrs. LaSala pointed out that the per diem rate is set by the State and not set by the Manasquan Board of Education.

Prior to public comment, Mrs. LaSala reported that as of the September 18th meeting the Board of Education the Board will be holding their meetings in the High School Media Center.

Mrs. LaSala also stated that Board Members are not permitted to comment on personnel matters and Mrs. Margin's administrative leave means that she is entitled to the same rights as every district employee therefore all Board Members will not make comment to the media or public on this matter.

Mrs. LaSala opened the second Public Forum.

Peter Pappas, No. Main Street, Manasquan, asked how long the Board planned on having Mr. Mahon serve in this position. Mr. McOmber replied that at this point in time the Board was not sure of the duration of Mr. Mahon's appointment.

Mr. Pappas asked for clarification on a statement made noting a two-month period. Mr. McOmber replied that he did not have any recollection of making such a statement.

Mr. Pappas questioned where the Board would get the funds to pay both Mrs. Margin and Mr. Mahon. Mr. McOmber advised the Board not to address any questions on this topic.

***: Motion to enter
: Closed Session***

***: Meeting
: Reconvened***

: Roll Call

***: Administrative
: Paid Leave for
: G. Margin***

***: Appointment of
: Robert Mahon
: Acting
: Superintendent***

: Public Forum

September 4, 2012

Mr. Pappas asked if at some point in time the taxpayers would be informed of the cost. Mr. McOmber replied that when action is taken by the Board it would be conducted in a public session and approved at a public meeting with the opportunity for public comment.

Donna Ruggerio, Long Avenue, Manasquan, welcomed Mr. Mahon and commented that whatever is spent at this point to make improvements to the district as opposed to continuing as we were is money well spent.

Mrs. LaSala closed the second Public Forum seeing no additional questions or comments from the public.

Mrs. LaSala asked for a motion to adjourn the Special Meeting.

On a motion by Mrs. Verdi, seconded by Mr. Campbell, it was RESOLVED by voice vote of all those present in favor by the Manasquan Board of Education to adjourn the Special Meeting.

Respectfully submitted,

Margaret M. Hom
Business Administrator/Board Secretary

Public Forum
(continued)

Adjournment

***BOARD OF EDUCATION OF THE BOROUGH OF
MANASQUAN, IN THE COUNTY OF MONMOUTH***

RESOLUTION TO CONDUCT AN EMERGENCY MEETING

September 4, 2012

7:00 p.m.

RECITALS:

A. *N.J.S.A. 10:4-6, et seq.*, commonly known as “The Sunshine Law,” requires that Special Meetings of public bodies such as the Board of Education of the Borough of Manasquan, in the County of Monmouth (“Board of Education”) be called only with adequate advance notice of the meeting to the public. Adequate notice of a Special Meeting of the Board of Education must be given, in writing, with the Agenda to the extent known sufficiently in advance so that the newspapers selected by the Board of Education may publish notice of the Special Meeting at least 48 hours before the meeting. The statutes also require that the notice be properly posted in at least one public place reserved for such announcements, filed with the Clerk of the governing body of the Borough and sent to those persons requesting that such notice be mailed to them;

B. Notwithstanding the above statutory requirements, a public body such as a board of education may hold an emergency meeting when required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would likely result in substantial harm to the public interest;

C. At the commencement of an emergency meeting, the Presiding Officer must announce publicly and have entered into the Minutes that adequate notice was not

provided, the nature of the urgency, the harm to the public in delaying the meeting, the limitation on the matter discussed at the meeting, the time, place and manner in which notice was provided and the reason why a need for the meeting could not have been foreseen and why adequate notice could not be provided;

D. The Board of Education and Geraldine Margin, Superintendent of Schools, determined on Friday, August 31, 2012, that the Board of Education would be requested to approve administrative leave for Mrs. Margin effective Tuesday, September 4, 2012, and that it would therefore be necessary for the Board of Education to appoint an Acting Superintendent of Schools as of the commencement of the school day on Tuesday, September 4, 2012, in accordance with law and to ensure the continued and seamless operation of the school district;

E. Several notices of the time, date and place of this meeting were given in writing by facsimile to *The Asbury Park Press* and to *The Coast Star* as well as the Municipal Clerk of the Borough of Manasquan and set forth on the website maintained by the Board of Education. The notices provided that action might be taken and the public was invited to attend the meeting;

F. Notwithstanding the provision of said notices by the Board of Education, the Board of Education can not be certain that adequate notice of the meeting and Agenda was provided as required by *N.J.S.A. 10:4-6, et seq.*; and

G. The Board of Education believes that if this meeting is delayed until proper notice is able to be given, there will harm to the public and that notice could not have

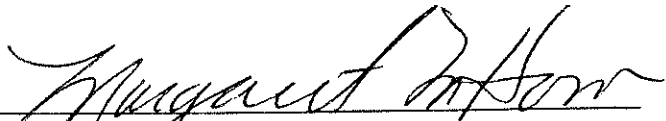
been given in accordance with the provisions of *N.J.S.A. 10:4-6, et seq.* due to the timing of the administrative leave of Mrs. Margin.

NOW THEREFORE BE IT RESOLVED, by the Board of Education as follows:

1. The Recitals set forth above are incorporated into and made a part of this Resolution.

2. The Board of Education believes that an emergency meeting is required for the reasons included in this Resolution and that if a meeting were delayed until adequate advance notice could be given, the Board of Education and its staff and students would be greatly harmed.

3. Three-quarters (3/4) of the Members of the Board of Education attending this meeting have consented to the holding of the meeting and agreed that due to the reasons set forth in this Resolution and others, the meeting is an emergency meeting within the provisions of *N.J.S.A. 10:4-9(b)*.


MARGARET M. HOM
School Business Administrator/
Board Secretary