

March 30, 2012

The Board of Education of the Borough of Manasquan, Monmouth County, met for a Special Open Business Meeting on Friday, March 30, 2012, at 5:00 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.

*Call to Order*

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

*Pledge of Allegiance*

Present for Roll Call: Trisha Brown, Jack Campbell, Linda DiPalma, Michelle LaSala, Chris Muly, Jim Smith, Katherine Verdi and John Winterstella, Manasquan Board of Education Elected Members (MEB), Michele Degnan-Spang and Mark Furey, Sending District Representatives (SDR), Billy Acciavatti and Alec Lorenzo, Student Liaisons. Absent: Thomas B. Bauer (MEB), Julia Barnes (SDR), Billy Acciavatti and Alec Lorenzo, Student Liaisons.

*Roll Call*

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

Mr. McOmber explained that the purpose of tonight's meeting was a result of the 4 to 3 vote of March 27, 2012 to adopt the budget and the statutes for the adoption of a budget requires a majority of the full board so as a result of this requirement, 5 votes were needed for approval. Mr. McOmber apologized to the Board and the public for it being necessary to meet again on a Friday afternoon to correct this oversight. He said that a conversation took place with Mr. Passiment, the County Superintendent, who directed the Board to have the meeting at this time. He pointed out that this error was learned on Wednesday at approximately 2:00 p.m. and there was some question as to whether this meeting was properly noticed in accordance with the 48 hour notice requirement. He reported that the Coast Star did publish a notice yesterday advising of the meeting along with Honeywell alerts and the posting on the website. He said that in the event there is question raised as to whether the Board is in compliance with the act under the 48 hour notice provision he asked the Board that they adopt a resolution to conduct an emergency meeting which he read as follows:

Prior to Mr. McOmber reading the resolution, Mrs. LaSala asked that the minutes reflect that Mrs. Verdi did inform her that she would be leaving the meeting early on the 27<sup>th</sup>.

Mrs. Verdi did confirm that she told the Board President that she would need to leave the meeting at 8:00 p.m. and actually did not leave until 8:15 p.m.

Mr. McOmber read the following Resolution to Conduct an Emergency Meeting:  
Recitals: (A) N.J.S.A. 10:4-6, 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 advance notice of the meeting to the public. Adequate notice of a Special Meeting of the Board of Education must be given, in writing, 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 notices be mailed to them; (B) notwithstanding the above 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

*Resolution to Conduct an Emergency Meeting*

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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) On March 27, 2012, the regular monthly meeting of the Board of Education was held at which time a public hearing was held in accordance with law for the 2012-2013 school budget ("Budget") of the Board of Education; (E) The public hearing on the budget took place, however, the budget failed to be adopted by the majority vote of the members of the Board of Education; (F) As a result of the failure of the Board of Education to adopt the budget in the time prescribed by law, the Interim Executive County Superintendent - Monmouth County directed that the Board of Education hold a meeting no later than 5:00 p.m., on Friday, March 30, 2012 to again consider and vote on the budget; (G) Notice was provided by the Board of Education to the official newspaper and The Coast Star at 2:00 p.m. on Wednesday, March 28, 2012 of the meeting being held this evening and forwarded to the Borough Hall of the Borough of Manasquan for posting, posted in the public place reserved for such announcements, posted on the website of the Board of Education, sent to any individuals requesting notices of meetings of the Board of Education and an alert was sent out via the Honeywell Instant Alert System; (H) The Board of Education is aware that notice of the meeting was published in The Coast Star on Thursday, March 29, 2012; (I) Notwithstanding the provision of said notices by the Board of Education, the Board of Education does not believe that the notices were received by the required recipients within the time required by N.J.S.A. 10:4-6 et seq.: (J) Written notice of the time, date and place of the meeting was given, in writing, by facsimile on March 28, 2012 to The Asbury Park Press and 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 notice did provide that action would be taken and that the public was invited to attend the meeting; and (K) Based on the legal requirements concerning the adoption of the budget by the Board of Education, the direction of the Interim Executive County Superintendent - Monmouth and the requirement that the Board of Education approve a budget, the Board of Education believes that if this meeting is delayed until proper notice is able to be given, there will be harm to the public and that notice could not have been given in accordance with the provisions with N.J.S.A. 10:4-6 et seq. due to the fact that the failure of the budget to be adopted by the Board of Education did not happen until Tuesday evening, March 27, 2012.

***Resolution to  
Conduct an  
Emergency  
Meeting  
(continued)***

NOW THEREFORE BE IT RESOLVED, by the Board 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 proper notice could be promulgated, the Board of Education and its staff and students would be greatly harmed.
3. Three-quarters (3/4) of the Members of the Board 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).

On a motion by Mrs. Brown, seconded by Mr. Campbell, it was RESOLVED by roll call vote of all those present in favor by the Manasquan Board of Education to approve the Resolution to Conduct an Emergency Meeting.

***Motion to  
Approve  
Resolution***

Mr. McOmber brought to the attention of the Board the issue of whether the sending receiving representatives may vote on the budget. He pointed out that they may vote on the budget; however, their vote has no impact. He referred to the statute that clearly states the areas that may be voted on by sending/receiving members and the budget is not one of these areas. He pointed out that they would be permitted to vote on the budget as a show of support but the vote will have no legal significance and will not count towards the majority that it will take to pass the budget.

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Mrs. LaSala asked that the minutes reflect that Mr. Bauer advised her that he had a previous obligation this evening and would be unable to attend the meeting.

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 matter is ready to be presented to the Board of Education, almost without exception, 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***

On a motion by Mr. Winterstella, seconded by Mr. Campbell, it was RESOLVED by roll call vote in favor by the Manasquan Board of Education to approve the re-adoption of the final 2012-2013 School District Budget, as specified in **Document 1. 03/30-01 (MEB)**

***Re-adoption of  
The 2012-2013  
School District  
Budget  
Document 1***

Roll Call Vote as follows:

Mrs. Brown – no	Mrs. LaSala – yes
Mr. Campbell – yes	Mrs. Muly – yes
Mrs. Degnan-Spang – abstain	Mr. Smith – no
Mrs. DiPalma – yes	Mrs. Verdi – yes
Mr. Furey – yes	Mr. Winterstella – yes

Mrs. LaSala the following statement prior to opening the Public Forum: Time may be allocated for public comment at the 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.

***Public Forum***

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

Mrs. LaSala asked for a motion to adjourn the Special Open Business Meeting seeing no need to enter into Closed Executive Session.

On a motion by Mr. Campbell, seconded by Mrs. Verdi, it was RESOLVED by voice vote of all those present in favor by the Manasquan Board of Education to adjourn the Special Open Business Meeting. (MEB/SDR) 03/30-02

***Motion to  
Adjourn***

Respectfully submitted,

Margaret M. Hom  
Business Administrator/Board Secretary

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