

BEACH HAVEN BOARD OF EDUCATION  
Beach Haven, NJ 08008

PUBLIC MINUTES  
BUSINESS MEETING

PLACE: Beach Haven Elementary School  
DATE: June 20, 2019  
TIME: 5:00 p.m.

CALL TO ORDER:

New Jersey Open Public Meetings 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 interests is discussed or acted upon. In accordance with the provisions of this Act, the Beach Haven Board of Education has caused notice of this meeting to be given by having the date; time and place mailed into the Clerk of the Municipality; advertised in Asbury Park Press and mailed to the County Superintendent of Schools.

ROLL CALL:

Name	Present	Absent
Irene Hughes	X	
Jean Frazier	X	
Carol Labin	X	
Jen Tomlinson	X	
Meredith O'Donnell	X	

Also present were Dr. Christopher Meyrick, Superintendent, and Steve Terhune, Business Administrator.

FLAG SALUTE: Pledge of Allegiance to the Flag

PUBLIC AND EXECUTIVE SESSION MINUTES TO BE APPROVED FOR:

1. Regular Monthly Public and Executive Minutes of May 22, 2019

Name	Motion	Yes	No	Abstain
Irene Hughes	2nd	X		
Jean Frazier		X		
Carol Labin	1st	X		
Jen Tomlinson		X		
Meredith O'Donnell		X		

PRESENTATION: No presentations

COMMUNICATIONS: Mrs. Hughes indicated that letters received regarding personnel items have been shared with all Board of Education members.

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COMMUNICATION FROM THE PUBLIC (AGENDA ITEMS ONLY)

This meeting will now be open to the public for comments on specific Agenda Items only. If your comment pertains to students, personnel, litigation or negotiations, we would ask that you see the Administrator after the meeting since the Board does not discuss such items in public.

Please state your name and address. Comments must be limited to three minutes per person.

No members of the public wished to address the Board at this time.

SUPERINTENDENT RECOMMENDATIONS:

Actions to Be Taken:

Finance/Operations:

1. To authorize the Superintendent of Schools to make the following transfers within accounts for the month of May 2018.
2. BE IT RESOLVED by the Beach Haven Board of Education that the June 2019 bills totaling \$64,389.98 as well as the May 2019 Payroll Bills totaling \$105,964.48 for 2018-2019 to be paid, and the Secretary and the President be hereby authorized, and directed to draw orders on the Treasurer for the payment of same, if and when funds are available.
3. To accept the financial report of the Secretary for the month ending May 31, 2019: Balance on hand \$1,539,188.62.

Board Secretary's Month Certification  
Budgetary Line Item Status

Certification of No Over Expenditures – Recommend acceptance that pursuant to N.J.A.C. 6A:23-2.12(c)3, Steven Terhune, School Business Administrator/Board Secretary, certifies that as of May 31, 2019, no budgetary line item account has obligations and payments (contracted orders) which in total exceed the amount appropriated by the District Board of Education pursuant to N.J.S.A.18A:22-8 and 18A:22-8.1, which would be in violation of N.J.A.C. 6A:23-2.12 (a), that the District financial accounts have been reconciled and are in balance.

\_\_\_\_\_  
Board Secretary/Business Administrator

\_\_\_\_\_  
Date

Board Certification – Recommend acceptance that through the adoption of this resolution, the Beach Haven Board of Education, pursuant to N.J.A.C. 6A:23-2.12 (c) 4, certifies that as of May 31, 2019, after review of the Secretary's monthly financial report (appropriations' section) and upon consultation with the Business Administrator and other appropriate district officials, that to the best of our knowledge, no major

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account or fund has been over-expended in violation of N.J.A.C. 6A:23-2.12 (c)4 i.-vi and that sufficient funds are available to meet the district's financial obligations for the remainder of the fiscal year.

4. To accept the financial report of the Treasurer of School Monies ending May 2019.

5. To acknowledge receipt of the Chapter 47 Annual Contract List.

6. To accept the following allocations for Federal Grants for FY 20 and authorize filing of applications with the NJ Department of Education:

ESEA:

Title I: \$20,197

Title IIA: \$2,251 - Consortium with Southern Regional

Title IV: \$10,000

IDEA:

Basic: \$15,660

Pre-School: \$531

7. To authorize the renewal of the district's membership in the School Alliance Insurance Fund for the period from July 1, 2019 through June 30, 2022 for the following coverages under the operating procedures, bylaws and other organizational documents of the Fund. Additionally, the Business Administrator shall be appointed as the district's Fund Commissioner and is authorized to execute the renewal Indemnity and Trust Agreement.

Property/IM Boiler/Mach/GL/Auto/Crime - \$18,981

School Leaders Professional Liability - \$1,604

Workers Compensation - \$13,157

Umbrella/XS - \$242

Workers Comp. Supplemental - \$910

Total Premiums for 2019-10 - \$34,894 (1.71% increase)

8. Transfer of Current Year to Capital Reserve

WHEREAS, NJSA 18A:21-2, NJSA 18A:7G-31, and NJSA 18A:7F-41 permit a Board of Education to establish and/or deposit into certain reserve accounts at year end, and

WHEREAS, the aforementioned statutes authorize procedures, under the authority of the Commissioner of Education, which permit a board of education to transfer unanticipated excess current revenue or unexpended appropriations into reserve accounts during the month of June by board resolution, and

WHEREAS, the Beach Haven Board of Education wishes to transfer unanticipated excess current year revenue or unexpended appropriations from the general fund into a Capital Reserve account at year end, and

WHEREAS, the Beach Haven Board of Education has determined that an amount not to exceed \$400,000 is available for such purpose of transfer;

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NOW THEREFORE BE IT RESOLVED by the Beach Haven Board of Education that it hereby authorizes the district's School Business Administrator to make this transfer consistent with all applicable laws and regulations.

9. Doctrine of Necessity

It is recommended that the Board adopt the following Doctrine of Necessity:

RESOLUTION OF THE BEACH HAVEN 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 in Public Advisory Opinion A03-9 (April 1, 1998); and

WHEREAS, the opinion set 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 they are 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 regularly scheduled public meeting, post it where it posts public notices for thirty (30) days, and provide the Commission with a copy; and

WHEREAS, the Beach Haven Board of Education ("Board") needs to establish a Board Negotiations Committee in order to negotiate salary increases and a new contract with the Beach Haven Education Association ("BHEA"); and

WHEREAS, the Board Attorney, Isabel Machado, Esq., has reviewed the advisory decisions of the Commission and has determined board member conflicts would otherwise prohibit four (4) of the five (5) board members from participating in negotiations with the BHEA; and

WHEREAS, three (3) board members, namely, Meredith O'Donnell, Jen Tomlinson and Irene Hughes are currently members of the New Jersey Education Association (NJEA); and

WHEREAS, board member, Carol Labin, is a former member of the BHEA / NJEA and previously involved in negotiations prior to retirement; and

WHEREAS, there is only one non-conflicted board member thereby precluding a negotiations committee without invoking the doctrine of necessity; and

WHEREAS, the inability of the above board members to participate in this process results in the lack of a quorum and the establishment of a committee; and

WHEREAS, in order to establish a Negotiations Committee to negotiate salary increases and a new contract with the BHEA, the Board must have a quorum; and

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WHEREAS, the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission in order to form a Negotiations Committee to negotiate salary increases and a new contract with the BHEA.

NOW, THEREFORE, BE IT RESOLVED, by the Beach Haven Board of Education, County of Ocean, State of New Jersey, as follows:

1. That the board members, as noted above, are in conflict by virtue of their association with the NJEA, and the Board therefore invokes the Doctrine of Necessity in order to establish a Negotiations Committee to negotiate salary increases and a new contract with the BHEA.
2. The Board hereby appoints board members, Jean Frazier and Jen Tomlinson, to the Negotiations Committee.
3. That this resolution shall be read at the public meeting of June 20, 2019 and shall be posted where it posts public notices for thirty (30) days.
4. That a copy of this resolution shall be forwarded to the School Ethics Commission by the Board Attorney.

Name	Motion	Yes	No	Abstain
Irene Hughes		X		
Jean Frazier	2nd	X		
Carol Labin		X		
Jen Tomlinson	1st	X		
Meredith O'Donnell		X		

EDUCATION:

1. Approve the Draft 19-20 School Calendar
2. Approve the Draft Marking Period Schedules
3. Approve Entourage Yearbook contract for 19-20 school year

Name	Motion	Yes	No	Abstain
Irene Hughes	1st	X		
Jean Frazier		X		
Carol Labin		X		
Jen Tomlinson	2nd	X		
Meredith O'Donnell		X		

PERSONNEL:

1. Approve Rob Barrett and John Palombo for part-time summer maintenance/custodian help

Name	Motion	Yes	No	Abstain
Irene Hughes	2nd	X		
Jean Frazier		X		

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Carol Labin		X		
Jen Tomlinson	1st	X		
Meredith O'Donnell		X		

**POLICY/REGULATION:**

1. To approve the Monthly Harassment, Intimidation & Bullying Incidents - Zero Incidents for May 2019

Name	Motion	Yes	No	Abstain
Irene Hughes		X		
Jean Frazier		X		
Carol Labin		X		
Jen Tomlinson	2nd	X		
Meredith O'Donnell	1st	X		

**FACILITIES/OPERATIONS:**

1. To acknowledge the performance of a Fire Drill on June 12, 2019 and a Security Drill (evacuation) on June 7, 2019.

Name	Motion	Yes	No	Abstain
Irene Hughes	1st	X		
Jean Frazier		X		
Carol Labin		X		
Jen Tomlinson		X		
Meredith O'Donnell	2nd	X		

**COMMITTEE REPORTS:** The Negotiations Committee reported that the committee has reached a Memorandum of Agreement (MOA) with the Beach Haven Education Association (BHEA). The committee thanked the BHEA for productive and cooperative negotiations.

**OLD BUSINESS:**

**NEW BUSINESS:** Dr. Meyrick discussed the CST Shared Agreement with Southern Regional for the 2019-2020 school year.

1. To approve the CST Shared Services Agreement with the Southern Regional School District for the 2019-2020 school year.

Name	Motion	Yes	No	Abstain
Irene Hughes		X		
Jean Frazier		X		
Carol Labin		X		
Jen Tomlinson	1st	X		
Meredith O'Donnell	2nd	X		

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COMMENTS FROM THE MEMBERS OF THE PUBLIC ON GENERAL TOPICS ONLY

This meeting will now be open to the public for comments on General Items only. If your comment pertains to students, personnel, litigation or negotiations, we would ask that you see the Superintendent after the meeting since the Board does not discuss such items in public.

Please state your name and address. Comments must be limited to three minutes per person.

- A resident asked whether the playground will be used as a parking lot – the Board indicated that this was a township discussion last year but there are no plans for using the playground as a parking lot.
- Several parents spoke regarding the two teachers who were non-renewed in May. They asked the Board to reconsider the vote, spoke about the lack of administrative continuity, concern regarding the impact to the curriculum, questioned the observation processes used, concern about the impact on students, concern about the qualities that the district is seeking in new teachers, questioned the value of public comment, impact on Beach Haven Family and asked about the voting process.
- Several current and former employees spoke regarding the two teachers who were non-renewed in May. They asked the Board to reconsider the vote, spoke about the positive impact the staff members have had, concerned about the turnover, don't understand what is going on, turnover of administration, teachers ran the district during the administrative turnover, impact of fourth domain on evaluations and the impact on the students.
- The spouse of one of the teachers who was non-renewed in May spoke about the teacher's evaluations, the evaluation model, about non-renewal reasons letter, accuracy of the letter, Lucy Hawkins Curriculum, disputed salary and certification reasons, process for reconsideration and indicated that the reasons are arbitrary and capricious and they will exhaust every remedy available.

EXECUTIVE SESSION:

BE IT RESOLVED, That the Beach Haven Board of Education meet in Executive Session to discuss the following:

- a. Negotiations – BHEA

The Board anticipates Executive Session lasting 15-20 minutes. No action will be taken upon return to Public Session. Minutes of Executive Session proceeding will be made available to the public to the extent it does not divulge legally protected, confidential information and after the approval of said minutes by the Board. The Board entered Executive Session at 5:58 pm.

Name	Motion	Yes	No	Abstain
Irene Hughes	1st	X		
Jean Frazier	2nd	X		
Carol Labin		X		
Jen Tomlinson		X		
Meredith O'Donnell		X		

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ADJOURNMENT FROM EXECUTIVE SESSION:

The Board adjourned from Executive Session at 6:24 pm

Name	Motion	Yes	No	Abstain
Irene Hughes	1st	X		
Jean Frazier	2nd	X		
Carol Labin		X		
Jen Tomlinson		X		
Meredith O'Donnell		X		

ADJOURNMENT

BE IT RESOLVED, The Board of Education meeting be adjourned at 6:25 pm.

Name	Motion	Yes	No	Abstain
Irene Hughes				
Jean Frazier				
Carol Labin				
Jen Tomlinson				
Meredith O'Donnell				

Respectfully submitted,

*Steven Terhune*

School Business Administrator/Board Secretary