

NOTICE OF MEETING

TO ALL BOARD OF EDUCATION MEMBERS

A special meeting of the Board of Education of the Township of Union will be held on Tuesday, March 2, 2015 at 8:00 a.m. at the James Caulfield Administration Building, 2369 Morris Avenue, Union, New Jersey 07083

A special meeting of the Board of Education of the Township of Union was held at the James Caulfield Administration Building, 2369 Morris Avenue, Union, New Jersey on Tuesday, March 2, 2015 at 8:00 a.m. pursuant to notice sent to each member.

PRESENT AT ROLL CALL: Mr. David Arminio - President, Dr. Guy Francis, Mr. Richard Galante (telephonically); Mr. Ronnie McDowell (telephonically); Mr. Vito Nufrio, Mr. Angel Salcedo and Mrs. Nancy Zuena

ABSENT AT ROLL CALL: Mr. Thomas Layden and Ms. Lois Jackson

Mr. Arminio called the meeting to order at 8:00 a.m.

Mr. Arminio led the board and audience members in the Pledge of Allegiance.

Mr. Damato read the statement required under the "Open Public Meetings Act" a copy of which is on file in the office of the Secretary.

COMMENTS FROM THE PUBLIC ON RESOLUTIONS ON THE AGENDA

None

FISCAL AND PLANNING COMMITTEE

Moved by Mr. Salcedo, seconded by Mr. Galante that the following resolutions be adopted:

F-1. RENEW DISTRICT HEALTHCARE POLICY WITH HORIZON BLUE CROSS/BLUE SHIELD

That the Board renew district healthcare policy with Horizon Blue Cross/Blue Shield effective March 1, 2015 in accordance with the information appended to these minutes.

F-2. PRE-APPROVE DISTRICTWIDE STUDENT FIELD TRIP DESTINATIONS AND PURPOSES

That the Board pre-approve district wide student field trip destinations and purposes pursuant to *N.J.A.C. 6A:23A-5.8* in accordance with the information appended to these minutes.

DISCUSSION:

Mr. Vieira said that with regard to resolution F-1, the district's insurance premiums are increasing at a faster rate than its revenues. He said that the state aid for 2015-2016 was "flat" for the fourth year in a row. Mr. Vieira said that 2% of the tax levy is approximately \$1.7 million and the district's expenditures are increasing more than \$1.7 million annually. Mr. Arminio asked if that was just for health care or for all expenditures. Mr. Vieira said that the district is currently paying about \$15 million for health care after employee contributions. He said that an 8% increase is close to \$1.5 million. Mr. Vieira said that if the revenue is increasing \$1.7 million and the insurance is increasing \$1.5 million there is only \$.2 million left to cover salaries, maintenance, transportation, utilities and other insurances. He said that the district must start to decrease its expenditures. Mr. Vieira said that insurance rates are increasing for everyone, not just the board of education. He said that other areas have to be explored to reduce expenditures.

Mr. Arminio asked if the coverage will remain the same under the new insurance policy. Mr. Vieira said it did except for the EPO. Mr. Damato said that the EPO has not yet been implemented. He said that the coverage remains the same as what the district has right now. Mr. Damato said that new employees that are hired after July 1, 2015, assuming that the change is ratified by the Association and the board, new employees would get an EPO plan as opposed to Direct 10.

Mr. Salcedo asked what the cost for healthcare was per employee. Mr. Vieira said that the benefits are approximately 30% of the employee's salary; for example if an employee is earning \$100,000, their benefits are \$30,000 which includes health and dental and for the non TPAF it includes pension and social security contributions.

Mr. Nufrio asked if Mr. Vieira had any suggestions on how the problem can be fixed with regard to the increasing premiums. Mr. Vieira said that he felt the district should start looking at a health savings account. Mr. Nufrio asked if this was not part of a recommendation made by the presenter. Mr. Vieira said it was. Mr. Nufrio said that the benefits of that really didn't do much. Mr. Vieira said that it would lower the premiums and that is done because either the employer or the employee can take pre-taxed dollars and contribute them into the health savings account. He said that it is similar to an IRA and once the contributions go into the health savings account, then they keep rolling forward with the employee, year after year, and if the employee needs to use that money to pay the co-pay, the deductible, etc., they can use that money. Mr. Vieira said that this would allow for higher deductibles but this all has to be negotiated. Mr. Nufrio said that Mr. Vieira did indicate that the district would be looking at flat state aid. Mr. Vieira said that the 2015-2016 state aid is "flat". He said that this is the fourth year that the state aid has been flat; state aid is approximately \$30 million. Mr. Vieira said that since the state aid has not increased 2% for the past four years, the district is \$2.4 million behind in revenue. He said that revenue is not

increasing as fast as the expenditures. Mr. Nufrio said that the negotiations already took into consideration that the district was looking at "flat" state aid for the next school year and it should not impact on any revisiting of any numbers of the negotiations.

Mr. Arminio asked if next year was the last year of the law about rates and employee contributions; and will it have to be renegotiated after that. Mr. Damato said that 2011 is the base year and July 1, 2015 will be the last adjustment. He said that the district could negotiate more of a contribution from employees but not less. Mr. Vieira said that the teachers are already in year four. Mr. Damato said that the rest of the group are in year three but on July 1, 2015 everyone in the district will be at the highest contribution rate.

Mr. Nufrio said that technically, the district should have been thinking about that in negotiations since this is year four. Mr. Damato said that many things were discussed during negotiations because the district wants to get some plan design changes because he felt that would save a lot of money. He said that the EPO for new employees is a big savings; it is yet to be seen how much money that will mean if there are 100 retirees, it could be a significant amount of money. Mr. Damato said that in the next five years, he was thinking with the pension changes that there will be an incentive for teachers and others who are in TPAF to retire and once they retire, then the new people coming in will come in with the "smaller" plan. Mr. Vieira said that presently there are 1,000 employees on the health plan.

Mr. Salcedo said that some public companies give employee the option to get paid a "basic" amount to go out on insurance exchanges to find their own insurance. He asked if this was a possibility for the district. Mr. Damato said he did not think so because there are many regulations under the Affordable Care Act. He said that doing that was sort of a flexible spending account. Mr. Vieira said that the amount that can be contributed to such an account is regulated. Mr. Salcedo said that private companies are saying to their employees, especially new employees that they will give them a specific amount of money per year and then they can go on an "exchange" and purchase an insurance policy.

Mr. Nufrio said that there are Associations in the district that must be specifically addressed. He said that the district must provide some type of insurance. Mr. Damato said that changes can be negotiated. Mr. Nufrio said that he did not feel there was much of chance that would get done.

Dr. Francis asked if the district could leave Blue Cross/Blue Shield and shop elsewhere. He thought that the district should let Blue Cross know that it may "walk away" if they cannot give us better rates. Dr. Francis said that it may be a lot of work to find a company that is able to match what the district has now but the board must be willing to do that or else it will be stuck with whatever Blue Cross give the

district. Mr. Nufrio said that there was a proposal from Blue Cross that the district adopt their dental plan which has been rejected by the U.T.E.A. He said that the district is working with three parties. Mr. Damato said that there is language in the contract that requires the district, when it changes healthcare carriers, the new plan must be "equal to or better than, in all respects." Dr. Francis said that he agreed with that but this cannot be the reason that the district is not willing to switch carriers in order to save money. He said that the district has to go to other carriers to see what they are willing to offer the district. Mr. Arminio said that he hoped the district's insurance broker has done that research. Mr. Vieira said that the broker does shop around and gets proposals from other carriers. Mr. Damato said that he does get proposals from other companies every year and the district has gotten proposals from companies who can manage a group of our size and also come close to matching the plan. He said that the problem is when you say "equal to or better than in all respects" it is very hard to match one health care provider to another. Mr. Damato said that they just don't line up line-by-line. He said that in some ways they are better but if they are worse in one way, then the district has violated the contract. Mr. Damato said that the district has changed carriers in the past; it used to be when everything was an indemnity plan, that Cigna, Horizon and U.S. Healthcare were the three big players and you could switch from group to group; then U.S. Healthcare dropped out because they were not able to provide the same level of coverage. He said that now it is just Horizon and if the district is in the State plan or in a Horizon stand-alone; it is very hard to find another plan that matches benefits line-by-line. Mr. Damato said that if a switch is made, it has to be done through negotiations by listing the differences but the U.T.E.A. needs to agree or it has to be "equal to or better than in all respects." He said that in his experience, there are not enough players in the market who can compete against Horizon. Mr. Nufrio asked if there was a way that the district could find out if there are any other companies that can match the Horizon coverage. Mr. Damato said that Mr. Migdon, the insurance broker, is an expert in the business. He said that in years past Mr. Migdon has gone out and gotten the biggest companies to make proposals on our group and when you put the coverage on a spreadsheet and say, service by service, all the way down the line; if the company is "short" in one area but they give more in another area, that doesn't matter because they are still "short" in that one area. Mr. Damato said that there are arbitrators who say that it is a "diminution in benefits" to have a change or a decreased amount of providers in your network. He said that Horizon has the biggest network and if the district were to go to another provider, there are arbitrators who say that if the district goes to a network that has 10,000 providers, that is a diminution from a network that has 50,000 providers. Mr. Damato said that it becomes very difficult to make a switch.

Mr. Arminio said that he wanted to end this discussion and continue it at the March meeting. Mr. Damato said that he would ask Mr. Migdon to come to the meeting to answer any of the board's questions. Mr. Nufrio said that Mr. Migdon needs to be put to the task of looking deeper and wider. Mr. Vieira said that in 2018 there is a new "Cadillac tax" starting. Mr. Salcedo said that the "Cadillac" plans are basically the

plans that big unions have. He said that these are the premium plans. Mr. Vieira said that the tax rate is 40%.

Mr. Arminio said that with regard to resolution F-2; this is to approve a field trip to Atlantic City for a member of the wrestling team that will be competing in the State Wrestling Championships. He said that David Brown, a heavy weight wrestler, is the first qualifier to the State Tournament in quite a few years from Union High School. Mr. Arminio read an excerpt from a Star Ledger article: "Brown, a junior, was very emotional after the match. He embraced his coaches, family and friends. Brown remarked 'I just had to do it for them', Brown said of his huge support group. "See that mascot over there" and Brown pointed to the Union Farmer painted on the wall, "It's all about doing it for Union High School. This is my school and I love my school. I just had to win." Mr. Arminio thought that this was great publicity for the school. He said that resolution F-2 was for the district to pay \$600 for three coaches and the student to go to Atlantic City.

Mr. McDowell said that David's father is a member of his church and the announcement was read at church on Sunday. He said that the congregation is also very proud of David.

Mr. Nufrio suggested that the article be displayed in the lobby of the high school.

AYE: Dr. Francis, Mr. Galante, Mr. McDowell, Mr. Nufrio, Mr. Salcedo, Mrs. Zuena and Mr. Arminio

NAY: None

ABSTAIN: None

MOTION WAS CARRIED

COMMENTS FROM THE PUBLIC

None

NEW BUSINESS

Mr. Arminio thanked the board members for giving up their Monday morning to attend the meeting. He said that the one item that was on the agenda originally has been taken off the agenda.

Mr. Arminio said that there was a breach at the last Executive Session and he was very disturbed because it is a reflection on the whole board and him as President. He said that he knew it had happened in the past and over the past five years there have been breaches of confidentiality from the board but this one took a little extra

significance because of the nature of the individuals involved in one part of the breach. Mr. Arminio said that there were two breaches; one involving a staff member from Central Office and one involving three individuals. He said that there were two breaches that happened. Mr. Arminio said that he was going to continue to find out where the breach came from because he did not think that it should happen. He said that the board members have taken an oath to uphold the ethics of the board and he felt that part of that was not to reveal anything that takes place in confidential discussions. Mr. Arminio said that he has spoken to Mr. Damato and Mr. Tatum and from now on during Executive Session and during public meetings there will be no texting whatsoever. He asked Mr. Damato to elaborate on that in just a moment.

Mr. Arminio said that also at public meetings, there will be a consent agenda and unless there is an item on the agenda that is new, that was not discussed at the worksession or it is something that is really vital such as the hiring of "a new principal at the high school", the board does not need to read each of the items; they can be moved as a group.

Mr. Arminio said that Comments from the Public at the end of the meeting will only be "for comments". He said that questions from the public will not be answered. Mr. Arminio said that every single board of education that he has spoken to, does not discuss items with the public at meetings.

Mr. Damato said that the issue of texting has become more important in the last couple of years because there has been a lot of litigation involving the Open Public Meetings Act and the Open Public Records Act. He said that under the Open Public Meetings Act when you have a board of education meeting, the meeting must be noticed and the meeting must take place at the place where the meeting has been noticed and if members of the board cannot be present, they can be available telephonically, so that they can be heard and members of the public who are present can also hear them. Mr. Damato said that "texting" during public meetings may have more of a bad shadow about it than it is actually some nefarious purpose; he did not find that to be the case; but it could be alleged by a member of the public that there is texting going on during the board meeting between board members or between board members and administrators. He said that the reason that is a problem is that when you schedule a meeting for a public place and time, all of the discussion is supposed to be held publically and if people are talking behind the scenes, it is sort of like going into Executive Session without adopting a resolution for that purpose pursuant to the statute. Mr. Damato said that with regard to public meetings there are cases in the state where individuals from the public have subpoenaed cell phone records in an attempt to try to prove there was communications going on during a public meeting that should have been discussed in public and were not. He said that this could be embarrassing for individuals involved. Mr. Damato said that if the texting is innocent, there is "no harm, no foul" but nevertheless no one wants to have someone looking at their cell phone records as part of an investigation or as part of a subpoena. He said

that the better course of action was to limit all of those types of discussions and if someone has to take an emergency call, the board member can just walk out of the room for the call.

Mr. Damato said that texting during Executive Sessions is even more of a problem because those discussions are supposed to be only with the people who are in that room, so that when that discussion is over and everyone leaves the room, your best friend, your spouse, etc. is not supposed to be privy to that information and the problem is that the information spreads very quickly. He said that in the case that Mr. Arminio is describing, it involves the individual privacy rights of certain employees which people could view as being violated because that information got out whether it was done by texting or conversation. He said that it was violative of the act because it violates the spirit of the Open Public Meetings Act and it also violates the privacy rights of the individuals involved. Mr. Damato said that if the board violates those privacy rights, the individuals can institute a suit against the district for damages. He said that Mr. Arminio's recommendation is well taken; it has been discussed at length and some of the cases that have come up in New Jersey have also been discussed. Mr. Damato said that the board must make sure that it does not even appear that there is any side chatter going on at board meetings and the best course is to limit texting and phone calls at meetings.

Mrs. Zuena said that she felt it should not just be limited but it should not happen during a meeting. She said that if an emergency arises, people know where the board is and they can get in touch with board members. Mr. Salcedo said that more importantly, once board members leave the meeting, whatever has been discussed stays in the room.

Mr. Arminio said that all confidential discussions must be "kept in the room."

Dr. Francis said that he found it disturbing when he became a member of the board, that the public knew things before he knew. He said that members of the public told him things and asked him questions about things that he had no knowledge of. Dr. Francis thought that this was a problem. He felt that there could be an investigation regarding the "breach" to find out how the information got out. Dr. Francis said that the board should think about this.

Mr. Nufrio said that there is another aspect of this problem and that is that the district could be sued. He said that if this were to occur, they could ask for everyone's records to see where the breach occurred and that would even complicate the matter even more because they could subpoena the records. Mr. Nufrio said that he was involved in situations where members of his association filed law suits because news was leaked out before the meeting was held. He said that an investigation can be done and records can be subpoenaed.

Dr. Francis said that the breach may not have been a text. Mr. Nufrio said that was true and that cannot be controlled but if it occurred during the Executive Session that was convened, then it is part of discovery.

Dr. Lishak said that with regard to the PARCC testing that was to begin this morning, the internet was down and the last update that was gotten, it looks like it is not an internal problem. She said that Comcast is seeing that their port number one is down and their device is not working. Dr. Lishak said that Comcast is working on the problem. She said that right now, this has not affected the elementary schools but it will in the next 15 minutes; the middle schools and the high school have already lost session one.

Mr. Tatum said that he just got a text from Connecticut Farms that everything is down as of now. Dr. Lishak said that everything is down but if Comcast can get the system up within 15 minutes, the elementary schools will be okay. She said any longer, session one and two will be missed.

Mrs. Zuena said that she and Mr. Wiggins went on a walkthrough of the bathrooms at Union High School and afterward there was a discussion of possibly floating a bond as a possibility to do more projects in the district. She said instead of repairing things, maybe bathrooms can be replaced. Mrs. Zuena said she felt that if the state is willing to pay back 35 to 40 percent of the project cost; the district is not going to get a large amount of money deposited in their bank account and this is a way to get big projects completed. She said that Mr. Damato suggested that a list of projects be put together to see what the costs would be as an option.

Mr. Nufrio asked how many bonds could be floated. Mr. Damato said that the district's bonding capacity is very high and it is nowhere near its capacity. Mr. Nufrio asked if costs to improve the IT department could be included in a bond. Mr. Damato said that as long as it has a useful life of longer of five years, it can be included in the bond; he said that personnel cannot be included in a bond. Mr. Nufrio asked if capital improvement prohibits the district from seeking additional money outside the account. Mr. Damato said that it did not.

Mrs. Zuena said that the heating system at Union High School has been a big issue the past few weeks. Mr. Wiggins said that the heating system has been repaired. He said that there was a cracked heat exchanger which if new boilers are installed will no longer be needed.

Mr. Arminio said that it the board's job to find out if the community would be against another bond. Mr. Damato said that the energy efficiency of installing new boilers at Union High School will pay for the boilers in probably a very short term.

Mrs. Zuena said that if the district can "fix" problems, in the long run, the district

will be saving money. Dr. Lishak said that because students are sending out texts from school to let their parents know about problems such as no heat in a school, the district had the Health Department at the high school before Central Office even knew of the problem and none of the rooms were deemed as being "too cold".

Mrs. Zuena said that cell phone issue is bad at the high school. She said that the administration at the high school used to be able to take cell phones away from students, but that is not done anymore. Dr. Lishak said that it is partly being accountable for the cell phones. Mr. Nufrio said that probably 95% of the students at the high school have a cell phone and it is a difficult task to monitor this. He said that parents become extremely irate over it. Mrs. Zuena said that if there is a rule, it should be followed. Mr. Nufrio said that the district needs to look at the rules and they need to be addressed by the administration. He said that in the last five years, everyone has relaxed on the cell phone usage rule.

Mr. Benaquista said that Mr. Kloc should be invited to the education committee meeting to talk about this problem. He said that every administration that is in charge has its own pet peeves. Mr. Benaquista said that some things are not worth "battling" because it takes away from class time for students. He said that if suspensions increase due to this problem, the board needs to be aware of that because parents will be contacting board members about this problem. Mr. Benaquista felt that Mr. Kloc would enjoy coming to a meeting and hearing from the board to give him some direction because he felt that Mr. Kloc was willing to fight the battles.

Mr. Arminio asked Mr. Tatum to invite Mr. Kloc to the next education committee meeting. Mr. Tatum said that he would. He said that it has been his understanding that when students have a cell phone in their possession, it is supposed to be in an "off" position and put away. Mr. Tatum said that does not always happen and whatever consequence that goes along with infraction of this rule must be enforced. He said that he knew there were procedures in place. Mr. Tatum said that over the past few years these rules have been relaxed and students seem to do their own thing.

Mrs. Zuena asked how the board moved forward to getting information regarding a bond. Mr. Damato said that a list of projects should be prepared and they will have to be prioritized. He said that the board must then decide on what amount it is comfortable issuing a bond for. Mr. Damato said that some people have a psychological cut off for a bond amount. He said that the district will get better rates when the bond is less than \$10 million, which is bank qualification limit. Mr. Damato said that the district has the capacity to bond a great deal but there is probably a political sense or a general equity sense of how much people would want to spend on fixing up bathrooms and boilers in the schools. He said that there are a number of projects just at Burnet Middle School that could be included in a bond.

Mr. Arminio said that he knows of several towns that floated several bonds at the same

time for different projects. Mr. Damato said that many projects could be done with \$10 million. He said that when a list is put together it will be given to the architect who will assign dollar amounts to each project.

Mr. Salcedo asked how a bond is paid off. Mr. Damato said that it is paid off over time; the district makes interest and principal payments twice a year and it is paid off over the life of the bond. He said that some bonds have short term return such as ten years but they can be as long as twenty-five years. Mr. Damato said that any bond payments must be included in each year's budget. He said that a longer payout cost more interest but it gives the district more flexibility because it does not impact the budget as much.

MOTION TO ADJOURN

There being no further business before the board, it was moved by Mr. Nufrio, seconded by Mr. Salcedo that the meeting be adjourned.

AYE: Dr. Francis, Mr. Galante, Mr. McDowell, Mr. Nufrio, Mr. Salcedo, Mrs. Zuena and Mr. Arminio

NAY: None

ABSTAIN: None

MOTION WAS CARRIED

Respectfully submitted,

**JAMES J. DAMATO
BOARD SECRETARY**