

UNION TOWNSHIP BOARD OF EDUCATION
SPECIAL MEETING MINUTES – JUNE 29, 2016

NOTICE OF MEETING:

TO ALL BOARD OF EDUCATION MEMBERS:

The special meeting of the Board of Education of the Township of Union was held on Wednesday, June 29, 2016 at 7:00 p.m. at the James Caulfield Administration Building, 2369 Morris Avenue, Union, New Jersey 07083 pursuant to notice sent to each member.

Mr. Nufrio called the meeting to order at 7:05 p.m.

PRESENT AT ROLL CALL:

Mr. David Arminio, Dr. Guy Francis, Mr. Steven Le, Mr. Ron McDowell, Mr. Jeffrey Monge, Mr. Vito Nufrio, Mrs. Nellis Regis-Darby, Mr. Angel Salcedo, Mrs. Nancy Zuena

ABSENT AT ROLL CALL:

None

ADMINISTRATORS PRESENT:

Mr. Gregory Tatum, Mrs. Annie Moses, Mr. Thomas Wiggins, Mr. Manuel Vieira

Also present: Paul Griggs, Esq.

Mr. Le led the Board and audience members in the Pledge of Allegiance.

Mr. Vieira read the statement required under the “Open Public Meetings Act”, a copy of which is on file in the office of the Board Secretary.

Mr. Nufrio stated that Mr. Tatum would like us to go into Executive Session at this time so that we can address the business at hand.

COMMENTS FROM THE PUBLIC:

Woman in Attendance: P-3 who is going in that space? Mr. Tatum stated we will be talking about that in Executive Session and we will disclose that upon our return.

MOTION FOR EXECUTIVE SESSION:

Moved by Mr. Arminio, seconded by Mrs. Zuena, that the Board go into Executive Session to discuss the following subject matters without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-2(b) personnel matters. The Board will disclose the discussion conducted during the Executive Session with notice to the public when the disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interest of the Board of Education and provided that such disclosure does not violate federal, state or local statutes and does not fail within the attorney-client privilege.

AYE: Mr. Arminio, Dr. Francis, Mr. Le, Mr. McDowell, Mr. Monge, Mrs. Regis-Darby, Mr. Salcedo, Mrs. Zuena, Mr. Nufrio

NAY: none

ABSTAIN: none

MOTION CARRIED

Mr. Vieira exited meeting.

The Board returned to public session at 8:15 p.m. and Mr. Vieira returned to public session.

PERSONNEL COMMITTEE RESOLUTIONS:

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

P-1. APPROVE PERSONNEL ACTIONS

That the Board approve the Personnel Actions, in accordance with the information appended to the minutes.

P-2. APPROVE EMPLOYMENT CONTRACT OF ASSISTANT SUPERINTENDENT – MOSES

That the Board approve the Employment Contract of Annie Moses, Assistant Superintendent for the 2016-2017 school year, in accordance with the information appended to the minutes. This contract has been approved by the Executive County Superintendent.

P-3. Reserved. Item tabled at meeting.

P-4. APPROVE CORRECTION TO POSITION TITLE

That the Board approve the resolution correcting position title, in accordance with the information appended to the minutes.

DISCUSSION:

Mr. Tatum stated we still need a resolution for Mr. Vieira. Mr. Nufrio stated yes, we do need to have that. We will add that resolution and the dates can be amended.

Moved by Mr. Arminio, seconded by Mr. Monge, that the following resolution be adopted:

P-5. APPROVE INTERIM SCHOOL BUSINESS ADMINISTRATOR/INTERIM BOARD SECRETARY – VIEIRA

That the Board approve Manuel E. Vieira to serve as Interim School Business Administrator/Interim Board Secretary for the period of July 1, 2016 through August 31, 2016.

DISCUSSION:

Mrs. Zuena asked what is the change to P-4? Mr. Arminio stated when Mr. Benaquista was hired in 2014 as the Human Resource Director, we were told that position was a tenurable position. Within a year as that position title holder, Mr. Tatum discovered that position is not a

tenurable position so at that time in 2015, we as a Board changed his title to Director of Personnel which is a tenurable position. The job description and responsibilities were exactly the same as the first year as it was after that – when we changed the title. All we are doing is giving him his time that he deserves in that job title as Director of Personnel. By September he will have achieved tenure in that position.

Mr. Salcedo asked what is the benefit of having someone with tenure and without tenure? Mr. Aminio stated for him as individual – let's suppose he loses his job as Director of Personnel – the most he could be in the District, you can't fire him without filing tenure charges, he would go back to the Assistant Vice Principal and he can be that anywhere. He would have to go back to the last position he had tenure in. This would protect him so that whatever happens, he can't go back to Assistant Vice Principal, he has tenure in the position as Director of Personnel.

Mr. Salcedo stated so that means if you weren't happy with his performance and for whatever reason you can't fire him, you would have to find a similar position. Mr. Tatum stated the one that he has tenure in. In other words, right now he is a tenured Vice Principal, so let's say today we are abolishing Director of Personnel, he has tenure rights to a VP. If he gets tenured in this position now, let's say down the road he became Assistant Superintendent of Schools, and you decide after a year that you don't like his performance, he would have the right to go back to being Director of Personnel because he has tenure in that position.

Mr. Salcedo stated how beneficial is that to the Board for us to tenure positions like that. Mr. Nufrio stated it is not a benefit to the Board, although it is because we are doing the right thing. The Board's decisions are all subject to errors and omissions. Just as we would have learned someone was not paid the right amount of money or we learn that someone should have had increment withholding – we make those corrections regardless of the time factor – up to 7 years. This was discovered by Mr. Tatum and later it was processed so why should one of our employees, whether it is Gerry, Manny and Manny is protected because he achieved tenure. If in fact things change dramatically, he has the rights to that position as B.A.

It is an obligation on the part of the District to say that we do correct errors, we do acknowledge mistakes – this is not a mistake that we knowingly did. This was a mistake which we were misled, misdirected and misguided by the Board attorney at the time and I was on the Personnel Committee on the onset. I asked repeatedly with Mr. Tatum present, is the title a tenurable title recognized by the Department of Education – the response was yes because I did question if it should be Director of Personnel, Director of Human Resources – it doesn't matter they are both recognized – that is not so. We have a moral obligation to correct that mistake and I think that this Board should be acknowledging that there was a mistake made, it was not anything that the Board did, it was simply we were guided – just as Mr. Griggs may one day mess up and tell us to do something, it wouldn't be our fault, we would still look to him and say Mr. Griggs we went by your direction so Mr. Damato is not here any longer so he can't correct it, but we can as a Board.

Mr. Salcedo stated I can completely understand, I have an issue with tenure and the concept because these are positions that in the past we have had issue. Mr. Nufrio stated we did it last year but the thing is we should have gone the next step and actually even fixed it last year.

Why would he have to do another three years when the term is two years. We are correcting that and we would do it for anybody. It is unfortunate that we were naïve and I'll take some of the blame because I should have called the DOE myself. I have on other issues like the interventionist when I said that title doesn't exist. I saved the District over a half million dollars by doing that. But we are going to correct this and it is not costing the District anything. We are making the right call for someone who has executed his duties in that position without fail and has had the complements of Mr. Tatum and it was Mr. Tatum who said we should really think about this and how to fix it. So it is now time to fix it. I strongly urge the rest of the Board to give it thorough consideration.

P-1, P-2, P-5

AYE: Mr. Arminio, Dr. Francis, Mr. Le, Mr. McDowell, Mr. Monge, Mrs. Regis-Darby, Mr. Salcedo, Mrs. Zuena, Mr. Nufrio

NAY: None

ABSTAIN: None

MOTION CARRIED

P-4

AYE: Mr. Arminio, Dr. Francis, Mr. Le, Mr. McDowell, Mr. Monge, Mrs. Regis-Darby, Mrs. Zuena, Mr. Nufrio

NAY: None

ABSTAIN: Mr. Salcedo

MOTION CARRIED

Mr. Nufrio stated next is Policy - it is a presentation and it is not on the agenda. It is a first reading of a policy. Policy 4110 was handed out to all Board members.

POLICY COMMITTEE:

Mr. Arminio presented the following policy for first reading.

POL-1. Policy 4110 – Re-Employment, in accordance with the information appended to the minutes (1st reading).

DISCUSSION:

Mr. Arminio stated it does not deal with anything with retirement, it only deals with leaving the District for other reasons.

Mr. Nufrio stated if you look at Policy 9113 which actually gives the Superintendent the ability to present to the Board President and the Board any waiver that he may be seeking for an individual – meaning Mr. Tatum can waive this but the Board can say yes or no just like any other appointments. There is an escape route. Mr. Griggs stated a fail-safe route. Mr. Nufrio stated this policy after the second reading and discussion is passed in July, we will include all employees. We are not a District that becomes a revolving door for anyone. We are looking to establish some solid progress. What we are trying to say to our people is think twice before you jump ship because if you do, you need to wait five years to be reconsidered for employment unless the Superintendent feels that the person's skills are so important and the District needs the person back, he can make that proposition to me and to the Board and see about the waiver for

that time. This is just a first reading and I think there is value in this. Mr. Arminio and I are on the Policy Committee and we discussed it thoroughly with Mr. Tatum as per policy procedures. We also consulted thoroughly with Mr. Griggs and in essence there is no objection by Mr. Tatum and certainly this Board should consider because we want to retain those people, we want to keep our good people. This is the Union Board of Education and we look to maintain stability and continuity.

Mr. Monge stated without this policy you can say yes or no anyway so this I view more as a threat. Every situation why people leave is different. Who knows why someone leaves and then being subjected to a policy that even if it wasn't in place, you can use your own judgement and say no thanks or it could be somebody that had to leave because your father was ill and you had to take another job and now you want to come back and we understand – so you can always make that decision as Superintendent and don't need a policy. To me this is more of threat because if I'm looking at another District and I'm talking about taking a job there, I'm going to look to see how considerate they are going to be to my situation as an employee and if not an employee because things happen. That is my opinion. This is just a comment.

Mr. Nufrio stated it is just to perpetuate the stability of the District. This is not a business, this is a profession of education. We want professionals who are willing to commit to the District. Transients disrupt the continuity so perhaps this is a message to think twice before you make a decision because if things don't work out for you, you will still have to wait. It is an added feature.

OLD BUSINESS:

Mr. Monge stated financial services. We made a recommendation in an email to everybody hoping that we can get it on the agenda. I want to try to see if we can get it on there because we are using ConnectOne today at a lower rate and all we can do is say "yes" and we have a bumped up rate. We can even do the MOU as far as outlining the details in a page after but I think we hold their feet to the fire and say congratulations, give us more money. Mr. Nufrio stated I'm sure you have been watching the news – all predictions currently are that the rates will come down because they have already. The British opted out of the European Union and it has caused a ripple effect and all predictors indicate that the rates will likely stabilize or come down. I say if that is so even if it is remotely possible let's take what we can get. Let's get something at least know what we are getting today because three months from now it may not be that way.

Mr. Monge stated the federal rate is not going to change – you are talking about overall rates. The federal index rate is not going to go down, it is everything else. The offer that is on the table right now is the floor meaning it can't be any less than 75 basis points. Today we are at 35 basis points or less. We accept the offer today, we are at 75 basis point at minimum if the rates go up to whatever. Mr. Nufrio stated $\frac{3}{4}\%$. Mr. Monge stated .75% and right now we are at .35% or less. Today we say yes and we jump up double of what we have in interest today. There is no ceiling meaning that we are going to go off of a federal index and if the rates go up by $\frac{1}{4}$ of a point then our rates go up by $\frac{1}{4}$ of a point. I think it is a good deal and it is obviously the same folks that we have been using so there is no changing necessary. Mr. Nufrio stated but we still need to put it on the agenda for July. Mr. Monge stated is that something that we could

make a resolution now just to approve. Mr. Griggs stated you can't because when you have a special meeting it is for a limited purpose – so tonight was basically personnel. Mr. Arminio stated and the public has not had a chance to see a resolution. Mr. Griggs stated if it was a regular agenda you could put it on because you are allowed to put stuff on that you didn't anticipate. But when it is a special meeting, it is for a particular subject. Unless Manny can just call them up and they don't have to do anything. We are going to put this on our agenda and you guys use your best judgement. There is no obligation but if you have a good relationship with them – I would suggest that you do, just make a call. Mr. Monge stated I think that is a good idea. Mr. Griggs stated no promises but the recommendation of the committee will be to approve these folks.

Mr. Nufrio stated can I do a consensus because if he makes that call and come July 3-4 members say wait a minute. Mr. Griggs stated you have to make clear that there is no promises and it should come from Manny. Mr. Nufrio asked if there were any objections to Manny letting ConnectOne know that there is a strong likelihood that we will approve a contract with them in July. Mr. Monge stated and to ask for their consideration of offering us the rate now. Mr. Nufrio stated .75 – that is a nice increase. Did everyone get Mr. Monge's email? O.k. We are good. Mr. Monge stated thank Steven and Angel. Mr. Nufrio stated I know you three worked it out.

MOTION TO ADJOURN:

There being no further business before the Board, it was moved by Mr. Le, seconded by Mr. Arminio, that the meeting be adjourned at 8:40 p.m. All present voting YES. MOTION CARRIED.

Respectfully submitted,

MANUEL E. VIEIRA
INTERIM BOARD SECRETARY