

**Barnegat Township Board of Education  
Reorganization Meeting  
April 23, 2007  
Monday, 6:00 PM**

**Robert L. Horbelt School  
104 Burr Street  
Barnegat, NJ 08005**

**OUR MISSION:** The Barnegat Schools, in partnership with our community, nurture and educate our children to prepare for responsible citizenship and success in life.

Brian Falkowski, Board Secretary. I would like to call to order this meeting.

**OPEN PUBLIC MEETING ACT**

Mr. Falkowski: This meeting of the Barnegat Township Board of Education for April 23, 2007 is called to order. The notice of this meeting has been forwarded to the Asbury Park Press and the Times Beacon, placed in the Municipal Building and filed with the Municipal Clerk, in conjunction with the Open Public Meeting Act N.J.S.A. 10:4-10.

**REPORT OF ELECTION**

Mr. Falkowski: First, I would like to give you the report of the election. These are the unofficial results of the election of April 17, 2007. The votes counted for the following candidates were for three full-year terms.

**UNOFFICIAL RESULTS OF ELECTION - APRIL 17, 2007**

Votes Counted for Candidates (3 Three-Year Terms)

<b>Candidate</b>	<b>Total</b>
Kenneth J. Thomas	1235
Linda J. Mitchell	1289
Derek E. Davis	1164
Write – in	94

Items of Appropriation
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General funds	Total	
	For	Against
23,859,822	1151	705

**SWEARING IN OF NEWLY ELECTED BOARD MEMBERS**

Brian Falkowski: Now, I would like to swear in the newly elected Board members, so if the three board members please stand and repeat after me. When I first say ‘I’ fill in your name please, and please raise your right hand. I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New Jersey; and that I will bear true faith and allegiance to the same and to the government established in the United States and this state under the authority of the people so help me God. I (state name) do solemnly swear that I possess the qualifications prescribed by law for the office of Member of the Board of Education and that I will faithfully, impartially and justly perform all the duties of that office according to the best of my ability so help me God. Congratulations.

**FLAG SALUTE**

The Flag Salute was led by Brian Falkowski.

**ROLL CALL**

- Mr. Davis: Present
- Mrs. Germano: Present
- Mr. Houser: Present
- Mr. Kostka: Present
- Mrs. Lally: Present
- Mrs. Mitchell: Present
- Mr. Sarno: Present
- Mrs. Taylor: Present
- Mr. Thomas: Present

Also Present: Thomas C. McMahon, Superintendent  
 Brian Falkowski, Board Secretary  
 Robert Greitz, Attorney

**ELECTION OF PRESIDENT/VICE PRESIDENT**

Brian Falkowski: At this time will be the election of the President portion of the meeting. I will take Motions from the table. I will recognize Sally Germano for nomination for President.

Mrs. Germano: I would like to nominate Linda Mitchell for President.

Brian Falkowski: Would anyone like to second that? Seconded by Mr. Kostka.  
Any other nominations?

Mrs. Taylor: I would like to nominate Bob Houser for President, seconded by Scott Sarno.

Brian Falkowski: Any other nominations for President? We will take a vote for Linda Mitchell for President.

Mr. Davis: Yes  
Mrs. Germano: Yes  
Mr. Houser: No

Mr. Houser: Wait a minute; I have a point of order here. This is not how we conduct the election.

Brian Falkowski: I am sorry, what is the problem?

Mr. Houser: I have a problem with how you conduct the election.

Brian Falkowski: What is the problem with it?

Mr. Houser: Well, you don't call ...The vote is for Linda Mitchell or Robert Houser so you call out who you are voting for that is how you run the election.

Dr. McMahon: What does the attorney say?

Mr. Greitz: I have seen it done both ways, I don't think it matters.

Mr. Houser: Well, this is Roberts Rules of Order you are supposed to conduct an election if you have two people running you are voting for one candidate or the other, so my suggestion is vote for one candidate or the other. You can call out each person's name and they can tell you who they are voting for that is how the election should be conducted.

Brian Falkowski: There is no problem with that, I don't really see the difference, but we will go ahead. Mr. Davis would you like to vote for Mrs. Mitchell or Robert Houser?

Mr. Davis: Mrs. Mitchell

Brian Falkowski: Mrs. Germano, would you like to vote for Mrs. Mitchell or Mr. Houser?

Mrs. Germano: Mrs. Mitchell

Mr. Falkowski: Mr. Houser would you like to vote for yourself or Mrs. Mitchell?

Mr. Houser: Bob Houser

Mr. Falkowski: Mr. Kostka would you like to vote for Mrs. Mitchell or Mr. Houser?

Mr. Kostka: Mrs. Mitchell

Brian Falkowski: Mrs. Lally, would you like to vote for Mrs. Mitchell or Mr. Houser?

Mrs. Lally: Mrs. Mitchell

Brian Falkowski: Mrs. Mitchell, would you like to vote for yourself or Mr. Houser?

Mrs. Mitchell: Myself

Mr. Falkowski: Mr. Sarno, would you like to vote for Mrs. Mitchell. or Mr. Houser?.

Mr. Sarno: Mr. Houser

Mr. Falkowski: Mrs. Taylor, would you like to vote for Mrs. Mitchell or Mr. Houser?

Mrs. Taylor: Mr. Houser

Mr. Falkowski: Mr. Thomas, would you like to vote for Mrs. Mitchell or Mr. Houser?

Mr. Thomas: Mrs. Mitchell

Brian Falkowski: Majority for Mrs. Mitchell, congratulations, you are now President.

Mrs. Mitchell: Thank you.

**EXECUTIVE SESSION RESOLUTION:**

Request Resolution for Executive Session at this point in the meeting of the Barnegat Township Board of Education on Wednesday, April 23, 2007, for the purpose of discussing personnel, terms/conditions of employment, contract negotiations, and/or pending or ongoing litigation.

WHEREAS, Section 8 of the Open Public Meeting Act, N.J.S.A. 10:4-12 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances exist,

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Township of Barnegat in the County of Ocean and State of New Jersey, as follows:

The public shall be excluded from discussion on the actions upon the hereinafter specified subject matter(s).

The general nature of the subject matter(s) to be discussed is listed in Executive Session, Executive Discussion.

It is anticipated at this time that the subject matters will be made public, if and when confidentiality is no longer needed. Action may be taken.

This resolution shall become effective immediately.

Mrs. Mitchell: Thank you. Without objection from the Board, I need closed session right now; may we have a Motion to move into an emergency closed session? Motion by Mrs. Germano, seconded by Mr. Kostka, all in favor, aye. None opposed. Motion carried. We will be back as soon as possible, hopefully in 15-20 minutes please bear with us.

Mrs. Mitchell: The Barnegat Township Board of Education is called back to order; may I have a Roll Call please?

Mr. Davis:	Yes
Mrs. Germano:	Yes
Mr. Houser:	Not Available
Mr. Kostka:	Yes
Mrs. Lally:	Yes
Mrs. Mitchell:	Yes
Mr. Sarno:	Yes
Mrs. Taylor:	Yes
Mr. Thomas:	Yes

Mrs. Mitchell: Before I move forward I just want to explain to the audience what is going to happen in the next ten minutes because we are going to go back upstairs, and I don't want anybody to be angry or upset with us. What we are going to do now is go through the rest of the Reorganization Agenda and then I am going to close that meeting, it is going to sound a little bizarre, and then I am going to open another meeting, take another Roll Call and then we have to go back into Executive Session. I am hoping, I said last time 20 minutes, I am sorry it ended up being 40 minutes, I am sorry, I will do my best to get everybody back down here as soon as possible. There is some coffee and cookies there, so just bear with us and we will get back on track. With that, may I have a nomination from Mrs. Germano for the election of a Vice President?

Mrs. Germano: I nominate Kim Lally

Mrs. Mitchell: Ok, Kim Lally for Vice President is there a second on that? Seconded by Mr. Kostka, are there any other nominations? May I have a Roll Call please, I am sorry?

Mrs. Taylor: I would like to nominate Scott Sarno.

Mrs. Mitchell: Mrs. Taylor nominated Scott Sarno, seconded by Mr. Houser. Now again we will go back to how Mr. Houser gave us an opinion on how to do it the last time and we had no problem with that. I will ask Mr. Falkowski to take Roll Call and either you are voting for Mr. Sarno or Mrs. Lally. Understood?

Mr. Falkowski: Mr. Davis, Mrs. Lally or Mr. Sarno?

Mr. Davis: Mrs. Lally

Mr. Falkowski: Mr. Germano, Mrs. Lally or Mr. Sarno?

Mrs. Germano: Mrs. Lally

Mr. Falkowski: Mr. Houser, Mrs. Lally or Mr. Sarno?

Mr. Houser: Mr. Sarno

Mr. Falkowski: Mr. Kostka, Mrs. Lally or Mr. Sarno?

Mr. Kostka: Mrs. Lally

Mr. Falkowski: Mrs. Lally, yourself or Mr. Sarno?

Mrs. Lally: Mrs. Lally

Mr. Falkowski: Mrs. Mitchell, Mrs. Lally or Mr. Sarno?

Mrs. Mitchell: Mrs. Lally

Mr. Falkowski: Mr. Sarno, yourself or Mrs. Lally?

Mr. Sarno: Myself

Mr. Falkowski: Mrs. Taylor, Mrs. Lally or Mr. Sarno?

Mrs. Taylor: Mr. Sarno

Mr. Falkowski: Mr. Thomas, Mrs. Lally or Mr. Sarno?

Mr. Thomas: Mr. Sarno

Mr. Falkowski: By majority, Mrs. Lally wins.

Mrs. Mitchell: Congratulations, Mrs. Lally

Mrs. Mitchell: Ok, now without any objection from the Board, I am adding a Motion before I move on. May I have a Motion please to authorize the Board Attorney to seek an Opinion from the Commissioner of Education asking for a Board's member's qualifications or disqualifications of a Board member? May I have a Motion for that? Motion by Mrs. Germano, seconded by Mr. Davis. Any discussion? Roll Call please.

Mr. Davis:	Yes
Mrs. Germano:	Yes
Mr. Houser:	Abstain
Mr. Kostka:	Yes
Mrs. Lally:	Yes
Mrs. Mitchell:	Yes
Mr. Sarno:	No
Mrs. Taylor:	No
Mr. Thomas:	Yes

Motion passes.

#### **GOVERNMENT RELATIONS, N.J.S.B.A., O.C.S.B.A.**

Mrs. Mitchell: Now I need a nomination for Government Relations for NJSBA.,OCSBA and I am sorry, Mr. Thomas, I was going to ask you to do this for this year. Mrs. Taylor asked me to find somebody else to do it. I hate to put you on the spot, I meant to call you and I forgot. Would you mind?

Mr. Thomas: Call me tomorrow.

Mrs. Mitchell: Would you mind if we put that on there, it is a couple of meetings a year.

Mr. Thomas: The new boy on the block I understand.

Mrs. Mitchell: The nomination for Mr. Thomas to do that. May I have a Roll Call please?

Mr. Davis	Yes
Mr. Germano	Yes
Mr. Houser	Yes
Mr. Kostka	Yes
Mrs. Lally	Yes
Mrs. Mitchell	Yes
Mr. Sarno	Yes
Mrs. Taylor	Yes, with pleasure

Mr. Thomas                    No

Mrs. Mitchell: Thank you, Mr. Thomas. Sorry.

**SOUTHERN REGIONAL REPRESENTATIVE**

Mrs. Mitchell: May I have a nomination to appoint Mr. Dereck Davis as our final representative to Southern Regional. Moved by Mr. Thomas, seconded by Mrs. Germano. Roll Call please.

Mr. Davis:                    Yes  
Mrs. Germano:                Yes  
Mr. Houser:                  Yes  
Mr. Kostka:                  Yes  
Mrs. Lally:                    Yes  
Mrs. Mitchell:                Yes  
Mr. Sarno:                    Yes  
Mrs. Taylor:                  Yes  
Mr. Thomas:                  Yes

**APPOINTMENTS AND CONTRACTS**

- A. SUPERINTENDENT OF SCHOOLS - Dr. Thomas C. McMahon
- B. BOARD SECRETARY – Mr. Brian S. Falkowski
- C. ATTORNEYS -            Citta, Holzapfel, Zabarsky  
    McManimon and Scotland, LLC  
    Mulvaney, Coronato & Brady Esq.  
    Dave Corrigan
- D. BOARD ATTORNEY- Gilmore & Monahan
- E. BOARD AUDITOR - Ford, Scott, Seidenburg & Kennedy LLC
- F. SCHOOL PHYSICIAN(S) – Ocean County Family Care
- G. TREASURER OF SCHOOL MONIES - Mrs. Kristen Davis
- H. COOPERATIVE BIDS - Membership in the NJ Cooperative Bidding Program; Membership in County Bid Program
- I. FINANCIAL ADVISOR - Capital Financial Advisors
- J. PSYCHOLOGICAL EXAMINER – Anne Sterner, Lynne Bennett and Robert Armbrust



K. SCHOOL BUISNESS ADMINISTRATOR- Dr. Thomas C. McMahon

L. ASSISTANT SUPERINTENDENT – Dr. Joseph T. Donahue

1. APPOINTMENTS

Motion to approve the following appointments effective July 1, 2007 - June 30, 2008:

- A. ARCHITECT - Vaughn Collaborative Inc.
- B. BROKER OF RECORD - BHB Insurance Agency and Federal Hill Risk Management
- C. INSURANCE AGENCIES - BHB Insurance Agency and Van Dyk Group
- D. CHIEF EQUITY OFFICER – Mr. George Chidiac
- E. ATTENDANCE OFFICER – William Masol
- F. AUTHORIZED PARTIES FOR SIGNING OF WARRANTS- Board President, Treasurer of School monies and Board of Education Secretary.

RESOLUTION ON DATES OF BOARD MEETINGS

Motion to approve the following resolution on the dates of Board Meetings:

**RESOLUTION**

**WHEREAS**, THE OPEN PUBLIC MEETING ACT of 1976 requires public bodies to provide notice of all meetings in an effort to enhance the proper functioning of the democratic process:

**WHEREAS**, it is the desire of the Board of Education to implement and adhere to the provisions of said act:

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

Pursuant to the provisions of Section 13 of the aforesaid statute, the Board of Education hereby designates the 4th Wednesday of each month for its' Regular Meeting, unless otherwise modified by Resolution of this Board, at 6 p.m. as noted below:

June 27, 2007- Robert L. Horbelt School  
August 22, 2007- Barnegat High School  
October 24, 2007 - Cecil S. Collins School  
November 28, 2007 - Lillian M. Dunfee School  
January 23, 2008 – Robert L. Horbelt School  
March 26, 2008 – Russell O. Brackman Middle School  
April TBD

A) A copy of the notice of the regularly scheduled meetings shall be posted and maintained throughout the year prominently in the public place reserved for such or similar announcements: to wit,

BARNEGAT TOWNSHIP MUNICIPAL BUILDING

B) A copy of the notice of the regularly scheduled meetings shall be faxed to the following newspapers:

Times Beacon  
Asbury Park Press

C) A copy of the notice of the regularly scheduled meetings shall be filed with the Township Clerk of the Township of Barnegat.

D) In the event the meeting schedule described above is revised, the Board of Education shall, within seven (7) days following such revision, post, fax, and submit such revision in the manner provided for in Sections A and B of this Resolution.

E) Written adequate notice of Special Meetings of the Board shall be at least forty-eight (48) hours; giving the time, date and location and, to the extent known, the agenda of such Special Meetings; which notice shall be provided for in the following manner:

➤ By posting a copy thereof in at least one public place reserved for such notice or similar announcements, to wit:

BARNEGAT TOWNSHIP MUNICIPAL BUILDING

➤ By mailing a copy of such notice to the following newspapers circulating in the Township of Barnegat (one of which is designated official newspaper):

Times Beacon  
Asbury Park Press

- By filing a copy of such notice with the Township Clerk of the Township of Barnegat.

F) Any person may request, in writing, that the Board of Education mail to him a copy of the schedule of regular meetings of the Board of Education and/or advance written notice of Special or rescheduled meetings of the Board of Education. Upon prepayment by such person or applicable fee hereinafter set forth, such schedule and/or advance notice shall be mailed to said person. All request made pursuant hereto shall terminate at midnight December 31st of the current year, subject to renewal hereafter upon the filing of a new written request to the Board of Education together with prepayment of the applicable fee. Notices requested by the news media shall be mailed free of charge.

#### Schedule of Mailing Fees

For a copy of scheduled or regular meetings and revisions thereto -- \$5.00.  
For advance written notice of all special or emergency meetings during the calendar year -- \$10.00.

G) Upon the affirmative vote of 3/4 of the board present, the Board of Education may hold a meeting without compliance with the notice and requirements of this Resolution if such meeting is required to deal with matters of such urgency and importance that delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest.

## 2. RESOLUTION ON DEPOSITORIES

Motion to approve the following resolution on depositories:

**NOW, THEREFORE, BE IT RESOLVED**, that the Wachovia, Commerce Bank/Shore N.A., Chase Manhattan Bank, and the State of New Jersey Cash Management Fund and Commerce Capital Markets be designated as depositories of the Barnegat Township Board of Education and be instructed to pay out funds upon the signatures of the President and Vice President, the Secretary and the Treasurer of School Monies as required by law.

## 3. OFFICIAL NEWSPAPERS

Motion to approve the Official Newspaper as follows:

Asbury Park Press

## 5. BOARD OF EDUCATION POLICIES/REGULATIONS

Motion to adopt all policies/regulations currently in effect for the 2007-2008 school year.

6. CURRICULUM - PROGRAMS - GRADES K - 12

Motion to adopt the Curriculum, Programs, Novel List and Field Trips - Grades K - 12 as presented for the 2007-2008 school year.

Mrs. Mitchell: OK, without objection, again I am going to skip over closed session for this meeting, and skip over call to order we just completed that. Under Reorganization may I have a Motion to move the entire section? Motion by Mrs. Lally, seconded by Mrs. Taylor. Any discussion? Roll Call.

Mr. Davis: Yes

Mrs. Germano: Yes

Mr. Houser: I need clarification; you are voting on the appointment and contracts and voting them A, B, C and the whole total?

Mrs. Mitchell: Yes.

Mr. Houser: In regard to C, the attorneys.

Mrs. Mitchell: OK, I am sorry. If we are going to talk about this we need to go into closed session again.

Mr. Houser: No, I do not need to talk about them; I just need to make a comment on it. I vote yes on A, yes on B, in regard to C, I am voting no with an explanation. I have huge concerns with the Board wasting taxpayers' dollars that should be used for the students on a witch hunt of Barnegat Township Board of Education members, so I am voting no because of those concerns on C. D, I am also voting no with the same comment on the wasting of taxpayers dollars, E, I am voting yes; F, I am voting yes; G, I am voting yes; H, I am voting yes; I, I am voting yes; J, yes; K, yes; L, yes; all of #2, yes.

Mrs. Mitchell: Thank you, Mr. Falkowski.

Mr. Falkowski: Continuing with the Roll Call.

Mr. Kostka: Just bear with me, please. The vote is just not on all the appointments but on the Resolution of the meetings and everything else, correct?

Mrs. Mitchell: Correct.

Mr. Kostka: I vote yes on everything but “D”, the Board Attorney, and I vote no on the Resolution for our meetings.

Mrs. Mitchell: Thank you.

Mr. Falkowski: I am sorry, no on the meetings?

Mr. Kostka: No on the meetings.

Mr. Falkowski: No on the meetings.

Mrs.Lally: Yes

Mrs. Mitchell: Yes

Mr. Sarno: On C and D I am also voting no, I feel as Mr. Houser already stated, that these attorneys we have had in the past have advised us on many opinions in litigation that has cost this district thousands and thousands and thousands of dollars that should be going to our kids and not towards frivolous litigation charges, slander and everything else that they recommend the Board to do to each other and people in the public. So, I vote no on C and D, I also vote no on the Resolution. I feel we should have Board meetings every month. I think it puts too much burden on the Board members. The information we get after two months and you also don’t give the opportunity to the public to speak for two months at a time where an issue that may be raised at one time you have to wait two months to get before us and speak, so that is why I voted no on the Resolution. Yes on everything else.

Dr. McMahon: I just like to point out

Mrs. Mitchell: I am sorry Dr. McMahon; we need to finish the vote first.

Mr. Falkowski: Mrs. Taylor

Mrs. Taylor: I vote no on C and D and also no on the monthly meetings.

Mr. Thomas: I vote yes except for D, Board attorneys, I have to agree with my constituents here, I believe this Board should have a minimum of one meeting a month, so I vote no on the Resolution.

Mr. Falkowski: No on the Resolution, also?

Mr. Thomas: No on the Resolution and no on item D.

Dr. McMahon: I would like to comment that the meeting dates listed are the prescribed meeting dates that the Board holds to. Last year we had 14 meetings which was more than one a month. These are just prescribed meetings; we do in fact meet more than seven times. Most of the Board besides having seven prescribed meetings and five other ones last year, we also had committee meetings. This year there tends to be 24 committee meetings and if we keep it to 12 meetings we had last year we will have 36 between committee and board meetings.

Mrs. Mitchell: I would also like to say something before I adjourn this and go into the next meeting. This Board of Education got a packet on Friday and with the exception of Mr. Kostka and myself having a conversation about this and Mr. Thomas prior to any petitions being run put in for this Board of Education, nobody here has made any comments to myself, I cannot speak to Mrs. Lally, that we should maybe change monthly meetings or look at some other avenues where some people voted no.

#### **ADJOURNMENT**

With that being said may I have a Motion to adjourn please? Motion by Mr. Kostka, seconded by Mr. Sarno. All in favor, none opposed. Thank you.

Mrs. Mitchell: Please bear with us; I need to open another meeting. This is our Regular Meeting.

Respectfully submitted,

Brian S. Falkowski  
Board Secretary