



***Barnegat Township
School District***

**BARNEGAT BOARD OF EDUCATION
SPECIAL MEETING MINUTES**

**July 24, 2012
Tuesday, 6:30 PM**

Barnegat High School
180 Bengal Blvd.
Barnegat, NJ 08005

Our collective mission is to nurture and educate our children in accordance with all curriculum standards to prepare them for responsible citizenship and success in life.

CALL TO ORDER

Mrs. Pilovsky: I would like to call this July 24, 2012 special meeting of the Barnegat Board of Education to order.

ROLL CALL

Mrs. Pilovsky: May I have a roll call please.

Mr. Adorno	Present
Mr. Mihalik	Present
Mrs. Sarno	Present
Mrs. Olker	Present
Mr. Houser	Present
Mr. Caputo	Present
Mrs. Pilovsky	Present

Mrs. Becker	Absent
Mr. Cloke	Absent

Also Present: Karen Wood, Superintendent
Dean Allison, Business Administrator/Board Secretary
Ben Montenegro, Board Attorney

FLAG SALUTE

Mrs. Pilovsky: Would everyone please rise for the Salute to the Flag.

All: Pledge of Allegiance.

OPEN PUBLIC MEETING ACT

Mrs. Pilovsky: The notice of this meeting has been forwarded to the Asbury Park Press, and placed in the foyer of the Barnegat High School, the Municipal Building and filed with the Municipal Clerk, in conjunction with the Open Public Meeting Act N.J.S.A. 10:4-10.

Mrs. Pilovsky: Before we start we are going to move the Executive Session under the Public Session.

APPROVAL OF AGENDA AND/OR ADDITIONS

Mrs. Pilovsky: May I have a motion to approve the Agenda and/or Additions?

Mr. Caputo: So moved

Ms. Sarno: Second

Mr. Adorno	Yes
Mr. Mihalik	Yes
Mr. Houser	Yes
Mrs. Sarno	Yes
Mrs. Olker	Yes
Mr. Caputo	Yes
Mrs. Pilovsky	Yes

PUBLIC SESSION

Mrs. Pilovsky: Moving on to Public Session.

The Barnegat Township Board of Education appreciates and welcomes public comment, advice and suggestions especially when it is intended to assist/help the Board of Education. Please feel free to speak to the Board during the public session. Comments and discussion will be limited to one five (5) minutes period per individual unless requested by the chairperson to continue on a point of clarification. Public comment at special meetings of the Board shall be related to the call of the meeting. In accordance with the Board of Education Policy, each participant must be recognized by the presiding officer and must preface their comments by an announcement of their name, address and group affiliation, if appropriate. Your anticipated courtesy to the member of the public and the Board is appreciated.

Mr. Caputo: I would like to make a motion that we open it up to public comments at this time.

Ms. Sarno: Second

Mr. Adorno:	Yes
Mr. Mihalik	Yes
Mr. Houser	Yes
Mrs. Sarno	Yes
Mr. Caputo	Yes
Mrs. Olker	Yes
Mrs. Pilovsky	Yes

Mrs. Pilovsky: Are there any comments? May I have a motion to close public session?

Mr. Caputo: So moved

Mr. Mihalik: Second

Mr. Adorno	Yes
Mr. Mihalik	Yes

Mr. Houser	Yes
Mrs. Sarno	Yes
Mrs. Olker	Yes
Mr. Caputo	Yes
Mrs. Pilovsky	Yes

EXECUTIVE SESSION RESOLUTION

Request a resolution for Executive Session at this point in the meeting of the Barnegat Township Board of Education on July 24, 2012 for the purpose of discussing confidential student information, contracts and/or 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): student information, contracts and/or litigation.

The general nature of the subject matter(s) to be discussed is listed under 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.

EXECUTIVE DISCUSSION

Mrs. Pilovsky: May I have a motion to move to Executive session to discuss personnel and student matters?

Mrs. Sarno: So moved

Mrs. Olker: Second

Mr. Adorno	Yes
Mr. Mihalik	Yes
Mr. Houser	Yes
Mrs. Sarno	Yes
Mrs. Olker	Yes
Mr. Caputo	Yes

Mrs. Pilovsky Yes

Mrs. Pilovsky: We will go into Executive session at this time.

CALL TO ORDER AFTER EXECUTIVE SESSION

Mrs. Pilovsky: I would like to call this meeting back to order.

ROLL CALL

Mr. Adorno	Present
Mr. Mihalik	Present
Mrs. Sarno	Present
Mr. Houser	Present
Mrs. Olker	Present
Mr. Caputo	Present
Mrs. Pilovsky	Present

FINANCE COMMITTEE MOTIONS

Mrs. Pilovsky: Moving on to Finance Committee Motions, may I have a motion to approve motions 1-4?

Mr. Caputo: So moved.

Mr. Mihalik: Second

Mr. Adorno	No to #1; yes to the others
Mr. Mihalik	Yes
Mr. Houser	Yes
Mrs. Sarno	No to #1; yes on #2 and abstain on #3; yes on #4
Mrs. Olker	Abstain on #3; yes to the others
Mr. Caputo	Yes on #1, #2, #3 and abstain on #4
Mrs. Pilovsky	Yes on #1 and #2; abstain on #3 and yes on #4 (Mrs. Pilovsky changed her vote on #3 to a yes after the conversation below)

Mr. Allison: We have three abstentions on #3 so it does not pass tonight with seven members present.

Mr. Caputo: I will retract my abstention and make it a yes.

Mr. Allison: You voted yes on #3 and abstained on #4.

Mr. Allison: #3 is the five-year lease purchase.

Mrs. Pilovsky: There are seven Board members present and four said yes and three said no so what does that mean?

Mr. Allison: We have to have five on a lease/purchase. It is not a simple majority I do not think.

Mrs. Pilovsky: Let's let Ben clarify that.

Mr. Montenegro: Bear with me. I do not have on my list here for lease/purchase.

Mrs. Pilovsky: Can I just retract this? I am going to vote yes. I want it noted that from now on the information needs to come at the Committee level first for information purposes. Please make that clear; we have a process and we need to follow that process. With that I say yes.

Mr. Allison: Ok, then we are ok.

Mrs. Pilovsky: We are not going to go through this again.

1. Motion to appoint the Van Dyk Agency as the Property and Casualty Insurance Broker for the 2012-2013 school year with no fee.
2. Motion to authorize the Business Administrator to award a contract for the repaving of the ROBMS access driveway and the adjacent CSCS small parking lot to the lowest responsible bidder, to allow the paving to be completed prior to the start of school, subject to a maximum of \$148,000 (with the final award details and costs to be submitted for official Board approval at its August meeting, after the formal bid opening on July 26th).
3. Motion to approve the following Resolution to award the 5-year lease purchase bid to finance three school buses, computer technology equipment and textbooks to U. S. Bancorp Government Leasing and Finance at an interest rate of 1.413%.

Other bidders were:

Municipal Leasing Consultants:	1.837%
Global Strategic, LLC:	1.669%
TD Equipment Finance, Inc.:	1.689%

RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF BARNEGAT SCHOOL DISTRICT IN THE COUNTY OF OCEAN DETERMINING TO FINANCE CERTAIN SCHOOL BUSES, COMPUTER TECHNOLOGY TEXTBOOKS, AND RELATED ACQUISITIONS THROUGH THE COMPETITIVE BID, RECOMMENDATION OF AWARD AND EXECUTION OF A LEASE PURCHASE AGREEMENT, APPROVING THE FORM OF CERTAIN AGREEMENTS INCLUDING A LEASE PURCHASE AGREEMENT, AUTHORIZING CERTAIN OFFICIALS OF THE BOARD TO

EXECUTE SUCH AGREEMENTS AND AUTHORIZING OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TRANSACTION.

WHEREAS, The Board of Education of the Barnegat School District in the County of Ocean, New Jersey (the “Board” when referring to the governing body, and the “School District” when referring to the legal entity and the territorial boundaries that are governed by the Board) has determined to lease purchase finance the acquisition of textbooks, technology, school buses, and other miscellaneous equipment and costs required to enter into a Lease Purchase Agreement (“Lease, Agreement”) for an amount not to exceed \$710,000 and a term not to exceed five years (collectively, the “Acquisition”); and

WHEREAS, Middlesex Regional Educational Services Commission Lease Purchase Bidding/Financial Advisory Service (MRESC) has served as financial advisor (the “Financial Advisor”) to conduct a competitive bid (Bid) for the Lease Purchase to finance the cost of the Acquisition pursuant to the attached contract; and

WHEREAS, MRESC has conducted the Bid for the Lease Purchase on behalf of the Board on July 18, 2012 and has made its recommendation to the Board (see attached); and

WHEREAS, The Board wishes to expedite the payment of the respective vendors of the Acquisition;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE BARNEGAT SCHOOL DISTRICT IN THE COUNTY OF OCEAN, NEW JERSEY, AS FOLLOWS:

The Board awards the Lease Purchase financing to US Bancorp Government Leasing and Finance and or their Assignees, at an indexed interest rate of 1.413% and to enter into Lease with the US Bancorp Government Leasing and Finance and or their Assignees. (Lessor) after Board Counsel has reviewed the Agreement; and

The Board hereby approves the execution of the Lease to the Lessor in order to finance the Acquisition and authorizes the sale of the Lease to the recommended low bidder as Lessor. This award is to be made in accordance with the proposal form submitted by the Lessor to the Board Secretary as of the date of the Bid, said proposal is attached hereto, and kept on file with the Board Secretary; and

The Board authorizes the Board President or the Board Secretary to approve any changes or deletions to the Lease Agreement or related documents as may, in the judgment of Counsel be necessary, advisable and in the best interest of the Board; and

The Board authorizes (if necessary to facilitate equipment delivery schedules) the Board President or the Board Secretary to establish an escrow account for the deposit of the lease proceeds in accordance with the Governmental Unit Deposit Protection Act (GUDPA), and to direct the deposit and investment of the lease proceeds in escrow for the term of the lease; and

The Board hereby delegates the Board President and the Board Secretary the ability to execute the lease purchase agreement and other related financing documents with recommended low bidder, serving as the Lessor and purchaser of the lease purchase agreement (the “Lessor” and “Purchaser”), and Escrow Agent (Escrow Agent); and

The Lease is hereby designated as a “qualified tax-exempt obligation” for purposes of Section 265 (b) (3) (ii) of the Internal Revenue Code of 1986, as amended.

This resolution shall take effect immediately.

4. Motion to approve a change order for the Collins roof project for \$120,000, which increases the total roof project cost to \$834,744 to repair, seal and install new metal flashing around the complete exterior of the Collins School to prevent moisture intrusion into the building via openings at the top of all block exterior walls of the school. – See attached

FACILITY USE, BUILDINGS AND GROUNDS/TRANSPORTATION COMMITTEE MOTIONS

Mrs. Pilovsky: Moving on to VIII, Facility Use, Buildings and Grounds/Transportation Committee motions, may I have a motion to approve motions 1 and 2?

Mr. Caputo: So moved.

Mr. Adorno: Second

Mr. Adorno	Yes
Mr. Mihalik	Yes
Mr. Houser	Yes
Mrs. Sarno	Yes
Mrs. Olker	Abstain
Mr. Caputo	Yes
Mrs. Pilovsky	Yes

1. Motion to retroactively approve waiving facilities usage fees for Barnegat Township Recreation and Barnegat Township Senior Softball for the 2010-2011 school year.

2. Motion to retroactively approve waiving facilities usage fees for the following organizations for the 2011-2012 school year:

- Barnegat Township Senior Softball
- 3 Jersey Shore Council of Boy Scouts of America – Eagle Scout Courts of Honor
- Public Consulting Group – Department of Education SEMI Regional Meeting

OLD BUSINESS

Mrs. Pilovsky: Under Old Business, do we have any Old Business? Seeing none, we will move on to New Business.

NEW BUSINESS

Mrs. Pilovsky: Do we have any New Business?

Mr. Allison: If you are not changing the policy you do not need a motion; you only need a motion if you are going to grant the waiver.

Mrs. Pilovsky: There is other no New Business.

ADJOURNMENT

Mrs. Pilovsky: May I have a motion to adjourn at 9:43 p.m.

Mr. Caputo: So moved

Mrs. Sarno: Second

Mr. Allison: All in favor signify by saying Aye.

All: Aye.

Respectfully submitted,

Dean Allison
Business Administrator/Board Secretary