

MORRIS SCHOOL DISTRICT
Minutes of September 6, 2022
100 Southgate Parkway, Morristown, NJ 07960

The special business meeting of the Board of Education of the Morris School District, of Morris County, New Jersey was held at the Law Offices of Porzio, Bromberg, Newman, 100 Southgate Parkway, Morristown, NJ on Thursday evening, September 6, 2022 at 6:02 p.m.

The meeting was called to order and made the following announcement: The New Jersey Open Public Meeting 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 interest is discussed or acted upon. In accordance with the provisions of this Act the Board of Education of the Morris School District in the County of Morris has caused notice of this meeting to be published by having the date, time and place thereof posted. The notice was mailed to the Daily Record, and to those persons or entities requesting notification, and posted at the Administration Center, 31 Hazel Street, Morristown, New Jersey.

A special meeting of the Board of Education will be held Tuesday, September 6, 2022 and Thursday, September 8, 2022 at Porzio, Bromberg & Newman Law Offices, 100 Southgate Parkway in Morristown, NJ at 6:00 pm. The purpose of the meeting is for a board retreat and any other new business which might be brought before the board. The meeting will open at 6:00 pm and go immediately into closed session to discuss confidential matters. Action may be taken.

At the Roll Call, the following Board Members were present: Mrs. Nancy Bangiola, Mrs. Katie Cole, Mrs. Meredith Davidson, Ms. Lucia Galdi, Morris Plains Representative, Ms. Linda K. Murphy, Board Vice-President, Mrs. Susan Pedalino, Dr. Vivian Rodriguez (virtual), Mr. Alan Smith, Mrs. Melissa Spiotta, Board President and Mrs. Elisabeth Wall.

Also present, Dr. Thomas Ficarra, Interim Superintendent and Ms. Charlene Peterson, Field Service Representative, New Jersey School Boards Association.

The Board moved to go into closed session at 6:03 pm.

EXECUTIVE SESSION

Motion #1 AUTHORIZING EXECUTIVE SESSION

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Morris School District Board of Education to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," without the public being permitted to attend, and

WHEREAS, the Board has determined that three (3) issues are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance and shall be discussed during an Executive Session to be held on September 6, 2022 at 6:00 P.M, and

WHEREAS, the nine (9) exceptions to open public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box which will be marked when the issues to be privately discussed fall within that exception, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion." The nature of the matter, described as specifically as possible without undermining the need for confidentiality are: Student Matters

"(2) Any matter in which the release of information would impair a right to receive funds from the federal government." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

"(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body." The collective bargaining contract(s) discussed are between (1) the Board and the Morris School District Administrators Association.

"(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

"(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

"(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer." The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are and the nature of the discussion, described as specifically as possible without undermining the need for confidentiality is:

"(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting." Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478 (1991), the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are:

"(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is:

WHEREAS, the length of the Executive Session is estimated to be sixty (60) minutes after which the public meeting of the Board shall (select one) reconvene and immediately adjourn or reconvene and proceed with business where formal action will be taken.

NOW, THEREFORE, BE IT RESOLVED that the Morris School District Board of Education will go into Executive Session for only the above stated reasons; and

BE IT FURTHER RESOLVED that the Board hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure.

EXECUTIVE SESSION (Motion #1)

Moved by Mrs. Cole, seconded by Mrs. Davidson

AYES: Mrs. Bangiola, Mrs. Cole, Mrs. Davidson, Ms. Galdi, Ms. Murphy,
Mrs. Pedalino, Dr. Rodriguez, Mr. Smith, Mrs. Spiotta, Mrs. Wall

NOES: None

ABSTAIN: None

ABSENT: None

At 8:46 pm, Mrs. Wall moved to go into open session. Ms. Murphy seconded the motion which was carried unanimously.

There was no one from the public present.

NEW BUSINESS BROUGHT BEFORE THE BOARD

Mrs. Pedalino asked about the Football Practice which took place on Labor Day. The recommendation was made to discuss this in the Policy Committee.

ADJOURNMENT (8:50 PM)

Moved by Dr. Rodriguez, seconded by Mrs. Pedalino

AYES: Mrs. Bangiola, Mrs. Cole, Mrs. Davidson, Ms. Galdi,
Mrs. Pedalino, Dr. Rodriguez, Ms. Murphy, Mr. Smith, Mrs. Spiotta, Mrs. Wall

NOES: None

ABSTAIN: None

ABSENT: None

Respectfully Submitted,

Alan Smith
Board Member