

Lehigh Area School District

Lehigh, Pennsylvania

Regular Meeting of School Board
Monday, August 27, 2018, at 7:00 PM

**Executive Session @ 6:00 PM to
Discuss Superintendent Evaluation Process.**

Minutes

Pledge of Allegiance

Call to Order - A regular meeting of the Lehigh Area School Board was held in the Administration Building, Conference Room A, on the above date and called to order at 7:03 p.m.

Roll Call

	Present	Absent
Ms. Joy Beers, Member	X	☐
Mr. Richard R. Beltz, Member	X	☐
Mr. David F. Bradley, Sr., Member	X	☐
Mr. Stephen Holland, Member	X	☐
Mrs. Gail Maholick, Member	X	☐
Mrs. Rita Spinelli, Member	X	☐
Mr. Wayne Wentz, Vice President	X	☐
Mr. Andrew Yenser, Treasurer	X	☐
Mr. Larry Stern, President	X	☐
Mr. Brian Feick, Business Manager	X	☐
Mr. Jonathan Cleaver, Superintendent	X	☐
Attorney William Schwab, Solicitor	X	☐
Mrs. Melissa Wagner, Recording Secretary	X	☐

****Notice of Executive Session concerning personnel and the Superintendent Evaluation.**

Mr. Stern - A reminder to board members, please remember to use your microphones and minimize your personal cell phone usage during our meeting.

Presentations - None

Public Comment on Agenda

1. David Bradley - Agenda Item H. and XII.

- I submitted a letter to the press, the board, the administration, and citizens. If you didn't get a copy, you're welcome to have one. It outlines the waste and proposed

consumption of tax dollars to comply with the law that's on the agenda. As stated in the letter, I'm offering to inspect the records and sign an agreement not to disclose, blocking our solicitor from using fear to extract additional services from the district. Transparency is only costly when administered by obstructionists. This board, also, on old business side, this board needs to properly advertise Franklin and Shull-David still. We need to winterize those buildings and control their contents. This district needs to answer why they hired an outside firm without board approval. We also, as a board..

Mr. Stern - I think that's not pertaining to the...

- ...under New Business, it's on your agenda. So, we also had a...

Mr. Stern - It wasn't specified on the courtesy to the floor.

- Look at it again, look at it again. Why are you...I'll wait, you can look.

Mr. Stern - No, go ahead, go ahead look see what it says.

Mr. Cleaver - H.

Mr. Stern - Okay, thank you.

- And?

Mr. Stern - XII. Thank you.

- XII is new business, thank you. Okay, also, we had a meeting, last board meeting, we were talking about reviewing the student handbook and, my understanding is that it's been scheduled. But many of the board members didn't know the scheduled date and in my opinion I think maybe we should robo-call it so we get as much participating as possible rather than the least amount of participation from our community of students, parents, and citizens, thank you.

2. Barbara Bowes - Agenda Items VII/H.

- I'm going to be speaking on Item H., which is the agenda item, the motion to appeal the Office of Open Records decision. Obviously, the Office of Open Records understands that the only thing that would be needed to comply with state or federal law would be redaction of emails, when necessary. It's a shame that the board didn't decide to take the Office of Open Records offer of free training for the Right-to-Know Officer 'cause a lot of this could be avoided and certainly anything that was questionable could be sent to the solicitor. And, it seems that, you know, it just is what it is. However, I also filed a Right-to-Know and it was granted. And, I found it very interesting 'cause I was very specific in what I wanted. It says, please email copies of advertisements for the public auction of Mahoning and East Penn Elementary Schools including where and when advertised, publications including legal newspaper and where handbills were posted. What I found most notable is, it was not advertised in the Carbon County Law Journal, which is a requirement in Section 707 of the school code. It also, they gave me every location of where the handbills were posted and none are mentioned being posted at the schools themselves, which is also another requirement of the law. I did a search of the Carbon County Law Journal; I couldn't find anything. I searched it ten different ways. I used Lehigh Area School District, Lehigh, I used public auction, I used

public sale, I did everything I could for the month of October, which is when they would have been advertised. There's nothing there that I could find. And, it certainly seems that this was missed. And, to me, it's a big issue and now if this information is available, I did request it, I didn't receive it in my Right-to-Know. So, it seems to me, it's either the Right-to-Know Officer made a mistake and didn't provide all the information or mistakes were made and it was not advertised properly. I don't expect that you would know that, Mr. Cleaver. I would assume, the solicitor would know it would have to be advertised there.

Mr. Cleaver – I'd have to go back and research it.

- It says here, 707 Sale of Unused and Unnecessary Lands by Public Auction either on the premises to be sold or at places selected by the school board after due notice by publication in one or more newspapers of general circulation published within the county or the school district and in the legal newspaper in said county if any, which we do have one, once a week for three successive weeks before the date fixed for said sale and by handbills, one or more which must be posted on the property proposed to be sold and at least five of which must be posted at conspicuous places within the vicinity of said real estate. And, I do have pictures of all the ones that were posted on bulletin boards. I have a list of where they were posted, etc. East Penn Township postings were United States Post Office, East Penn Township Municipal Building, Riverview Park, Northside Heights, East Penn Township Playground Building, East Penn Township Social Hall and this was all on their bulletin boards. Mahoning, Mahoning Township – Mahoning Township Municipal Building, Heintzelman's Market, Mahoning Valley Fire Company-telephone pole, Mahoning Valley Ambulance Company-telephone pole, and Giant Lehighton-bulletin board. But, I question the not being advertised in the legal newspaper, thank you.

Mr. Bradley – Mr. Schwab, did we review the school code prior to advertising this?

Atty. Schwab – I don't believe I am supposed to answer any one particular director, if the majority of the board wishes me to respond I will. I don't do the advertisement for the school district.

Mr. Bradley – My question is, do we review the law prior to advertising these schools?

Atty. Schwab – If the board wishes me to answer, if five members of the board wish for me to answer, I'll be more than happy to.

Mrs. Maholick – You got me.

Ms. Beers – I would like to know.

Mr. Beltz – I would like to know.

Mr. Bradley – I absolutely asked, I'd like to know.

Atty. Schwab – Was it reviewed? Yes, it was. I do not take care of the advertisement for the school district. The only part of the postings that were done were the postings at the ten park properties. The postings at the school were done through the district. I don't do the advertisement, never have, don't do the advertisements for the law journal. That would be through the business office.

Mr. Bradley - But, we oversee it through our board. So, our boards supposed to oversee it. Oversee the administration to make sure they do it.

Atty. Schwab - I don't check every ad that this district does.

Mr. Bradley - I didn't think you should. I'm asking...

Atty. Schwab - Because then I'd be spending more money. Again, I can only tell the business office where they're supposed to advertise, I don't follow up because I don't have direct supervision on the business office to see if they have. It was reviewed, it was advised to them about the advertisements. I know, for example 'cause I saw it at Mahoning and I saw it at East Penn, both those schools were posted but my office didn't do it so we don't have certifications. I don't know if the district...

Mr. Bradley - Did, your office did some of the postings though or not?

Atty. Schwab - Only the postings to the ten locations.

Mr. Bradley - Posting to ten locations. So, your guy went out and put them up and...

Atty. Schwab - Well, it's a woman, but yes.

Mr. Bradley - Whatever, your person, I'm sorry. Your person put them up and then you recorded where you put them or whatever.

Atty. Schwab - Photos, yes.

Mr. Bradley - You took a photo?

Atty. Schwab - Yes.

Mr. Bradley - Okay. And then, if my understandings correct, school code Section 707 says that the board is responsible to make sure that this did take place and they are there for oversight to ensure 'cause we do have the time as volunteers to make sure this happens, correct? It's our responsibility.

Atty. Schwab - I don't necessarily believe your interpretation of the code.

Mr. Bradley - Well...

Atty. Schwab - And, I'm not...

Mr. Bradley - You mean we didn't advertise it properly or you thinking we did?

Atty. Schwab - Well, as far as I know, we had a room with about 15-20 people here. That would indicate that there were a lot of people here, it was advertised properly. But, you're asking me to say what the business office may or may not have done. I can't tell you if they advertised, that's, I can only ask, did you advertise? That's all I can do, sir.

Mr. Bradley - But, I'm saying it's the board's responsibility to make sure we meet the code of 707 and oversee our district that they did their job, we do have that responsibility, as a board.

Atty. Schwab – I don't know if I'd go, that you're going to micromanage. I don't believe any board should be micromanaging the administration. Now, if you ask me is the administration responsible, yes. I don't necessarily know that the board has to see everything that goes on and micromanage. I don't believe that's your function.

Ms. Beers – My question would be, is Barb's reading of the code correct and was, were the schools to be advertised in this law journal?

Atty. Schwab – I have not read that section.

Ms. Beers – Okay

Atty. Schwab – Or, the case law. Because frequently, the case law changes with meaning. We've had that before where the case law's black and white and then there's a court case that says you can't do that. Or, that's not mandatory.

Ms. Beers – Okay.

Atty. Schwab – And, I just have not researched it.

Ms. Beers – Right. I mean, that's the thing I would want to know is just did we comply with the law or not, as a district.

Atty. Schwab – I know we did with the posting because my office took care of that. The rest of it, I can't tell you, I've never investigated it other than ask was it done. And, as I say, even though Barb said it wasn't posted at the schools, I have visited the school and I've seen them on the front doors. So, I know they were there, and I know the district was doing those.

Barbara Bowes – What I said was I didn't receive proof that they were there. It wasn't in the Right-to-Know.

Atty. Schwab – If there's no document, you wouldn't get it.

Mr. Feick – Yeah, we didn't take pictures of the ones like he did at the buildings.

Barbara Bowes – Which is fine, but it could have been put in there that it was posted at each school.

Atty. Schwab – If they don't have a document, they don't produce it. That doesn't mean it wasn't done, it just means they don't have the document. If they didn't pay, for example, the Carbon County Law Journal, and that's a requirement, and if that would be a requirement, we may not have any document proving that it was done.

Barbara Bowes – Well, neither does the Law Journal 'cause it's not in there.

Atty. Schwab – If we don't pay it, we don't get the benefit of it. That's a Bar Association function.

Barbara Bowes – I can show you the letter.

Atty. Schwab – I'm not saying that...

Barbara Bowes – No, no, no, I just want you to understand this. This is what was sent to the Times News. I got this in my Right-to-Know.

Atty. Schwab – I can't tell you, I've never looked at it and I don't, I'm not gonna research it at a public meeting.

Barbara Bowes – No, it just says, and it's from Jonathan Cleaver to the Times News. I just wanted you to see that.

Atty. Schwab – Okay. That's what it says and there could be another one that says it goes to Carbon County Law Journal. I don't know. It might not have been sent, I can't tell you that sitting here 'cause I wasn't responsible for it.

Mr. Bradley – Are we doing this properly, can we review Section 707 and make sure that Franklin and Shull-David are legally advertised for sale and we should do that soon I would hope, right?

Atty. Schwab – Well, it all depends on, you haven't decided as a board yet how you're going to sell it. Meaning are you gonna sell it as a private sale through a realtor or an auction. There are two different procedures we have to follow and until the board decides how they're gonna sell it, I can review the law but it's not gonna do any good until we know which way you're going and that's a board decision. If you want to have a realtor sell it, that's fine, do a private sale. We need another appraisal. We'll actually need two appraisals because the current appraisal includes the Franklin Athletic Association property, so we have to have that one redone and we would need a second one if you're doing a private sale. If we're doing an auction, we don't need the second appraisal. It's considered that the auction, and the appraisal, we don't even need an appraisal for an auction. It's, but it's for the board's consideration to set a reserve but the law doesn't require an appraisal for an auction.

Mr. Feick – Can I say something? The law states it has to be in a legal newspaper. What's the definition of a legal newspaper? I was always under the understanding that it's available to the public which a law journal's only available to lawyers and whatever. So, we always publish things in the local paper, not the. An illegal newspaper to me would be publishing it in the school news, the 10th grade newsletter or something like that, that doesn't go to available public. So, we published it in the local newspaper which to me is a legal newspaper.

Barbara Bowes – Which is says that you need to do that, it has to be...

Mr. Feick – And I think we supplied that with you, the notice to advertise.

Barbara Bowes – ...and the legal newspaper.

Mr. Feick – What is the legal newspaper?

Atty. Schwab – There are only two real legal newspapers in the state. One in Allegheny County and one in Philadelphia County. We have journals all over the state, now is that a newspaper, I have no idea of what a court determines as a newspaper, it sounds strange. But, a journal or a register or a recording, I can't tell you, I haven't done the research. And, as I say, there is one in Philadelphia that's a newspaper, it's published daily, one in Pittsburgh that I believe is every other day.

Barbara Bowes – Well, Carbon County has a legal newspaper, it's the Carbon County Law Journal and it's....

Atty. Schwab – That may not be a newspaper, ma'am, it's a journal, that's not a newspaper necessarily.

Barbara Bowes – I actually discussed it with an attorney and they say it is a newspaper format and it is published weekly.

Atty. Schwab – It is not in the newspaper format, ma'am. I can tell you that, it is not, having been former Executive Director of the Bar Association, it is not in newspaper format.

Barbara Bowes – Well then I got poor advice.

Atty. Schwab – It's a pamphlet, is how it's set up. As though you would buy a magazine or something of that nature.

Barbara Bowes – I'll see if I can find out some of the legislature.

Mr. Stern – Okay, thank you.

Communications

1. Superintendent's Report – *Mr. Cleaver*

- We are preparing, just a reminder for everyone to turn their microphones on. We are preparing the buildings for staff this week and we welcome the students on September 4th. I'd like to thank our staff for working so diligently on cleaning and preparing all the buildings, in addition, especially a thank you to the teachers and their patience as we moved all our supplies in the Elementary Center.
- We received a letter from Franklin Township on August 22nd notifying us that they are moving forward with the subdivision proposal. They have contracted with Carbon Engineering to complete the process. Once this is complete, they will forward the information to the district.
- Over the past month, we've had four administrators and our school police officers become certified ALICE instructors. As certified instructors, we are now able to provide training to our entire staff and/or outside organizations on how to handle the threat of an aggressive intruder or active shooter. Whether it's an attack by an individual or a group, we will be training our staff how to become exceptive responses. This is in opposite of the traditional lockdown only approach which schools and organizations have been doing. Again, the safety of our students and staff, while creating an environment that is conducive to education is our top priority, our entire staff will be training in this response technique. The ALICE training stands for Alert, Lockdown, Inform, Counter, and Evacuate. So, like I said, a group of our administrators and our school police officers went and we went a little bit more above and beyond the normal training, we actually got certified as a trainer. So, we are certified instructors, we had to pass a pretty lengthy test to get approved for this instructor program and, like I said, we will be working with our staff. We're going to introduce it to them and go over a little bit of it at the in-service day coming up on Wednesday. But, a formal training will be offered to our staff in the October month when we

have our in-service to where we'll be working with our staff of training them in ALICE training. You may have seen in the paper many schools, this is the training that the majority of the schools are having incorporated in the training. I believe we were there and there was eleven other school districts that were there along with ourselves.

2. Finance Report - *Mr. Feick*

- I just want to remind everyone we're gonna have a special committee or board meeting September 10th just to discuss bond issues and alternatives there. That is going to be an advertised meeting, it'll be 6 o'clock, September 10th. Finance will be after the meeting.

Mr. Bradley - Hold on, one second, excuse me, Mr. Feick. Just for the record, on this paper you gave us, to the board as part of our packet, I added them up with you here earlier this evening. It looks like we spent about \$67,265,000 some dollars as total projects for the middle school, high school and elementary center. Assuming my math is close, that's about what were at.

Mr. Feick - Plus stadium, yes.

Mr. Bradley - Plus the stadium?

Mr. Feick - Correct.

Mr. Bradley - Which was 7 something almost 8?

Mr. Feick - No, 6.55.

Mr. Bradley - So, another 6 and a half.

Mr. Feick - Right. And, if you want to add on the same sheet there's also the middle school asbestos abatement which is getting rid of the asbestos at the middle school and the lead painted bleachers at the middle school.

Mr. Bradley - And what was that roughly?

Mr. Feick - It's on there too, \$570,000.

Mr. Bradley - So you're at \$74,300,000.

Mr. Feick - Mm hmm.

Mr. Bradley - Thank you.

Mr. Feick - Okay.

3. Board President's Report - *Mr. Stern*

- My report, I'll keep short. Just a couple dates and the upcoming regarding the elementary center. The Kindergarten Orientation will be held Wednesday, August 29th, from 4:30 p.m. to 7:00 p.m. Open House for students in the elementary center and parents is on Thursday, August 30th, from 6:00 to 8:00 p.m. That is Elementary Center information.

- From the high school perspective, Freshman Orientation and New Student Orientation will be held on the 28th of August at 6:00 p.m. and LAVA Orientation already had been done for the 2018-19 school year with 29 students utilizing our online course work.
 - Some other things with district-wide curriculum, we heard from the state and we're awarded our Pre-K Counts grant for 2018-19 school year.
 - Both Title I Camps this summer for math and reading were completed. Numbers for math were around 18 and approximately 40-43 for the reading.
 - The Summer Reading Camp was very successful and well attended. We'll get some more information on those in the future.
4. Lehigh Memorial Library Report – *Mrs. Maholick*
- There was no meeting last month and there will be a meeting tomorrow night. So, I will have a report for next month.
5. Legislative Policy Committee of PSBA Report – *Mrs. Spinelli*
- I just want to point out that there will be web-based policy training on September 5th from 10:00 to 11:30 in the morning and also on October 20th if anybody is interested in that webinar. And, the legislative platform and priorities on October 20th is going to deal with Pennsylvania's pension crisis and act meaningful charter school reforms provided continued fair financial investment for school districts, support an effective child-centered public education, strengthen the work of local school boards, support for increased equity and accountability and finally secure adequate and equitable funding.
6. Title I Advisory Committee Report – *Mrs. Bowman*
- The Title I Parent Advisory Group met on August 7th to continue our work on the school-wide planning process. The main goal for school-wide planning for this upcoming year is "School-wide use of data focused on school improvement and academic growth of all students". Since we have four elementary schools coming together and sometimes we were doing things a little bit differently, we're bringing that under one umbrella.
 - The Title and MTSS staff met then on August 13th to focus on the strategies and implementation methods for this particular goal for year one.
 - The school-wide plan will be submitted by the end of August unless it has been done.

Mr. Tkach – We're in the process.

- We're in the process of finishing up. And as Mr. Stern did mention, Title Summer Camps ended the week of August 13th. Originally there were 40 students signed up for Reading with you know, people come and go as they come, but they're usually around 20-23 that usually show up and originally we thought we had about 36 for math, and as Mr. Stern said, 18 were pretty much on target.
- Mr. Fritz and Ms. Brong, who taught students in grades 3-5 and 1-2, respectively in math, praised their students for the level of cooperation and hard work. Various skills and materials were used in math camp including the educational game called Prodigy and iPads, word problems using Cube Strategy and math grids. In reading the camp students concentrated on story structures, themes, compare and contrast as well as vocabulary and grammar development. Both Mr. Fritz and Ms. Brong were grateful for the opportunity to work in the summer camps and appreciated paraprofessional help from Mrs. Bravo, Mrs. Helmer and Mrs. Eckley. Staff and students worked very hard and positive feedback was received from students and parents. And, thank you to Mr. Fritz

and Ms. Brong for contributing to this report and they had a lot more detail so I tried to condense it. Anybody is welcome to look at that.

- Our next regular meeting is September 14th with Title staff at 7:45 a.m. to begin our new school year, implementation of school-wide services and plan for the Fall Parent Night which will be held in October.
7. CCTI Report - *Mr. Yenser*
- The 2018-19 school year got on its way on August 23rd with school in session up at CCTI.
 - Record 430 students. The numbers are up which is encouraging.
 - Administration will be getting out to our district and other sending districts coming up in September. They will be presenting to freshman students.
8. CLIU Report - *Mr. Wentz*
- We met last Monday, August 20th with 12 of the 14 participating schools represented for CLIU 21.
 - The meeting mostly consisted of getting ready for the 2018-19 school year and our next schedule meeting is set for September 17th, 6:30 p.m.
9. Building/Grounds Report - *Mr. Holland*
- I'm finally happy to say we have a shed for the band. And I am very happy also about it. I still have not seen it. I don't know the size or anything but a plus. We're moving forward for the band and I'm so happy for that.
 - Middle School, the press box, Joy, can you help me out on that one. I don't think we're any farther than we were the last meeting.

Ms. Beers - No, I don't think there were any developments.

- Same square for the press box, we just have not moved forward on that.
- Tennis court, we're doing soil tests for the tennis courts. Also, I want to thank everyone for the great work down at that Elementary Center. Fabulous, fabulous work. All these people doing the cleaning and everything else to get that ready for September 4.
- Also, talked to many teachers while I was in the building a few times, so, so excited, these teachers are about their new digs, they're really excited and if you get a chance, go down and see the different classrooms. They are, these teachers are into moving forward with that new building. That's about all I can report tonight. But, you have my complete report also.

Mr. Stern - Do you have, Mr. Cleaver, on general open houses.

Mr. Cleaver - The general open house, we're looking to have something. A lot of the schools we visited said don't rush the open house, let the teachers get in there and get it set up and everything. And then, the other part of it is to, is we're hoping another two to three weeks we'll be much further along in the gym. So, we're looking to schedule a general open house for the public as well. Of course, the parents will be able to get in there.

Mr. Stern - The parents are next week.

Mr. Cleaver - Parent/Teacher Conferences and Meet the Teacher Night and all that is scheduled but as far as an open house we're trying to just, we're just trying to give it a little bit more time to get more of it complete so we can really, you know, show the whole thing. 'Cause right now, the gym area and stage area is in the process of being completed.

Mr. Stern – Okay.

Mrs. Spinelli – Mr. Cleaver, I'm going to assume we have no mold problem anywhere?

Mr. Cleaver – Not that I've been brought to my attention.

Mrs. Spinelli – Great.

Mr. Cleaver – I believe that, you know, we're not...nothing has been brought to our attention, at all, through any of the buildings. The other part is, because those buildings are, you know, more up-to-date, the technology with the HVAC systems, the dehumidification that is in those buildings now, as part of the HVAC, I believe that that has a lot to do with it as well.

Mrs. Spinelli – Thank you.

Mr. Bradley – Was there a problem?

Mrs. Spinelli – No, but many other schools are having problems with the summer the way it's been. I was just curious.

10. Academic Affairs Committee Report – *Mr. Stern*
 - Academic Affairs did not meet. Next meeting will be in October.
11. LCCC Report – *Mr. Stern*
 - There is no report from LCCC and Mr. Krause.
12. Policy Committee Report – *Mr. Stern*
 - Policy meets next week on the 5th at 5:45 p.m. right here in the admin. building.
13. Athletic Committee Report – *Mr. Wentz*
 - Due to the inclement weather, Meet the Tribe Night, scheduled for August 21st was cancelled, not rescheduled.
 - Our fall sports programs are currently in full swing preparing for the upcoming season.
 - The football team defeated Fleetwood last Friday and will play host to Schuylkill Haven this upcoming Friday and our next Athletic Meeting is scheduled for October 9th.
14. Wellness Committee Report – *Mrs. Maholick*
 - We didn't have a meeting for a couple months and Mr. Tkach do you have a date for the next meeting.

Mr. Cleaver – They did have one.

Mr. Tkach – Yes, last week we had one.

Mrs. Maholick – Oh, no one notified me.

Mr. Tkach – Emails were sent out August 13th, Mrs. Maholick.

Mr. Cleaver – Yep, there's an attendee...it's a...do you get these Outlook Meeting requests?

Mrs. Maholick – I think I do.

Mr. Cleaver – Because that's how it comes through your inbox as a meeting.

Mr. Stern – Do you have the next meeting, Mr. Tkach? Do you know when that would be? I didn't see it on the September calendar, I don't believe.

Mr. Tkach – September, the third Tuesday.

Mr. Cleaver – September 18th, 2:45, Tuesday.

Mr. Tkach – Yes, at 2:45.

Mr. Bradley – Excuse me, Mr. Stern.

Mr. Stern – Yes.

Mr. Bradley – You jumped ahead pretty quick when the policy meeting. At the last meeting, we had asked a couple questions. Do we get that clarified since then on your policy meeting? The questions were when a board policy and/or procedure, I'm sorry, what board policy and/or procedure apply to overriding a board policy? Did we find that out? So Board's allowed to override a policy. What gives them that right and then where do the parameters to which they're allowed to do that?

Mr. Stern – No, I don't believe we've gotten that information yet, Mr. Bradley. We'll have that for the next...

Mr. Bradley – Mr. Schwab, do you have that information handy by any chance? Can a board override?

Atty. Schwab – I haven't been requested to provide that information, Mr. Bradley. I'll be more than happy to if that's the Board's decision.

Mr. Bradley – What is the term, what is the term override mean?

Mr. Cleaver – Override, that was the question.

Mr. Bradley – Yeah, what was, the first one was what does the term override mean?

Mr. Cleaver – I believe, just to make sure I'm understanding it correctly too, is the policy's in place what authority does the Board have to override that current policy?

Mr. Bradley – Right. So, what is it meant by the term override was the first question. Do you know?

Atty. Schwab – I don't, I'm not going to give you something off the cuff and make a mistake when you have a question that's been framed from the policy committee you want to send it to me I'll give you a written opinion.

Mr. Bradley – Okay and the thing was when can they override...

Mr. Cleaver speaking.

Mr. Stern – We'll have that for next week, at the meeting, okay?

Mr. Bradley – Sure.

Approval of Minutes

MOTION by Mr. Wentz, SECONDED by Mrs. Spinelli to approve the Minutes of the July 23, 2018, regular meeting.

Mr. Bradley – Actually, I watched the video using the transcript as closed-captioning and I noticed that there's still a great amount of discrepancy between what was on the video and what was on the audio and what was actually on the minutes. I think we should keep the, I know it's part of the agenda, but I think we should keep the audio and the video as part of the official record of the board. And, we should watch how we approve these minutes.

Mr. Stern – Thank you, Mr. Bradley.

VOTE: YES - 7 NO - 2 (J. B., D.B.) ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Financial Matter

Activities MOTION by Mr. Yenser, SECONDED by Mrs. Spinelli to approve the Lehighton
Funds Area High School and Lehighton Area Middle School Activities Fund for July 2018.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Payment of MOTION by Mr. Holland, SECONDED by Mrs. Spinelli to approve the Payment of
Bills Bills:

General Fund	\$ 952,312.34
--Benefits	\$ 623,857.63
--Payroll (July)	\$ 1,107,082.65
--Debit Card	\$ 4,977.71
Capital Projects	\$ 943,947.81
Food Service Fund	<u>\$ 11,149.71</u>
	\$ 3,643,327.85

Note: Members with questions or requesting a copy of any payment, please contact the Business Office prior to the scheduled meeting.

Microphones unplugged for a brief period of time.

Mr. Bradley - I have one. Mr. Stern, is there any potential legal liability, or maybe Mr. Schwab can handle this, is there any potential legal liability or criminal culpability of the board for any of its members if a majority of the board votes to approve an expenditure without sufficient details or information to make an informed decision? And, if so, what are the details of the possible liability or culpability to an individual board member?

Microphones unplugged for a brief period of time.

Mr. Bradley - You can't answer an individual board member in a board meeting in an open meeting?

Atty. Schwab - If there was another motion...

Microphones unplugged for a brief period of time.

Mr. Bradley - During a board meeting or only outside the board meeting, Mr. Schwab? 'Cause I'm just trying to understand this. You feel that you're not allowed to answer an individual board member?

Atty. Schwab - If the majority of the board wants me to answer and give an opinion, I'll be more than happy to. That's my understanding of the motion. We may disagree, that's my understanding. I'll be more than happy...

Microphones unplugged for a brief period of time.

Mr. Bradley - I can repeat it. Is there any potential legal liability or criminal culpability for a board, for the board or any of its members if a majority of the board votes to approve an expenditure without sufficient details or information to make an informed decision? And, if so, what are the details of the possible liability or culpability?

Mr. Cleaver - I feel I'm capable of answering that. We're a public entity, a public school board and I believe there's potential liability on anything we do. That's why we make a good faith effort to make the right decisions. I mean the word potential, I mean of course there's, anyone could make a potential issue. So, there's potential liability for everything we do. I mean that's the way, that's the way I would respond to something like that.

Mr. Bradley - So I'll follow up and ask, are you gonna answer this one?

Microphone unplugged for a brief period of time.

Atty. Schwab - ...the question is misleading and is giving a casting in false light, okay? The question you should be asking is there liability if the board approves a non-educational bill. If it is a non-educational bill, the board has liability for that. What is non-educational? We pay the mortgage on Mr. Bradley's house out of school funds. That's non-educational. But, so long as it's an educational fund, this board has minimal liability. They can be sued for anything, we know that, we have insurance for that. I mean you're involved right now where the district's insurance company is paying for a defense of your litigation against Mr. Stern. The district will have to pay the deductible on that. That's civil liability, may be there, maybe not but there's not criminal unless there's a willfulness to spend on non-educational. It doesn't ask the board. They have to investigate, there's no negligence standards to say you should've investigated or anything else. It goes to what is the purpose of the expenditure.

Mr. Bradley – So, is there possible liability or culpability for the board that could be. Let me try again, if there is this potential, possible liability or culpability for the board, could a dissenting board member shield himself from such liability or culpability because they recorded the dissenting vote?

Atty. Schwab – I can't answer that for you. I don't know. Let's suppose you were voting on your personal home mortgage so you say no but the rest of the board members with a nod and a wink pay your personal mortgage. That probably doesn't insulate you by casting a negative vote. I can't tell you until the actual facts. But, if it's a non-educational expenditure and if it's mere negligence, there's no criminal liability for mere negligence. There has to be a willfulness and in this case you talk about a conspiracy of your majority.

Mr. Bradley – And when you say, non-educational, what's the breadth of that educational, rather than paying someone's mortgage, how about pay for a trip for someone to go to Hawaii?

Atty. Schwab – Could be but if they're going to Hawaii for a school seminar, probably not, because it's educational related.

Mr. Bradley – Thank you.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Construction Accounts MOTION by Mr. Wentz, SECONDED by Mrs. Spinelli by to approve payment on the following projects from the corresponding construction accounts for a total of **\$912,434.00.**

1. Middle School

EI Associates – Inv. #14093 & 14116	\$	315.47
	\$	315.47

2. Elementary Center

Advantage Engineers – Inv. #118	\$	6,745.00
CSI – PO 17000508 App. #3 & PO 1800098 App. # 2	\$	11,000.00
EI Associates – Inv. #14091, 14092, 14114 & 14115	\$	15,226.86
Jay R. Reynolds – App. #17	\$	22,909.25
JBM Mechanical – App. #15	\$	21,707.50
Lobar, Inc. – App. #21	\$	368,287.85
Phillips Brothers – App. #18	\$	184,832.07
WB Mason – Inv. # 152928408-1	\$	281,410.00
	\$	912,118.53

Mr. Bradley – Andy, did you get a chance to review these construction bills our treasurer?

Mr. Yenser responded but microphone was not on.

Mr. Yenser – I'm glad, you know I am glad you get a kick out of this. Go ahead, I'm over here (inaudible). It's fantastic. I'm glad you get a kick out of asking that question every month, I'm sure the public (inaudible).

Mr. Bradley - You're our treasurer, correct? You're our treasurer. That's all I'm asking.

Mr. Yenser - We're all board members; this is a board motion. This isn't a treasurer's (inaudible).

Ms. Beers - I have a question. I looked through the report and I saw that there were several change orders and I was curious who within the district looks at change orders when they're submitted and verifies that they're actually valid before we agree to pay them.

Mr. Cleaver - Right. When we look at the change orders, they come through us but they ultimately are also reviewed by our construction management team and reviews them to say whether it's positive or negative and then they come to my office and the business office and we sign off on the change orders.

Ms. Beers - So you're saying the general contractor?

Mr. Stern - No.

Mr. Cleaver - No, no, Quandel, construction management team.

Ms. Beers - Okay.

Mr. Cleaver - The change order whether they're positive or negative comes to us as recommended by the construction management team that we have.

Mr. Feick - And, they're also responsible for signing off that it's been complete and we look at it and then the architects look at it before I submit it to the board.

Mr. Bradley - And, we just reviewed this a little bit. What was the total amount of change orders? It was pretty negligible, couple million dollars?

Mr. Feick - Which project?

Mr. Bradley - Well, in total. It's 67 million dollars' worth of.

Mr. Feick - It's less than a million

Mr. Bradley - Yeah, after 67 million dollars' worth of construction?

Mr. Feick - Right.

Mr. Bradley - Thank you.

VOTE: YES - 2 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Treasurer's Reports MOTION by Mr. Holland, SECONDED by Mrs. Spinelli to approve the following reports:

- a. Budget/Revenue Report
- b. Treasurer's Reports
 1. General Fund
 2. Capital Reserve Fund
 3. Capital Projects Fund
 4. Food Service Fund

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Per Capita/ Occ. Tax MOTION by Mr. Yenser, SECONDED by Mr. Bradley to approve exemptions from Per Capita and/or Occupational Tax per the attached list.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Occ. Tax Refunds MOTION by Mr. Holland, SECONDED by Mr. Wentz to refund the following:

1. Occupational Tax for year 2017 in the amount of \$122.50 to Robyn Blair
2. Occupational Tax for year 2017 in the amount of \$137.50 to Ronald Dreher;
3. Occupational Tax for year 2017 in the amount of \$125.00 to Cynthia Grosso
4. Occupational Tax for year 2018 in the amount of \$122.50 to Marian Versuk
5. Occupational Tax for year 2017 in the amount of \$122.50 to Marian Versuk
6. Occupational Tax for year 2018 in the amount of \$122.50 to Stephen Versuk
7. Occupational Tax for year 2017 in the amount of \$122.50 to Stephen Versuk
8. Occupational Tax for year 2017 in the amount of \$245.00 to Dorothy Wink-Eberts

Mr. Bradley - I'd like to make a statement that it would be important for all district taxpayers to review their occupation as it's listed because if it was not listed properly, they use a default code which is very expensive.

Mr. Feick - Can I add to that? To also make sure that they tell us when they retire because sometimes they pay it and then two years later, that's why it's on as a refund, they've retired and never realized they paid it because it comes with their real estate tax bill and then you know we tell the tax collectors, please tell your people when they're in the office to check. And, that's what usually happens when they go to the office. They find out that they shouldn't had to pay the previous year and we're refunding it.

Mr. Bradley - Right. We should tell all our graduating seniors as well.

Mr. Feick – Yeah.

Mr. Bradley – Because they're the ones that get hooked.

Mr. Feick – Yeah, the problem is that by the time the county gets them, it's two or three years down the road, which you know, trying to get the county to move faster.

VOTE: YES - 2 NO - _____ ABSENT - _____ ABSTENTIONS - _____

Motion carried.

Occ. Tax Changes MOTION by Mr. Wentz, SECONDED by Mrs. Spinelli to approve Occupational Tax Assessment Changes as per the attached list.

VOTE: YES - 2 NO - _____ ABSENT - _____ ABSTENTIONS - _____

Motion carried.

Appeal to Office of Open Records MOTION by Mr. Wentz, SECONDED by Mr. Holland that solicitor shall take an appeal to the decision of the Office of Open Records directing release of over 7,700 emails of Superintendent and High School building administration due to lack of specificity and that compliance would require violations of other laws including FERPA.

Mr. Bradley – I'd like to have someone explain how the Office of Open Records approved this Right-to-Know and how the district feels that they want to go to court and spend money when it looks like you're talking about other laws like FERPA when a board member's the one that requested the Right-to-Know, number one, and number two, these things can be electronically redacted, requiring no solicitor and no printing of these electronic records.

Mr. Cleaver – One of the concerns that I have is the fact that the amount of review and the amount of time that it takes for our staff to go through and review these type of emails. The other part of the concern that I have is there is a lot information that is sent, and I'll use myself as an example, to me with a lot of private student information and a lot of private medical information from for example a staff member may be taking an FMLA leave. Sometimes it's more information than is required, but they feel they need to express that. So, that is just a couple of the concerns I have is that there's a lot of medical, private, student information, especially there is information with special needs students that gets forwarded to me. Not only from students in our district, but other districts too that send information to me to forward or to review because there may be a student coming to us from another school district before they're able to be sent in one of our programs. That information needs to be reviewed by our administration. Many times that comes through my office. So, it's not only students in our district that concerns me and FERPA, it's actually student information from many other districts out there, as well. And, all it takes is one or two mistakes of an accidental release and then, and I'll use you as an example, posting something on the website maybe with no intent at all, just to share information, and that individual or that some private

information, now the school district can be on the hook for, you know, legal fees because we're being sued over it. So, that's the concern.

Mr. Bradley - But the Office of Open Records...

Mr. Cleaver - Mr. Bradley, I wasn't complete.

Mr. Bradley - Oh, you weren't complete, I'm sorry, go ahead.

Mr. Cleaver - Thank you.

Mr. Bradley - Continue with your fearmonger.

Mr. Cleaver - You could call it whatever you want. How about we call it the fact that I think students' information should be private. So, how about we call it that. And, you can use whatever other verb, noun, or pronoun, whatever you wish to use. But, the responsibility for me is to keep students' information private and that is one of the reasons you see this motion on the agenda. So, again, call it whatever you may wish.

Mr. Bradley - So, typically, the one of the ways that you keep student information private is you would redact their names from said email and/or private information. Is that correct?

Mr. Cleaver - Again, you have my statement.

Mr. Bradley - But, you said you'd redact that information. Is that not within your skillset?

Mr. Cleaver - Mr. Bradley, you have my statement.

Mr. Bradley - And I will sign a non-disclosure agreement which takes the liability off the district to get that released, thank you.

Mr. Cleaver - I will add to that because I don't think you signing anything takes the responsibility off the district. The parents still have the right to sue the district no matter what you sign or say you're going to sign.

Mr. Bradley - And, who would they have the right to sue? The district? For you, for not redacting information?

Mr. Cleaver - Absolutely, anybody could sue me.

Mr. Bradley - Whether you redact it or not?

Mr. Cleaver - If they feel I made a mistake, they have a right to sue me, absolutely.

Mr. Bradley - Mr. Schwab, are, is the district responsible for information that the Right-to-Know Officer has deemed able to be released to an individual requestor?

Mr. Stern - Sure. The other four.

Mr. Bradley - Do you need five or you just know that the four...

Mr. Stern – No, no, I know that the other four are going to be saying yes so I'll say yes.

Mr. Bradley – So you'll add to that, okay.

Mr. Stern – I'll save us the hassle, how's that?

Atty. Schwab – The way you framed it, Mr. Bradley, this is again where you only give half of the information, okay. Can under the Open Records Act, the district can't be sued. Under privacy laws for students, we can be sued. Under FERPA, we can be sued. Under the Labor Act of the Commonwealth of Pennsylvania we release information concerning our employees, we can be sued. So, when you say we can't be sued, we have no liability of Open Records, you're right, but we have six or seven other acts that we can be sued on for having done it legally under Open Records.

Mr. Bradley – Including if you, you know, search a kid or touch a kid or do things that are also not responsible under the law, you can be culpable and responsible to the district for those such things.

Atty. Schwab – Well, that's again, Mr. Bradley, you're giving the half information. The Supreme Court of Pennsylvania decided what strip search was and that's what you're eluding to. Telling someone to take off their bandana is not considered by the Supreme Court of Pennsylvania to be a strip search and it a normal, everyday, legal search that can be conducted by the administration. That's again, you're talking half information.

Mr. Bradley – Same with shoes and roll down your belts and lift up your shirts?

Atty. Schwab – Oh sure, that can be done, yeah.

Mr. Bradley – That's all considered, that's all considered as not part of the strip search.

Atty. Schwab – That's right.

Mr. Bradley – And it can be done by a principal and a vice principal?

Atty. Schwab – Yes.

Mr. Bradley – Of same sex or opposite sex of the individual?

Atty. Schwab – It doesn't matter, it's not a strip search like you tried to elude it to. A strip search by the Supreme Court is truly what we all envision when somebody goes into a prison what the strip search is. It's been done, for example, in this county, to my knowledge, once by a police department in the last five years.

Mr. Bradley – And can...

Atty. Schwab – Nothing happened like you were trying to elude it and because someone removes a bandana or pulls up their pant leg, that's not a strip search. That's a normal, ordinary search and that's perfectly legal by the Supreme Court of the United States and the Pennsylvania Supreme Court. But, I'm off topic, I'm sorry.

Mr. Stern – Yes, it is off topic.

Ms. Beers – I'd like to make a few comments. My first comment is, the Office of Open Records is recommending that we fill this Right-to-Know, right?

Mr. Feick – But not redacted.

Atty. Schwab – No. They have said in their plain language to release all 7,700 records as they are. They don't have what Mr. Bradley suggested his letter that he has a confidentiality and full review of all. Well, first of all, that doesn't protect us from the other laws, labor law, doesn't protect us from FERPA, doesn't protect us from the other laws where our liability...

Ms. Beers – That the Office of Open Records is saying that we should release the information.

Atty. Schwab – Yes, and it was probably the most, I'm gonna say bizarre decision, because most of the time they put in a one-liner in there that says subject to redaction.

Ms. Beers – Right.

Atty. Schwab – They didn't here.

Ms. Beers – My next question is, is all of us board members at times may be exposed to confidential information, right, like if we're in executive session and we need to be talking about personnel or students and, you know, we're all bound to keep that information confidential.

Atty. Schwab – Right.

Ms. Beers – So, does that not apply to Dave Bradley if he were to receive these emails.

Atty. Schwab – Not under FERPA, he's not one of the designated individuals.

Mr. Cleaver – Correct. I don't discuss medical information in exec. session.

Atty. Schwab – No, he's a board member is, is supervisory over the Superintendent, sets policy, but what we're getting back to micromanaging. You don't have a right to see someone's student records, you don't have a right to see principal's personnel file and see getting write-ups unless it comes to you as part of a discipline procedure. It's confidential. The board doesn't get that.

Ms. Beers – Sure. I'm just asking questions and the final one is if we took this as an appeal to, do you take it to Carbon County, is that what you're suggesting?

Atty. Schwab – Yes.

Ms. Beers – What is that going to cost the district?

Atty. Schwab – I would estimate that it would be less money than providing and redacting 7,700 emails even if it only takes five minutes for each one for Melanie to over them and look at them and say, hey, I don't know if I need this or not. That's 642 hours, you know. You're talking essentially for her, what is that, 20 weeks. Her salary's gonna be more than \$5,000, \$7,000. You know, if, but that's part of it. Part of specificity is, the computer department. We don't have our own email server, we have to rely on the Intermediate Unit. We could have a search for few words, but we don't have specificity. If we ask for all 7,700, we get all 7,700 and I understand our

I.T. department, Mr. Bradley, doesn't have the ability to do it electronically. So, they have to print it to do it.

Mr. Bradley - The software is free, by the way, through the state.

Atty. Schwab - I'm just telling you what our I.T. department is. You can talk to Marcus and maybe educate him as well.

Mr. Bradley - Did nobody check this, at all, of whether or not it exists, this electronic redaction?

Mr. Cleaver - It's not the...

Mr. Bradley - Hold on, I asked a question. Did anyone in this board room or anyone else in this district over the last, let's say 20 years of electronics, look into electronic redaction so that we're not held by fear of a solicitor that needs to redact everything that gets printed and put out for 600 hours to make sure that this information is not released.

Atty. Schwab - That's not my hours, that's Melanie's hours. You're gonna close the business office down with her working for 642 hours.

Mr. Cleaver - And, again, I don't trust the electronic program that we could purchase to redact information. It may be free, but again, what type of free are you getting that it's gonna be trustworthy to redact something.

Mr. Bradley - Did you talk to the PSBA at all about this issue?

Mr. Cleaver - No, I did not.

Mr. Bradley - Did you talk to any other attorneys other than Mr. Schwab?

Mr. Cleaver - Did I talk to any...

Mr. Bradley - Did we get any other advice other than this attorney?

Mr. Cleaver - Personally, I did not ask for anybody's.

Mr. Bradley - Mr. Stern, did we get a second opinion?

Mr. Stern - Because we didn't have this issue prior to the last six or eight months.

Mr. Bradley - So, did we get a second opinion on this issue?

Mr. Stern - No.

Mr. Bradley - No second opinion was done on this issue. Hold on a second, are you gonna say on the record that no second opinion...

Mr. Stern - No, no, no, don't put words into my mouth. What I'm gonna say, it's not the process, it's not printing the paper, it's the content of the information that has to be reviewed.

Mr. Bradley - Not according to the Office of Open Records.

Mr. Stern – But Office of Open Records, according to Mr. Schwab, is not liable for anything that happens if it's released.

Mr. Bradley – So, I ask, did we, as a district, get a second opinion on this matter?

Atty. Schwab – I asked for a second opinion.

Mr. Bradley – Who authorized you to ask that second opinion?

Atty. Schwab – When you hired me under my retention agreement, you hired, if you recall, King Spry as my support counsel. When I want a second opinion, I go right to them and say give me an opinion and they gave me one.

Mr. Bradley – And what did that cost the district?

Atty. Schwab – I don't believe it's been ever billed to the district. They do mainly that as a courtesy because they do our special ed.

Mr. Bradley – So no expenditure was authorized by you, so you asked them for a freebie?

Atty. Schwab – I, that's what lawyers do frequently, yes.

Mr. Bradley – Okay, but you asked them for a freebie so we will not be seeing a bill?

Atty. Schwab – I didn't ask them, that's just...

Mr. Bradley – We might be seeing a bill.

Atty. Schwab – I don't know if you're gonna see a bill. They don't bill me directly; they bill the district.

Mr. Bradley – Okay. Mr. Feick, will we see a bill for anytime that Mr. Schwab calls King, Spry and asks for a second opinion?

Mr. Feick – I haven't yet and I know he's, he's had other things he's checked with them before. So, I haven't seen a bill from them on those. The only thing they bill us for is special ed.

Mr. Bradley – Okay, excellent.

Mr. Feick – Now I do, I shouldn't say that, because the insurance company did hire them on the lawsuit. We'll probably get that deductible bill sometime down the road.

Mr. Bradley – But that was done through the insurance company, we didn't hire them. We, the board, only hire one experienced solicitor to do a job and if he doesn't have the experience, and needs a second opinion, or the board feels that his advice doesn't make sound sense, and we wish to have a second opinion, we as a board have the right to go ask for a second opinion at any time. I just wanted to know, if our board asked for a second opinion after we saw this Office of Open Records say release the documents and then we have a second solicitor saying pay thousands and thousands of dollars to redact things prior to releasing a record.

Mr. Stern – Any further comments?

Ms. Beers – I have one more question that I had recalled.

Mr. Bradley – Wait, wait, answer my question. If we didn't do it, if we didn't ask this second opinion, correct? No one on this board asked for a second opinion? We're taking this guy's word for it?

Mr. Cleaver – No, actually the recommendations coming from myself, Mr. Bradley.

Mr. Bradley – The recommendation for what?

Mr. Cleaver – For us to take this appeal is actually coming, I'm making a recommendation.

Mr. Bradley – Your making the recommendation?

Mr. Cleaver – Right.

Mr. Bradley – Okay, did you get a second opinion other than from our solicitor?

Mr. Cleaver – No, I did not.

Ms. Beers – Okay, may I ask my one more question? Recently, Bill I don't know if you saw it, but I think that the city of Reading was found to be in some kind of a trouble for not answering a Right-to-Know and a judge ordered them to pay a fine. Do you think that that, I mean you probably know more about the case than I do, I think maybe a union brought the lawsuit or something like that?

Atty. Schwab – Well that's part of, let's suppose we didn't, we put these out and didn't redact them. The PSBA could sue us for that.

Mr. Stern – PSEA.

Atty. Schwab – PSEA and they would, as a right, could be awarded attorney fees under the labor law.

Ms. Beers – But, in the Reading case a union...

Atty. Schwab – It was under the open records they wanted certain information as part of the bargaining that we normally are also required to give under our Pennsylvania Labor Law.

Ms. Beers – Right and it was withheld in that case.

Atty. Schwab – Yes.

Ms. Beers – The information was withheld.

Atty. Schwab – They, they had asked for certain specific information. When you go in to collective bargaining, the union will ask for how many sick days to we have, how many people that are accruing, who's on this step, who's on that.

Ms. Beers – Right.

Atty. Schwab – Things of that nature.

Ms. Beers – I mean if we decide...

Atty. Schwab – You could tell the labor union to pound sand. So, they go around in a circle and they ask for open records. Reading didn't give them anything they were supposed to.

Ms. Beers – Right.

Atty. Schwab – Under any law. They just...

Ms. Beers – Okay.

Atty. Schwab – Here, if they said give them the 7,700 subject to redaction, I may have had a different recommendation but that wasn't their decision.

Mr. Bradley – Are you suggesting that in these emails is negotiations on contracts?

Mr. Stern – No.

Atty. Schwab – No, I didn't say that Mr. Bradley.

Mr. Bradley – Just checking, thank you.

Ms. Beers – My question was, do you think we're at all opening...

Atty. Schwab – We were talking about the Reading case.

Ms. Beers – ...if we're at all opening ourselves up to a liability or a lawsuit by refusing to answer Right-to-Knows?

Atty. Schwab – Sure. You're always opening yourself up for liability for everything. But, we have 2400 students, that means 2400 people that can sue us. You have a 190 teachers, 190 teachers that can sue you. You have Act 93, you have what, 40? So, you have 40 other people that can sue you. So, get in line if you want to get sued. Anybody can sue anybody for anything. The liability is higher if we release information about someone's medical records, school records, marital status whatever.

Ms. Beers – Or if something we do the redaction for?

Atty. Schwab – Well, no, I'll didn't say that. Open Records says no redactions.

Ms. Beers – Sure and I won't disagree with that.

Atty. Schwab – Well, and that's why we're talking appeal. As I say, if they had in their plain language as they had in other cases, say your subject to redaction, might be a different recommendation. This doesn't give us that ability. That's the real key with the reason, part of the reason, for the recommendation. The fact that it takes, you're closing the business office down for

20 weeks, I could care to be very bluntly under Right-to-Know if it had to be produced, it had to be produced.

Ms. Beers – So this motion could be released, could be reworded answer, answer the Right-to-Know like the Office of Open Records says but stipulate a redaction.

Atty. Schwab – We don't have a right to that.

Mr. Stern – Tell them what we want, right.

Atty. Schwab – They had a decision. They have an order. We either follow the order or we take an appeal. Now, can it be settled eventually, Mr. Bradley has gave a letter out this evening that may have some room to settle it in the Court of Common Pleas. But at this point we don't have that or that ability.

Mr. Bradley – But you can have me inspect the records.

Atty. Schwab – No.

Mr. Bradley - Why not?

Atty. Schwab – Because you're not entitled as a board member to see private student information or personnel information that may be contained in here. You're talking the Principal and the Vice Principal that are regularly corresponding with parents about Johnny. You're talking about a Superintendent that's regularly corresponding with staff about their husbands or wives or their medical conditions or why they may need Family Medical Leave. You don't have the right to see that as a board member, period.

Mr. Bradley – But they have a responsibility to remove that information prior to releasing it for my inspection.

Atty. Schwab – That's not what Open Records says.

Mr. Bradley – The decision says I get to see it and they have to trust me to say I'm smart enough to recognize you're not gonna release it. We understand that. And, that's any citizen. And, that's any citizen, hold on. That's any citizen that's filed the Right-to-Know that would've gotten rejected that then would have filed an appeal. I was just a citizen when I filed this information. Any citizen could have had this information and any citizen that files the Right-to-Know would be given this information by the Right-to-Know law.

Mr. Yenser – Why are you fighting so hard to open this district up to that amount of risk? Why? What, what possibly could be a reason for wanting this district to take on that risk?

Mr. Bradley – Transparency only harms those trying to prevent this.

Mr. Yenser – Be patient, be patient and you will get your transparency.

Mr. Bradley – I'm as patient as you'd like, Mr. Yenser.

Mrs. Spinelli – Can we call the question please?

Mr. Stern – Again, there’s a motion by Mr. Wentz, a second by Mr. Holland that the solicitor should take an appeal to the decision of the Office of Open Records directing the release of over 7,700 emails of the Superintendent, and high school building administration due to lack of specificity and that compliance would require violations of other laws including FERPA.

Atty. Schwab – Would be good to have a roll call vote.

Mr. Stern – Roll call vote.

Mr. Bradley – Before you even take that roll call, since now you called the question. But, I would like Mr. Schwab, were you involved in writing this motion at all? Or, just Mr. Cleaver?

Mr. Cleaver – No, I asked for a recommendation because I wanted to know what were at, what we’re liable, and to make a motion to put on this.

Mr. Bradley – But who wrote the motion? You or Mr.?

Mr. Cleaver – I corresponded with Atty. Schwab to write the motion.

Mr. Bradley - Okay, I just wanted to make sure he reviewed it before you wrote it.

Mr. Cleaver – Yes.

Mr. Bradley – Just surprised, thank you.

Mr. Stern – He reviewed it after you wrote it?

Mr. Cleaver – Yeah, actually.

Mr. Stern – Little harder to review it before.

Roll Call Vote:

	Yes	No	Absent	Abstention
Ms. Joy Beers, Member	☐	X	☐	☐
Mr. Richard R. Beltz, Member	X	☐	☐	☐
Mr. David F. Bradley, Sr., Member	X	☐	☐	☐
Mr. Stephen Holland, Member	X	☐	☐	☐
Mrs. Gail Maholick, Member	X	☐	☐	☐
Mrs. Rita Spinelli, Member	X	☐	☐	☐
Mr. Wayne Wentz, Vice President	X	☐	☐	☐
Mr. Andrew Yenser, Treasurer	X	☐	☐	☐
Mr. Larry Stern, President	X	☐	☐	☐

VOTE: YES - 8 NO - 1 ABSENT - ABSTENTIONS -

Motion carried.

Voluntary Insurance MOTION by Mrs. Spinelli, SECONDED by Mr. Wentz to authorize employee payroll deductions for voluntary life and disability insurance.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____

Motion carried.

Title Grants MOTION by Mr. Yenser, SECONDED by Mr. Bradley to approve and accept the Consolidated Grant Agreement for the 2018-2019 School Year. Title I, Part A - \$577,050.00., Title I, Part D - \$42,917.00, Title II, Part A - \$91,989.00, and Title IV, Part A - \$36,521.00. Total Grant Award \$748,477.00.

Mr. Feick - Mr. Tkach, is this about a 10% increase?

Mr. Tkach - About 7.

Mr. Feick - About 7% okay.

Mr. Stern - Thank you for putting together the paperwork for the grant, Mr. Tkach.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____

Motion carried.

TransPerfect Agreement MOTION by Mr. Yenser, SECONDED by Mrs. Spinelli to approve the agreement with CLIU #21 for TransPerfect Remote Interpreters Products and Services for language interpreting related services for the 2018-2019 school year. The cost is a monthly minimum of \$50.00 if the service is used.

Mr. Holland - Is there a max on this?

Mr. Cleaver - No, this is, we request this in the event that there's a meeting with a parent who may be deaf and need sign language. We also do it for graduation, we have someone who signs do them. So we use the service through the IU for all of that. But, it's basically only required if it's requested at the parents or guardians request.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____

Motion carried.

NASRO MOTION by Mr. Holland, SECONDED by Mr. Bradley to approve employee #1633
Conf. and #1658 to attend the National Association of School Resource Officers, NASRO Basic SRO/SPO Course, in Schnecksville PA on October 1-5, 2018. At a cost not to exceed \$1300.00. Funding through the Safe School Targeted Grant for School Officer – School Entity.

Mr. Bradley – Why did we identify the two employees by their number if we know that they’re the, we only have two officers. Why would we do that?

Mr. Feick – I think that was policy so people don’t know their gonna be away but...

Mr. Bradley – I thought we got rid of that. I thought we decided not to do.

Mr. Stern – No, we decided not to do names.

Mr. Cleaver – Not to do names.

Mr. Bradley – Well, but think that through.

Mr. Stern – Okay, of course, I mean.

Mr. Feick – Yeah, I know what you’re saying. When there’s two, there two, but it’s just keeping consistent I think.

Mr. Bradley – Doesn’t sound very logical to me guys.

VOTE: YES - 9 NO - ____ ABSENT - ____ ABSTENTIONS - ____
Motion carried.

SHINE MOTION by Mr. Yenser, SECONDED by Mr. Beltz to approve a contract with
Meals Lehigh Carbon Community College for the District to supply meals to the 21st Century Grant (Carbon County Shine After-School Program) administered by Lehigh Carbon Community College held in the Lehigh Area Elementary Center. The District will be reimbursed \$3.49 per meal served.

VOTE: YES - 9 NO - ____ ABSENT - ____ ABSTENTIONS - ____
Motion carried.

Meals to BHA MOTION by Mr. Wentz, SECONDED by Mr. Holland to approve a 3086 Contract with Behavioral Health Associates (BHA) for the District to supply meals to BHA. The District will be reimbursed per 3086 Contract.

Mr. Bradley – So it's identified that we're billing them for the meals at a rate that is greater than what it costs us for the meals. Where BHA's a privately held, profitable organization. Is that correct?

Mr. Stern – Correct.

Mr. Bradley – So every dollar we bill to them gets marked up by a private entity. Why would we charge them more than what we get charged?

Mr. Feick – The state, it's called sponsor-to-sponsor contract, the state requires us to charge at least what we charge our students, full pay students, so that's why it comes out more even though we get reimbursed more from state because most of those are free and reduced. On the first year, on the 3086 contract. Now next year, there'll be a new contract and it will be based off what it actually cost the previous year. But, your first year, you have to go minimum of what you charge your students for full price. So, there might be money left over next year, we're charging less. But each year you'll have to approve a 3086.

Mr. Bradley – Thank you for putting that on the record, appreciate it.

Mr. Feick – State law.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

LERTA Boundaries MOTION by Mr. Yenser, SECONDED by Mrs. Spinelli to authorize the business office to hold a public hearing to set Local Economic Revitalization Tax Assistance (LERTA) boundaries.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Title III MOTION by Mr. Wentz, SECONDED by Mrs. Spinelli to approve a Memorandum of Understanding with Carbon Lehigh Intermediate Unit #21 for the Title III Consortium for the 2018-2019 school year.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Personnel

2018-2019 Substitute MOTION by Mrs. Spinelli, SECONDED by Mr. Yenser to approve the attached list of candidates for the **2018-2019 Substitute List** pending clearances.

Mr. Bradley - What's the process to the substitute teacher moves to a full hire?

Mr. Cleaver - They have to go through the interview process. They have to apply. They have to go, number one they have to apply for the position that's posted. They have to meet the requirements. Because if it's a secondary position, there may be a substitute who's certified only in elementary, so they wouldn't be qualified to be, for that position. So, they first, number one thing is they have to meet the requirements.

Mr. Bradley - So we only interview people that meet the requirements?

Mr. Cleaver - Absolutely. You have to, you can't put a non-certified person in that position.

Mr. Bradley - So we don't interview people unless they meet the requirements for this position?

Mr. Cleaver - Yes.

Mr. Bradley - What is the criteria to get an interview?

Mr. Cleaver - They would apply for the position and then go through the screening process, paper screening process.

Mr. Bradley - So, after they apply, who screens them prior to deciding who gets the interview.

Mr. Cleaver - Depending on the position, of course they would all be screened through me but also the principals of the building as well depending on the position.

Mr. Bradley - And that screening process is predicated on?

Mr. Cleaver - Number one that they meet the requirements.

Mr. Bradley - Right, and then after that you go by?

Mr. Cleaver - We go by their credentials and maybe experience depending on, you know, the position.

Mr. Bradley - Okay, thank you.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____

Motion carried.

**Athletic/
Ex. Curr.
Hires** MOTION by Mr. Holland, SECONDED by Mrs. Spinelli to approve the **Athletic** hires as recommended by the Athletic Committee and **Extra-Curricular** hires for the **2018-2019** school year.

Mr. Bradley – Same process, Mr. Cleaver?

Mr. Cleaver – For athletic hires, there's. For athletic hires, again, the requirements would be set through the athletic office, you know, what the requirements are depending on the position. Number one they would have to have, hopefully, some type of experience coaching. But, there is a process they would go through for that. We get very few applicants for coaching positions.

Mr. Bradley – And then those, from those applicants, interviews are selected and then the process continues.

Mr. Cleaver – Even if there's one applicant, that person will still be interviewed.

Mr. Bradley – Correct, thank you.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

**Course
Approvals** MOTION by Mr. Holland, SECONDED by Mr. Wentz to approve the following requests for pre-approval of courses/Programs of Study for continuing education:
1. **Amber Williams** – September 24-December 15, 2018/Language Arts Processes
2. **Amber Williams** – September 24-December 15, 2018/Biology
3. **Sydney Schafer** – September 4-December 9, 2018/Diagnosis & Intervention in Literacy

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Mr. Stern – Motion D. has been modified, it'll be as read.

**Hires
Approved** MOTION by Mr. Bradley, SECONDED by Mrs. Spinelli to approve the recommendation to hire the following employees in accordance with the respective contracts:
1. **Thomas McCarroll** – Alternative Education/ Assistant Athletic Director - \$62,500 (prorated), **Act 93** – effective date TBD
2. ~~**Jonathan Rogan** – Secondary Art Teacher – **Step 2, Bachelor's \$44,000.00** (prorated) – effective date TBD~~
3. **Jennifer Lorenz** – Elementary Teacher – **Step 1, Bachelor's \$43,000** (prorated) – effective date TBD
4. **Tina Blocker** – Part-Time Paraprofessional - **\$11.00/hour** – effective date TBD

Mr. Bradley - And, how many, Mr. Cleaver, how many people were interviewed for the position 1, 3 & 4, since we removed number 2. Do you remember?

Mr. Cleaver - Do we want to offer public comments since this is for?

Mr. Stern - I will offer public comment, but he can ask the question first, that's fine.

Mr. Cleaver - How many applicants?

Mr. Bradley - How many were interviewed?

Mr. Cleaver - Interviewed? We had 3 interviews for the first one. Elementary teacher, there were so many, I believe it was 20 altogether.

Mr. Bradley - Twenty interviews or 20 applicants?

Mr. Cleaver - Twenty interviews.

Mr. Bradley - Twenty interviews, okay.

Mr. Cleaver - And the part-time paraprofessional was just one.

Mr. Bradley - There was one. And how many applicants for the first one, roughly?

Mr. Cleaver - There was five, three interview and one declined.

Mr. Bradley - And then the next one was, you said...

Mr. Cleaver - Twenty, there was 20 interviews for the second one, probably 100 applicants.

Mr. Bradley - Yeah, but...about a hundred. And then the third one?

Mr. Cleaver - There was one.

Mr. Bradley - One applicants, one interview? Okay, thank you.

Mr. Stern - Public comment since I altered the agenda on this item.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Resignations Accepted MOTION by Mrs. Spinelli, SECONDED by Mr. Bradley to accept the resignation of the following employees:

1. **Chelsea German** - Part-Time Paraprofessional - Effective Immediately
2. **Beth Marsteller** - Lunch-Time Aide - Effective Immediately
3. **James Fox** - Part-Time Cleaner - Effective Immediately
4. **Judy Paterson** - Part-Time Paraprofessional - Effective Immediately

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Mr. Stern – This is a Motion F. will be modified as well to remove the one item.

Mentors MOTION by Mr. Holland, SECONDED by Mr. Wentz to approve the
Approved recommendation to hire the following mentor for the appropriate teacher (listed to the left of the mentor's name) for the **2018-2019** school year:

Amy Meixsell/Melissa Blocker
~~Jonathan Rogan/Rachel Klotz~~
Amanda Yusella/Timothy O'Connor
Jennifer Lorenz/Sharon Focht

Mr. Bradley – Obviously we're hiring somebody, what is the rate at which, is it in the contract that if they act as a mentor they get a certain dollar amount?

Mr. Cleaver – Yes.

Mr. Bradley – And what would that amount be?

Mr. Cleaver – I don't speak if, I want to say?

Mrs. Wagner – I do. It's their hourly rate and it's up to 16 hours.

Mr. Bradley – So, okay, so they get...

Mrs. Wagner – \$31 they receive.

Mr. Bradley – So 16 hours of...

Mrs. Wagner – Sixteen hours with the mentor is with the new teacher.

Mr. Bradley – And it's counted not as overtime but counted as...

Mr. Stern – Extra time.

Mr. Bradley – Extra dollars. So they're getting double pay for that period of time because they're already on the contract.

Mr. Cleaver – It has to be after school.

Mr. Bradley – After school, okay.

Mr. Cleaver – There's a mentor program that there's requirements they have to meet to throughout the year.

Mr. Bradley – Perfect. So it's after school at a straight rate, not an overtime, right?

Mr. Stern – Right.

Mr. Feick – Public comment.

Mr. Stern – Thank you, Mr. Feick. Any public comment, please?

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Lead Custodians MOTION by Mr. Wentz, SECONDED by Mr. Holland to approve the attached list of Building Lead Maintenance/Custodial Staff hires per Lehigh Area Educational Support Personnel Association (LAESPA) contract.

Mr. Bradley – One second here, so, I thought these guys were already hired? Are they just shifting jobs?

Mr. Cleaver – No, these are Lead Custodial positions at three buildings.

Mr. Bradley – Right but wasn't Justin Smith hired.

Mr. Cleaver – They're hired, yeah, but there's additional responsibilities for them.

Mr. Bradley – So, you're adding...

Mr. Cleaver – Responsibility, yes.

Mr. Bradley – Extra responsibility, okay.

Mr. Cleaver – It's the same, it's handled the same way the teachers we hire department heads because there's additional responsibility to that and so there's a stipend that they received, \$1200, \$1250 I believe it is the year.

Mr. Stern – This is in replacement of Mr. Long and Mr. Cunfer.

Mr. Cleaver – Yeah, it's part of the process of not replacing our two supervisors that we had as Act 93 positions and the maintenance position.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Blue Mtn. Health & Wellness MOTION by Mr. Yenser, SECONDED by Mrs. Spinelli to approve the pilot components of a healthy outdoor recreation and leadership opportunities with Blue Mountain Resort in the 8th grade Health and Wellness PE and Career Curriculum. transportation funding through the Ready to Learn Grant.

VOTE: YES - _____ NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Mr. Bradley left the board room from 8:25 p.m.-8:29 p.m. and did not vote on the following items as noted.

FMLA MOTION by Mrs. Spinelli, SECONDED by Mr. Yenser to acknowledge FMLA leave
Approved for the following employee, not to exceed 12 weeks:
1. **Employee #1038** – effective August 23, 2018

VOTE: YES - 8 NO - _____ ABSENT - 1 (D.B.) ABSTENTIONS - _____

Motion carried.

Miscellaneous

Sch. MOTION by Mr. Holland, SECONDED by Mr. Beltz to approve the following
Journeys School Enrichment Journey requests:
1. **LAHS Accounting Students (K. Mychalyszyn-Simko)** – October 18, 2018 – 7:30 a.m.-3:00 p.m. – Accounting Career Days – to travel to Bloomsburg University
2. **LAHS Literature through Films Students (D. Hauser)** – December 21, 2018 – 11:00 a.m.-4:30 p.m. – to travel to F.M. Kirby Center to view “It’s a Wonderful Life”
3. **Special Education Community-Based Instructional Trips** - related to students’ individualized education plans for the 2018-2019 school year.
5. **LAMS 8th Grade Students (Floyd Brown)** – September 24 & 25, 2018 (Rain dates: 9/26/18 and 9/27/18) – 8:00 a.m.-2:30 p.m. – to travel to Blue Mountain Ski Resort for Physical Education
6. **LAHS NHS & Student Council Students (Suzanne Howland)** – September 6, 2018 – 8:30 a.m.-1:15 p.m. – to travel to Franklin Fire Company for the Senior Citizen Fair as requested by Senator Yudichak

VOTE: YES - 8 NO - _____ ABSENT - 1 (D.B.) ABSTENTIONS - _____

Motion carried.

Atty. Schwab – Madam Secretary, just make sure the minutes note that Mr. Bradley left the room prior to this motion and did not vote on this motion.

Homebound MOTION by Mr. Beltz, SECONDED by Mr. Wentz to approve homebound
Approved instruction for the following student:
1. **Student #53581**

VOTE: YES - 8 NO - _____ ABSENT - 1 (D.B.) ABSTENTIONS - _____

Motion carried.

Pre-K Handbook MOTION by Mr. Yenser, SECONDED by Mrs. Spinelli to approve the Pre K Counts Parent/Student Handbook for the 2018-2019 school year.

VOTE: YES - 8 NO - _____ ABSENT - 1 (D.B.) ABSTENTIONS - _____
Motion carried.

LAVA Handbook MOTION by Mrs. Spinelli, SECONDED by Mr. Stern to approve the ELearn21 Lehigh Area Virtual Academy (LAVA) Parent/Student Handbook for the 2018-2019 school year.

VOTE: YES - 8 NO - _____ ABSENT - 1 (D.B.) ABSTENTIONS - _____
Motion carried.

2018-2019 Bus Drivers MOTION by Mr. Yenser, SECONDED by Mr. Holland to approve George's Transportation Company, Inc. list of school bus drivers for the school year 2018 - 2019.

VOTE: YES - 8 NO - _____ ABSENT - 1 (D.B.) ABSTENTIONS - _____
Motion carried.

Programs

Use of School Property MOTION by Mr. Wentz, SECONDED by Mr. Holland to approve Use of School Property for:

1. **LASC Lehigh Area Soccer Club (Angela Peterman)** - August 28-November 15, 2018 - M-F 4:30 p.m.-8:30 p.m. and Saturday/Sunday - 8:00 a.m.-3:00 p.m. - Franklin Elementary Outside Fields - Soccer Practice and Games
2. **Lehigh Athletic Booster Club (Cale Kresge)** - June 1, 2019 (Rain date: 6/2/19) - 8:00 a.m.-5:00 p.m. - LABC Track and Field Meet - Multi-Purpose Stadium
3. **LAMS (Timothy Sharrow)** - May 24, 2019 (Rain date: 5/31/19) - 7:00 a.m.-2:30 p.m. - LAMS Maroon & White Day - Multi-Purpose Stadium
4. **LAEC PTO (Tammy Serfass)** - November 2, 2018 - 7:00 a.m.-4:00 p.m. - Color Me Brilliant Race - Old Stadium, Concession Stand & Lower Practice Fields
5. **LAEC PTO (Tammy Serfass)** - 9/10/18, 10/1/18, 11/5/18, 12/3/18/1/7/19, 2/11/19, 3/4/19, 4/1/19, 5/6/19, 6/3/19 - PTO Meeting - LAEC Cafeteria
6. **LAEC (Aaron Sebelin)** - August 29, 2018 - 4:00 p.m.-8:00 p.m. - Kindergarten Orientation -LAEC
7. **LAEC (Aaron Sebelin)** - August 30, 2018 - 9:30 a.m.-3:00 p.m. - Pre-K Orientation - LAEC

8. **LAEC (Aaron Sebelin)** – August 30, 2018 – 5:30 p.m.-8:30 p.m. – Meet the Teacher Night – LAEC
9. **LAEC (Aaron Sebelin)** – November 7, 2018 – 8:00 a.m.-8:30 p.m. – Elementary Parent/Teacher Conferences – LAEC
10. **Science Explorers Inc. (Julia Elberfeld)** – September 25, October 2, 9, 23, 30, November 6, 13, 20, December 11, 18, 2018, January 8, 15, 22, February 5, 12, 19, 26, March 5, 26, April 2, 9, 16, 23, May 7, 14, 21, 28, and June 4, 2019 – 3:40 p.m.-4:40 p.m. – LAEC MarkerSpace Room
11. **Science Explorers Inc. (Julia Elberfeld)** – September 11, 2018 – 9:30 a.m.-10:30 a.m. and 2:00 p.m.-3:00 p.m. – Science Explorer Assembly – LAEC Cafeteria
12. **LAMS Intramurals (Timothy Sharrow)** – September 10, 12, 18, 19, 20, 24, 26, October 2, 4, 10, 11, 15, 17, 22, 24, 25, 29, 30, November 1, 5, 2018 – 2:30 p.m.-3:30 p.m. – LAMS Gym
13. **LAMS PTO (D’Ache’ Zelrick)** – 9/13/18, 10/11/18, 11/8/18, 12/13/18, 1/10/19, 2/14/19, 3/14/19, 4/11/19, 5/9/19, 6/6/19 – 6:00 p.m.-7:00 p.m. – PTO Meetings – LAMS Cafeteria
14. **Lehighon Rotary (Michael Heery)** – November 3, 2018 – 7:00 a.m.-5:00 p.m. – Lehighon Handmade Holiday Craft Show – LAMS Gym, Cafeteria, Foyer and Refreshment Stand
15. **Dance with Kim LLC. (Kimberly Semmel)** – May 18 & 19, 2019 – 9:00 a.m.-7:00 p.m. – Dance Recital – LAHS Auditorium & Classrooms
16. **LAHS Band (Bryan Buffington)** – May 9, 2019 – 6:30 p.m.-9:30 p.m. – Spring Concert – LAHS Auditorium & Classrooms
17. **LAHS Jazz Band (Bryan Buffington)** – May 30, 2019 – 6:30 p.m.-9:30 p.m. – Jazz Concert – LAHS Auditorium & Classrooms
18. **LAHS Band (Bryan Buffington)** – May 6 & 8, 2019 – 7:00 p.m.-9:00 p.m. – Dress Rehearsals – LAHS Auditorium & Classrooms
19. **LAHS Choral (Jessica Schafer)** – December 20, 2018 & May 23, 2019 – 6:30 p.m.-9:30 p.m. – Winter Concert and Spring Concert – LAHS Auditorium & Classrooms
20. **LAHS Band (Bryan Buffington)** – December 6, 2018 – 6:30 p.m.-9:30 p.m. – Winter Concert – LAHS Auditorium & Classrooms
21. **LAHS Band (Bryan Buffington)** – December 3 & 5, 2018 – 7:00 p.m.-9:00 p.m. – Dress Rehearsals – LAHS Auditorium & Classrooms
22. **Strawbridge Studios (Sabrina Felder)** – October 29, 2018 – 9:00 a.m.-1:00 p.m. – Sr. Photo Makeup Day – LAHS Auditorium
23. **Carbon County Chapter PIAA Football Officials (Daniel Rossino)** – October 9 & 23, 2018 – 7:00 p.m.-8:00 p.m. – Officials Meetings – LAHS Classroom
24. **Carbon County Chapter PIAA Football Officials (Daniel Rossino)** – September 4, 11, 25, 2018 – 7:00 p.m.-8:00 p.m. – Officials Meetings – LAHS Classroom
25. **LAHS Guidance (Kelli Costenbader)** – September 27, 2018 – 6:00 p.m.-8:00 p.m. – FAFSA Training – LAHS Auditorium
26. **Lehighon Touchdown Club (Tanya Haydt)** – September 18, October 18, November 15, 2018 – 7:00 p.m.-8:30 p.m. – Monthly Meeting – LAHS Classroom
27. **Class of 2019 Senior Class (Suzanne Howland)** – September 5, October 3, November 17, December 5, 2018 – 6:30 p.m.-8:00 p.m. – Monthly Meeting – LAHS Classroom
28. **Lehighon Cross Country Team (Erica Pagotto)** – October 29, 2018 – 5:30 p.m.-8:30 p.m. – Cross Country Banquet – LAHS Cafeteria

29. LAHS Choral Boosters (Jessica Schafer) – September 19, 2018 – 7:00 p.m.-8:00 p.m. – Booster Meeting – LAHS Classroom
30. LAHS (Suzanne Howland) – August 28, 2018 – 6:00 p.m.-8:00 p.m. – Open House for New Students and 9th Grade – Lehigh Area High School
31. Milton Hershey School (Margaret Rich) – October 17, 2018 – 5:30 p.m.-8:00 p.m. – Presentation and Dinner – LAEC Cafeteria

VOTE: YES - 8 NO - _____ ABSENT - 1 (D.B.) ABSTENTIONS - _____
Motion carried.

Mr. Bradley returned to the board room at 8:29 p.m.

2nd Reading & Adoption MOTION by Mr. Yenser, SECONDED by Mrs. Spinelli to approve the 2nd Reading and Adoption of the following Lehigh Area School District Policy:
1. #819 – Suicide Awareness, Prevention and Response

Atty. Schwab – Madam Secretary just make sure the minutes reflect Mr. Bradley returned prior to the vote on that motion.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Winter Credit Recovery MOTION by Mr. Holland, SECONDED by Mr. Beltz to approve the Lehigh Area High School to offer a Winter Credit Recovery program for students at a cost not to exceed \$150 per class using the APEX learning system for fifteen 2-hour sessions after the first semester. The number of instructors will be determined by the number of participants. There will be no cost to the district.

Ms. Beers left the board room from 8:30 p.m.-8:33 p.m. and did not vote on the following items as noted.

Mr. Beltz – Can you describe this? What is the APEX learning system?

Mr. Cleaver – The APEX learning system is a program that offers our students to do online credit recovery or online classes to make up work they missed or they didn't pass the first semester. They have an opportunity to take it over the credit recovery over the winter and then of course in the summer we use the same type of program as well. So, APEX learning and LAVA are two online programs that we use.

Mr. Stern – It's with APEX that they're limited to, they get a pass.

Mr. Cleaver – Yes.

Mr. Stern – So they cannot do well and then get an A in it. They get a minimum requirement of whatever it is to pass the class.

Mr. Cleaver – Yeah.

VOTE: YES - 8 NO - _____ ABSENT - 1 (J.B.) ABSTENTIONS - _____
Motion carried.

Atty. Schwab – Madam Secretary please reflect Ms. Beers left the room prior to this vote.

SAT Prep MOTION by Mr. Wentz, SECONDED by Mr. Holland to approve SAT Prep classes for English and Math, at the High School. There will be no cost to Lehigh Area School District students.

VOTE: YES - 8 NO - _____ ABSENT - 1 (J.B.) ABSTENTIONS - _____
Motion carried.

Keystone & PSSA Tutoring MOTION by Mrs. Spinelli, SECONDED by Mr. Yenser to approve the Keystone Exam and PA State Assessment After School Tutoring Program for Lehigh Area School District students to be held at the High School two (2) days per week for the 2018-19 school year.

Mr. Stern – I just have a question on that one.

Mr. Cleaver – The after school program, this is required for students who do not score proficient or advanced in the Keystone Exam. We are required to offer some type of recovery/remediation as part of it by the state. So, this is a way that we do meet that requirement as required by the state.

VOTE: YES - 7 NO - 1 (D.B.) ABSENT - 1 (J.B.) ABSTENTIONS - _____
Motion carried.

Mr. Bradley – How do we get rid of the keystones?

Mr. Cleaver – One of the, I mean, they're state requirement. At this point its legislative. So, its, where they are looking at it, there's a lot of, you know, pressure from school boards and parent associations different ways. I have to agree with you Mr. Bradley that I feel our kids are way over tested in different areas not just the keystones. But again, the state, because it's legislative, they have their process that they go to. If it was something as simple as me saying, recommending to the school board that we remove them, but we would be.

Ms. Beers returned to the board room at 8:33 p.m.

Mr. Bradley – But, if we remove them, if we make a petition to remove them as a board, what's the downside? Is there any?

Mr. Feick – We could lose funding.

Mr. Cleaver – We could lose state funding.

Mr. Bradley – Yeah, and what would that amount be, currently?

Mr. Feick – About 8 million.

Mr. Bradley – But it's not federal, it's on the state funding, correct?

Mr. Feick – It's a state requirement, so it would be state funding. If we stopped special ed. we lose federal funding but this is.

Ms. Beers – The federal funding is even smaller, right?

Mr. Cleaver – Yes.

Mr. Feick – Yeah.

Ms. Beers – It's the smaller.

Mr. Feick – Yep.

Atty. Schwab – Madam Secretary make sure you reflect Ms. Beers return after the vote.

Old Business for Discussion

1. Sale of Franklin and Shull-David

Mr. Cleaver – Just again, just to, I want the board to be aware that we did receive the letter for the proposal of the subdivision that they're looking at. They are looking at dividing Franklin into two parcels as they stated with the fields being one and the school and the soccer fields what they're considering Lot 1 and Lot 2. Those are the two areas that they are looking at for their subdivision. I have no information at this time on Shull-David.

Mr. Bradley – Can we, as a board, decide to advertise these things to get them out in the public, to let them know that we can sell these things so we don't get minor dollars, minor pennies on the dollar like the last two?

Mr. Cleaver – We would just have to, correct me if I'm wrong, decide if we're gonna do it by public auction as we did the other ones or do it as a sale through a realtor. The board would just have to decide. We could do that at any.

Mr. Bradley – We could just advertise them as for sale, correct?

Mr. Stern – Can you advertise as quote, unquote, available?

Mr. Feick – I think we can advertise that we're accepting offers.

Atty. Schwab – That, but then we're gonna have to have appraisals and everything else if you're going through a private...

Mr. Bradley – Correct. We're gonna sell an asset, it's millions of dollars' worth of value, you should sell it.

Atty. Schwab - ...you want to put in ad in, there's nothing that stops it. There will be additional requirements depending how we ultimately sell it.

Mr. Bradley - I make a motion that we...

Mr. Stern - Can I have a question first? If you go one direction, can you go both directions? That it's either a sale or an auction?

Atty. Schwab - No.

Mr. Stern - Okay, so it's one or the other.

Atty. Schwab - Essentially what was done with East Penn and Mahoning is we had individuals that were interested in the building to give a minimum bid or reserve, okay. But ultimately we went through the auction route because we didn't need another appraisal and some other things. But, that's what, that was a board decision. But, there is nothing wrong with saying it's available and going from there. I mean, we're going to need more than just somebody coming in saying now I want to buy it. You're gonna have to...

Mr. Yenser - Are we able to advertise for letters of interest?

Atty. Schwab - Yes.

Mr. Yenser - Maybe that's a appropriate way to do it.

Atty. Schwab - Yes and, but you also have the issue at this point, especially with Franklin, of we don't know what we're selling. Until we have the subdivision, you really don't have a metes and bounds description that, for example, let's suppose...

Mr. Bradley - Are they changing the metes and bounds from what was originally done?

Atty. Schwab - I have no idea what the surveyor's gonna do, that's not my profession.

Mr. Bradley - What did we tell them to do? Survey the area that has the metes and bound already assigned?

Atty. Schwab - I didn't tell them anything because I'm not involved in it, Mr. Bradley. Maybe you suggested something or other members of the board, but I've told them absolutely nothing. I'm not involved in this.

Mr. Bradley - Who's doing the subdivision, Mr. Stern?

Mr. Cleaver - The subdivision is being done, as I said, by Carbon County.

Mr. Bradley - So what did we tell them to subdivide? Who's drawing the lines? They are or we are?

Mr. Cleaver - Franklin is drawing the line for us to approve.

Mr. Bradley - Franklin's drawing the line for us to approve?

Mr. Cleaver – There's two lots. Again, it's the upper lot and then Lot 2 as we said. So the soccer field area and the building are Lot 1. Lot 2 is the upper fields.

Mr. Bradley – So, this board abdicated its responsibility to give property away to the person that we're giving it to?

Mr. Stern – No.

Atty. Schwab – No, it still has to come back here for a vote.

Mr. Stern – For us to approve the subdivision.

Atty. Schwab – You have to approve the subdivision plan.

Mr. Bradley – Did we give any direction to this person doing the subdivision to meet the metes and bounds that were already originally describing this Christman Field property?

Mr. Cleaver – Franklin Township is aware and their recommendation is again, what we talked about with Lot 1, the upper fields, and Lot 2 the soccer fields and the school, yes.

Mr. Bradley – And those metes and bounds were already done. I found them from a Right-to-Know, we got the information.

Mr. Stern – A line has to be drawn between the two areas.

Atty. Schwab – And it may vary. I'm gonna be very blunt with you.

Mr. Bradley – Why would it vary?

Atty. Schwab – Why?

Mr. Bradley – Yeah, from the metes and bounds that we had before.

Atty. Schwab – It doesn't, suppose this surveyor made a mistake by a foot or two or six inches. We're now using GPS, which wasn't used 30 years ago. It's very common to have some variation. We won't know that until you have the drawing in front of you and vote on it.

Mr. Bradley – But we can. The responsibility of this board was to tell Franklin Township this is the property we want to give you and hand them the metes and bounds that were already assigned and then therefore survey to that same line regardless of what the GPS coordinates are to that line, they're still fine. I don't understand why you guys are making this into a bigger mess. 'Cause now you're telling me we're holding up the sale...

Mr. Stern – Whoa, whoa, whoa, who's making it into the bigger mess? This bigger mess lasted four months, Mr. Bradley.

Mr. Bradley – Right, because the, the board was not given the original information...

Mr. Stern speaking.

Mr. Bradley – The board was told about metes and bounds originally and I had that Right-to-Know done months ago.

Mr. Stern - You won't know the new metes and bounds if there's not a line on that area.

Atty. Schwab – They may be the same. You don't know that until the surveyor...

Mr. Stern – Was there three lots to begin with?

Mr. Bradley – Again...

Mr. Stern – Let's wait...

Mr. Bradley - ...ambiguity costs money. The board needs to make a decision...

Mr. Stern – The board isn't paying to have the property subdivided.

Mr. Bradley – The board needs to sell Franklin building.

Mr. Stern – Correct.

Mr. Bradley – We need to advertise that building so more than one person...

Mr. Stern – Correct.

Mr. Bradley - ...can be allowed to purchase it.

Mr. Stern – We're waiting on the subdivision from the abstract company.

Mr. Bradley – Why are we waiting on the subdivision to something we already know what that line is? I suggest, as a board, we tell the Franklin Township to meet that requirement that we already have. That's the definition of Christman Field as we approved. Why would you allow them to take another foot or lose a foot?

Someone stated it's not a big deal.

Mr. Bradley – It is if it's gonna stall the sale of that building and you're gonna have to winterize and do all the other work that needs to be done. Someone has to authorize that this thing goes for sale and needs to be protected as an asset.

Mr. Feick – So you're saying we can advertise it; we just can't finalize it.

Atty. Schwab – We can't finalize anything until you know what you're actually selling.

Mr. Feick – But we can still advertise it?

Atty. Schwab – And you know, there's nothing to stop the advertisement. It's just that you don't know what you're selling, so the buyer may not want to make an offer till he knows exactly what he's getting. He could need more space for parking.

Mr. Bradley – I will try again. I move that this board advertises this building for a period of 6 months on a wide range of geographical areas.

Mr. Stern – You just contradicted yourself because you were saying you don't want to winterize it; you want to sell the building.

Mr. Bradley – I want to winterize it. I want to protect the asset but I want to move forward so that you guys don't stall longer until you decide not to spend the money to winterize and protect the asset that we're gonna sell.

Mr. Stern – We tried to move forward for 3 or 4 months and we weren't able to move forward to have that happen with Franklin Township...

Mr. Bradley – Do it now. I just made a motion. If I can get a second on a motion that we advertise this building for the next 6 months...

Mr. Stern – Please restate the motion.

Mr. Bradley – I move that we advertise this building for sale within a 250-mile radius of Lehighton in commercial real estate...

Mr. Stern – For what?

Mr. Bradley – For 6 months.

Mr. Stern – For when?

Mr. Bradley – For sale.

Mr. Stern – For sale. No, it isn't that it's for sale, it's how much is it for sale for?

Mr. Bradley – Let's just put it up for sale, Mr. Stern.

Mr. Stern – So you're asking for letters of intent...

Mr. Bradley – Nope, I'm asking to sell the property. If you want to use the appraisal that we had done, minus the \$50,000 that that other field was, that's 700, let's use that number.

Atty. Schwab – Do you mean up to 6 months in case you have a satisfactory bidder before then? 'Cause up to 6 months, for 6 months means you can't sell it prior to 6 months.

Mr. Bradley – Correct. You cannot sell this building for 6 months. You want to advertise it for 6 months. You want to take the time to find the most viable person to purchase this building for a minimum of the appraised price of \$700,000. How about that?

Mr. Stern – I would say up to 6 months.

Mr. Bradley – Not up to 6 months, Mr. Stern. A minimum of 6 months. I'm conceding...

Mr. Stern – So if some company walks in and offers you \$7,000 cash, or \$700,000 cash for the building, you say "upp" I gotta wait 6 months.

Mr. Bradley – Correct. Just like the appraiser told you, you should wait at least a year to get the most value for it. So, you might get more value if you just be a little patient, Mr. Stern.

Mr. Stern – No. You can run that motion if you'd like sir.

Mr. Bradley – I did. I made the motion.

Mr. Stern – Any second to that?

Mrs. Maholick – I'll second it.

Mr. Stern – Okay.

Mr. Yenser – How may publications are within a 250-mile radius that we're? 'Cause 250 miles goes to Boston.

Mr. Bradley – The internet covers it, thank you.

Mr. Beltz – We can advertise on the internet across the nation.

Mr. Yenser – But we said commercial real estate publications.

Mr. Bradley – Yeah, they have those on the internet.

Mrs. Maholick – Yeah, on the internet. Yeah, multi-list.

Mr. Yenser – At no costs?

Mr. Stern – Okay, can we get a roll call vote Ms. Wagner?

Mrs. Wagner – Sure. I have a motion by Dave Bradley, second by Gail Maholick that the board advertise this building, I assume it's Franklin...

Mr. Stern – Yes.

Mr. Bradley – Both. I suggest we do both. These buildings, thank you.

Mr. Stern – We will.

Mr. Bradley – These buildings.

Mrs. Wagner – ...for 6 months to a wide geographical area, 250-mile radius of Lehighton in commercial real estate. Did you want to add internet?

Mr. Bradley – No. Mr. Feick will figure out how he wants to advertise it. And, it's for a minimum of 6 months.

Mrs. Wagner – I have for 6 months. Do you want for a minimum?

Mr. Bradley – Minimum of 6 months prior to accepting a sale.

Mr. Feick – Mr. Schwab, since this involves real estate, if I remember, it has to be a roll call.

Atty. Schwab – Yes.

Mr. Stern – Okay, but prior to roll call vote, public comment please?

D'Ache Zelrick – So, you want advertise a piece of property that you don't even know what the piece of property is. No commercial company is gonna look at that property and go, I'm gonna buy that but I don't what it is.

Mr. Bradley – We do have a list of what that property entails.

D'Ache Zelrick – But if we're getting a subdivision done, then it possibly could be changed.

Mr. Bradley – It could change as much as the limit of the line depending on the differential between the old metes and bounds and a GPS coordinate. Minor.

D'Ache Zelrick – Okay, but that still could make a difference for a company that's going to then put what \$700,000 (inaudible).

Mr. Bradley – Possibly, possibly. You're really looking at how many acres.

D'Ache Zelrick – Possibly, that's a (inaudible) amount of money to go, oh well I don't know if it's gonna lose a foot or if I'm gonna gain a foot or possibly more. You can't advertise something for sale that you don't know what you're selling.

Mr. Beltz – You can because...

Mr. Bradley – You can.

Mr. Beltz – ...you see other acreage listed for sale 700 acres plus or minus 10 acres. Stuff is listed for sale like that so this only, how many acres is the Franklin?

Mr. Bradley – And the last building was sold before people could even look at it and make an evaluation. So, I mean, you can talk about a commercial opportunity. When you look it, you want to be able to look at the building to do an engineering study.

Mr. Stern – You don't have to argue with, you don't have to argue with the community.

Mr. Bradley – I'm sorry?

Mr. Stern – You don't have to argue with the community.

Mr. Bradley – I'm not arguing. I'm mentioning that the last...

Mr. Stern – Let her make her statement.

Mr. Bradley – It's a good point. She has a very valid point and it should be reviewed. That's why we have this public discussion. It's great that the public can participate. She mentioned something

very valuable. It is very reasonable to allow that plus or minus a foot to be part of the proposal and most people would recognize that.

Mr. Stern – Okay.

Mr. Bradley – The amount of time for a commercial business to invest \$700,000, like you're saying, to fill out a business plan, to have an opportunity to get financing, to have opportunity to research the demographics of the area, takes times for businesses. Most of them do not operate in that 30-day period. The last two sales were done in less than 30 days, or about 30 days and therefore excluded many of the businesses that wanted to buy those properties because they couldn't do their due diligence prior to even making an offer.

Mr. Stern – I think the buildings were advertised that they were going up for auction in June and they were actually sold in September/October.

Mr. Bradley – The auction was announced 30 days, 35 days.

Mr. Stern – The buildings were advertised prior to that.

Mr. Bradley – The auction was 30 days, sir.

Mr. Stern – Okay, Mr. Wertman.

Tom Wertman – One thing I don't understand here, if we put these buildings up for sale, is it stated that Mr. Bradley said it has to be for 6 months for the sale to go, before the sale could actually go through? I disagree for the fact that, if say, someone does come up and give us more than a reasonable offer, are you just gonna completely, and the person wants to occupy it, and we're gonna say, no, you have to wait for 6 months. I think, I think that's a total waste to the school district where, and the taxpayer, for the fact that it is that amount of dollars that he's willing to spend and it is a satisfactory amount and just to make them wait for 6 months is unreal, it's unreal.

Mr. Stern – Thank you, Mr. Wertman.

Mr. Bradley – And the advice of our appraiser told us to advertise it for at least a year.

Tom Wertman speaking.

Mr. Stern – Alright, alright....

Mr. Bradley – He has every right to speak. Do not intimidate a citizen. Do not intimidate a citizen, please, thank you.

Tom Wertman – If a person comes up with a decent price, more than satisfactory, and nobody (inaudible) by saying no, you're gonna have to (inaudible).

Mr. Stern – Thank you, Mr. Wertman.

Ms. Beers – I have, I have a comment to make on to answer that. I'm pretty sure that this board has the power to override that 6 month at a later date if we did have a really amazing deal come

up. Isn't that true, Bill? If we voted today for 6 months, 'cause we're making this promise with ourselves.

Atty. Schwab – If you have 2 people up against the same property and I know I can take 6 months to make the final decision and you sell it out from under me in a private sale in 4 months. We probably have some liability with this motion. If in 4 months we decide that we're gonna do it as a public sale, as an auction sale, and use that as a minimum bid, we probably don't have liability 'cause the state looks at public sales much more favorably. They say that's exposing it to the public and everyone has a fair chance at the bid. Difference between private and public.

Ms. Beers – Okay.

Mr. Bradley – But Mr. Wertman's point is valid and Mr. Eidem you do not need to intimidate him; he's allowed to speak. His point was valid. If someone shows up...

Mr. Eidem speaking.

Mr. Bradley – I'm sorry, I didn't catch that.

Mr. Eidem – Mr. Chairman, he should not be speaking to me.

Mr. Stern – Correct.

Mr. Bradley – Okay, why not? Aren't you part of the public comment?

Mr. Cleaver – Mr. Bradley, at the request of the public, please don't comment to them.

Mr. Bradley – Well, Mr. Eidem, entered into the conversation.

Mr. Cleaver – Mr. Eidem has no entry in that conversation.

Mr. Bradley – Okay.

Mr. Holland – Mr. Stern, can I say something quick?

Mr. Stern – You sure could, Mr. Holland.

Mr. Holland – Here's my question, 6 months, someone comes in says, I'll give you \$700,000. We sit there and go, oh, \$700,000, no one else puts a bid in on that property for almost 6 months. That man says, after 6 months, I don't want it, I changed my mind. I found something better somewhere else. So we lost \$700,000 plus the winterization of the buildings, the care of the grounds. I'm sure we have to plow the driveways in the winter. So, we're going blow that because Mr. Bradley says we're gonna go 6 months.

Mr. Bradley – Actually, it's not Mr. Bradley making this statement, it was the...

Mr. Holland – Well who made the question?

Mr. Bradley – The appraiser, Mr. Holland, was the gentleman that mentioned and that firm that does this for a living, suggested that we wait a year to fish for the value that you're looking for and a year is what they recommended. I understand your anxious...

Mr. Holland – I don't think you do.

Mr. Bradley - ...I understand your anxiousness so I reduced it to 6 months and as Mr. Schwab said if two people want it, they can bid it out. They will find that there's value to it and it's one buyer, is no buyer.

Mr. Stern – There's a motion and a second on the floor. Roll call vote Ms. Wagner, please reread the motion.

Mrs. Wagner – Motion by Dave Bradley, seconded by Gail Maholick that the board advertises these buildings, Shull-David and Franklin, for a minimum of six (6) months to a wide geographical area of 250-mile radius of Lehighton in commercial real estate.

Advertise MOTION by Mr. Bradley, SECONDED by Gail Maholick that the board advertises
FR/SD these buildings, Shull-David and Franklin, for a minimum of six (6) months to a
Denied wide geographical area of 250-mile radius of Lehighton in commercial real estate.

Roll Call Vote:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstention</u>
Mr. Richard R. Beltz, Member	X	☐	☐	☐
Mr. David F. Bradley, Sr., Member	X	☐	☐	☐
Mr. Stephen Holland, Member	☐	X	☐	☐
Mrs. Gail Maholick, Member	X	☐	☐	☐
Mrs. Rita Spinelli, Member	☐	X	☐	☐
Mr. Wayne Wentz, Vice President	☐	X	☐	☐
Mr. Andrew Yenser, Treasurer	☐	X	☐	☐
Ms. Joy Beers, Member	X	☐	☐	☐
Mr. Larry Stern, President	☐	X	☐	☐

VOTE: YES - 4 NO - 5 ABSENT - _____ ABSTENTIONS - _____
Motion denied.

Mr. Wentz – It takes three-quarters vote, right?

Mr. Stern – Well, they're just...it failed.

Atty. Schwab – It's not the actual sale. The sale needs four votes; this is just majority.

Mr. Wentz – Yeah, if I can say something. I know the supervisors from Franklin and if they said they are gonna subdivided it, hey, let them do their thing and then we can act from there on. So, alright. 'Cause if I agree with this lady here, if I was gonna buy something, I don't know if I'm buying two acres or a half an acre, so, I, let Franklin Township do their thing.

Mr. Cleaver – Mr., Mr. Schwab just, I want to review this and see if this is action the board is able take only because of some interest that may be for Franklin so we can get this moving forward.

Mr. Bradley – Wait a second, we have interest in Franklin already?

Mr. Cleaver – I said that in the event we have interest in Franklin Elementary School, yes.

Mr. Bradley - Do we have any interest at this time?

Mr. Cleaver - Yes, we have people who have asked questions about...

Mr. Bradley - How many?

Mr. Cleaver - Individuals?

Mr. Bradley - How many entities?

Mr. Cleaver - Two. They weren't entities, they were individuals.

Mr. Bradley - They were individuals have interest in a school that we're trying to sell without any advertising at all so far.

Mr. Cleaver - They have questions about the school. They have questions about the process the way Franklin Elementary is being subdivide too with the township, as well. On whether they're interested in it or not...

Mr. Bradley - Who did they pose those questions to, Mr. Cleaver?

Mr. Cleaver - They posed them to me because I have the authority of both Franklin and Shull-David.

Mr. Bradley - And where did you take those offers and information and questions?

Mr. Cleaver - I don't have any offers. They're asking questions.

Mr. Bradley - Where did you take the questions to? Did you take it to our Buildings and Grounds Committee?

Mr. Cleaver - I gave them information and I did talk to the Buildings and Grounds Committee.

Mr. Bradley - About these two offer, Mr. Holland?

Mr. Stern - There's no offers.

Mr. Cleaver - There's no offers, they're asking questions.

Mr. Bradley - Two interested people questioning about these buildings.

Mr. Cleaver - What I give them, Mr. Bradley, is I give them the information for the year of what it costs for utility costs and an upgrades we may have done over the last several years. That's what I give them. I have no other information. There's no offers for any of these.

Mr. Bradley - So you gave that information to Mr. Holland and Mr. Wentz, anyone else?

Mr. Cleaver - And, I believe Ms. Beers was here when I presented it.

Mr. Bradley - And, Ms. Beers?

Mr. Cleaver – In a Building and Grounds Committee because I did as for that day, they did request that they keep their names confidential.

Mr. Bradley – Is that correct?

Ms. Beers – I didn't hear that information.

Mr. Bradley – Mr. Holland, did you hear that information at a Buildings and Grounds meeting?

Mr. Holland – Yes I did.

Mr. Bradley – How about you, Mr. Wentz?

Mr. Cleaver – It was the meeting that I came into late because I was over in Tamaqua.

Mr. Bradley – Mr. Wentz, you remember hearing this information?

Mr. Wentz – You talking to me?

Mr. Bradley – Yeah, I'm talking to you.

Mr. Wentz – I can't hear you, sorry.

Mr. Bradley – I'm sorry, I said did you hear the information that Mr. Cleaver just expressed, sir? Mr. Wentz, can you hear me now.

Mr. Wentz – Nope.

Mr. Bradley – You can hear me? Okay. I'll speak a little louder. Did you get information in the Buildings and Grounds meeting from Mr. Cleaver? And then, subsequently, did you share it with your board members.

Mrs. Maholick – Why don't you just answer him.

Mr. Wentz – I wasn't there.

Mr. Bradley – Wasn't there. Okay, thank you.

Mr. Stern – I don't know if there's anything actually to share. Is there?

Mr. Cleaver – No, there's no offers. People are asking for information, that's it. And, I did share that at a meeting. I actually sat in that seat right there, Mr. Bradley, you were at. I came into the meeting late. So again, looking at this to keep things moving forward. A motion to approve the administration to revise the current appraisal for Franklin Elementary School referencing the current subdivision proposed from Franklin Supervisors at which time the board will set a minimum purchase price for public auction.

Mr. Bradley – I don't believe we want to do that 'cause you're gonna reduce the value of the property. We already have a value that we paid for.

Mr. Cleaver - The board sets the price.

Mr. Bradley - We already set the value by an appraisal. We know it was 11 acres given to the Franklin Township.

Mr. Cleaver - 12.6

Mr. Bradley - 12.6 acres at \$5,000 an acre with multiple...

Mr. Cleaver - You don't have the...

Mr. Bradley - ...with multiple references, shows that it's only a \$50,000-\$60,000 reduction.

Mr. Cleaver - Mr. Bradley, you don't have the authority or the experience or the appraisal license to say that's what it cost.

Mr. Bradley - Franklin Township made an offer, originally, to buy it at that rate prior to us giving it to them. Yes, they did.

Mr. Cleaver - I didn't see that, I don't.

Mr. Bradley - Read your minutes. It was in there, Mr. Frey. Proposal to purchase the property on the agenda prior to Andy Yenser making a motion to give the property to someone that wanted to buy the property.

Atty. Schwab - (Inaudible) making that motion by (inaudible).

Mr. Bradley - Would you like to read the minutes and the motion from last meeting, sir?

Mr. Cleaver - Again, I don't know, Mr. Schwab, I'll ask.

Atty. Schwab - If there's a motion that would be...

Mr. Cleaver - So at this point we're asking for the board's approval to get a revised appraisal.

Atty. Schwab - Yes, that's perfectly fine if the board wants to have them revise the appraisal. But, again, you're not going to have an exact appraisal. It's only gonna be a guideline because of not having the subdivision.

Mr. Bradley - Why would we want to get a, and spend money on a second appraisal?

Mr. Cleaver - I'm asking, I'm, the current one we have to get it revised to include that. 'Cause right now the current one we have is all the property.

Mr. Bradley - Inside the appraisal we have already lists the value of that extra land at \$5,000 an acre. Why would you need a second appraisal if you're gonna carve off those acreage?

Mr. Cleaver - I have to apologize if I missed that in the appraisal 'cause I did not see it listed that way.

Mr. Bradley – It is. I suggest that we table this until everybody gets a chance to review the minutes, review the value of the property and review the appraisals that were provided to the board member and to Franklin solicitor.

Mr. Stern – There's no motion to table, so we can have discussion at our next board meeting on the 17th.

Audience member – Have you determined where you want Shull-David?

Mr. Cleaver – Yes.

Audience member – Can we sell that and get that one sold?

Mr. Cleaver – There's no question on that one.

Audience member – If you wait till these are winterization, once you winterize the place, you're gonna have more problems, it doesn't matter (inaudible)

Mr. Bradley – Either way, we have that responsibility across the board.

Mr. Yenser – So in the meantime, why don't we ask for letters, to accept letters of interest, publically request, we're at a public meeting. Request if anyone interests could send us a letter of interest on the property.

Mr. Beltz – Could we list the properties as properties available?

Mr. Stern – Yes.

Mr. Beltz – And, say there's a discount if you buy it before you, before we have to winterize it, maybe?

Mr. Cleaver – I don't think we can authorize that.

Mr. Bradley – Can you do that list for 6 months so you can give people an opportunity to shop and buy it and make...

Mr. Stern – No.

Mr. Bradley – Why are you limiting it to people only that have that money in their pocket?

Mr. Yenser – Mr. Bradley, I allowed you to make a motion, I'm making a motion.

Mr. Stern – Okay, want to repeat it Mr. Yenser.

Mr. Yenser – Make a motion to accept letters of interest, Shull-David and Franklin, submit them in to the Lehigh Area School District care of the Superintendent and we can add it also to the website.

Mr. Stern – Go ahead Russ.

Mr. Beltz – Could we add that we will list these properties as available and to try to attract more letters of interest? Nobody knows they're available.

Mr. Yenser – Correct.

Atty. Schwab – You want them advertised regionally or in Eastern Pennsylvania?

Mr. Beltz – In Eastern Pennsylvania.

Mr. Yenser – I'm okay with that. We can advertise in the commercial publishing's of Eastern Pennsylvania.

Mr. Bradley – On the internet as well?

Mr. Yenser – On our website.

Mr. Bradley – How about a commercial internet site that actually sells buildings?

Mr. Stern – It should be okay. I mean you said Brian's smart enough to figure it out, he'll figure it out.

Mr. Bradley – We should direct him, it's our responsibility.

Mr. Stern – Eastern Pennsylvania.

Mr. Yenser – Can you repeat that back, Ms. Wagner?

Mr. Stern – It would be very appreciative if you would limit your cell phone usage during the meetings too, Mr. Bradley. I asked in the beginning and I don't think you complied at all. Anyway, okay, you want to reread it Ms. Wagner?

Mrs. Wagner – The motion is letters of interest for Shull-David and Franklin and submit to the Lehigh Area School District to the Superintendent and list the properties as available in Eastern PA and on our website. Commercial?

Atty. Schwab – You don't have a second though.

Mrs. Wagner – There was no second.

Mr. Beltz – I'll second it.

Mrs. Wagner – So PA website, so that's pretty wide, not just our website?

Mr. Beltz – Or can we have Mr. Feick decide what avenues to advertise under, publications. I'm not sure what there all...

Mrs. Spinelli – Every board in Eastern Pennsylvania has a commercial section and there are commercial real estate agents who are a part of these boards. So, you know, in commercial property it's going to go on commercial real estate, that's how it works.

Mr. Beltz – They'll see it and pass it around.

Mrs. Spinelli – It goes, it goes out and they have website and they have their board websites and everything's on there and its companies themselves should have a website. I can't guarantee...

Mr. Bradley – Are you suggesting to hire a realtor to do this?

Mrs. Spinelli – No.

Mr. Yenser – Why do you keep...

Mr. Bradley – You're expecting they're gonna do this for free?

Mr. Stern – No, she ain't doing anything.

Mr. Yenser – Please don't put words in her mouth.

Mr. Bradley – She just mentioned that they're gonna have it on a commercial site and then people were gonna...

Mrs. Spinelli – I said there are commercial listers in Eastern Pennsylvania on every board. The companies are listed. They have websites. If Mr. Feick finds a commercial lister that has a website, they can put letters of interest.

Mr. Feick – If I get it on one, it'll get all the others.

Mrs. Spinelli – Exactly.

Mr. Bradley – Right. But, you're gonna pay to have someone list it on their website?

Mr. Feick – Actually, there's a lot of free sites.

Mr. Bradley – You're gonna put it on any free site you can find?

Mr. Feick – Legitimate.

Mr. Bradley – Legitimate, free site, there you go, thank you.

Mr. Stern – Public comment?

MOTION by Mr. Yenser, SECONDED by Mr. Beltz to have letters of interests for Shull-David and Franklin to submit to the Lehigh Area School District, attention to the Superintendent, and list the properties as available in Eastern Pennsylvania on website and commercial real estate websites.

Mr. Bradley – Can we add a description of that property to the listing?

Mrs. Wagner – I would think we would have to.

Mr. Bradley – I would hope so, but I read the advertisements for the other ones.

Mr. Stern – Any comment?

Roll Call Vote:

	Yes	No	Absent	Abstention
Mr. David F. Bradley, Sr., Member	X	☐	☐	☐
Mr. Stephen Holland, Member	X	☐	☐	☐
Mrs. Gail Maholick, Member	X	☐	☐	☐
Mrs. Rita Spinelli, Member	X	☐	☐	☐
Mr. Wayne Wentz, Vice President	X	☐	☐	☐
Mr. Andrew Yenser, Treasurer	X	☐	☐	☐
Ms. Joy Beers, Member	X	☐	☐	☐
Mr. Richard R. Beltz, Member	X	☐	☐	☐
Mr. Larry Stern, President	X	☐	☐	☐

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____

Motion carried.

2. Live Streaming Board Meetings

Mr. Cleaver – Live streaming, we did look into it, we were not able to connect. The other part of it is too, we do have an opinion through our ed. tech pool that, if questioned we do live stream on our own, we may be required to do Closed Captioning which would be an additional cost. I do have a, I'm waiting for some information back from our tech department on the cost for Closed Captioning and the process that would need to take place for live streaming.

New Business for Discussion

Hire Approved MOTION by Mr. Beltz, SECONDED by Mr. Holland to approve the recommendation to hire the following employee in accordance with the respective contracts, pending clearances:

1. **Nicole Foberg** – Elementary Teacher – **Step 1, Bachelor's \$43,000** – effective date beginning of 2018-2019 School Year

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____

Motion carried.

Mentor Hired MOTION by Mr. Bradley, SECONDED by Mr. Yenser to approve the recommendation to hire the following mentor for the appropriate teacher (listed to the left of the mentor's name) for the **2018-2019** school year:

Nicole Foberg/Rhonda Rupell

Mr. Bradley – Mr. Cleaver, how many were interviewed for Nicole's position?

Mr. Cleaver – There was part of that whole interview process. Hers...

Mr. Bradley – So, back to 100 and 20.

Mr. Cleaver – Yes.

Mr. Bradley – So 100 people applied and 20 people were interviewed.

Mr. Cleaver – Yes.

Mr. Bradley – Thank you.

Mr. Cleaver – But, she was on the addendum because we didn't have her final reference. We didn't get a contact until Friday.

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____

Motion carried.

Mr. Feick – Mr. Stern, I'd like to add something for new business. The Veterans' Organization donated flags, brand-new flags for our elementary school, I'd like to make, I think it was the Veterans' Association...

Mr. Stern – UVO

Mr. Cleaver – Carbon County Veterans'.

Mr. Feick – Can we make a motion to accept those and also to send them a letter of gratitude and thank you?

Mr. Stern – Absolutely.

Mr. Yenser – I'll make that motion.

Mrs. Spinelli – I'll second.

Donation of Flags MOTION by Mr. Yenser, SECONDED by Mrs. Spinelli to accept the flags donated by the Carbon County Veterans' Association and to send them a letter of gratitude and thank you.

Mrs. Maholick – Have they been installed yet?

Mr. Cleaver – The flags are in the classrooms; they were just donated today.

Mrs. Maholick – Oh, okay, wonderful.

Mr. Cleaver – The students were here to accept them and the Carbon County Commissioners.

Mr. Stern – Okay. Would you like to reread that Mrs. Wagner?

Mrs. Wagner reread the motion.

Mr. Yenser – We could give the public a chance to...

Mr. Stern – Oh, sure, thank you, Mr. Yenser.

Mr. Yenser – Absolutely, you're welcome. Mrs. Wagner didn't get you that time so I figured I'd try to chime in there.

Gloria Bowman speaking.

Mr. Wentz – It was a nice ceremony, what one kid from each grade to hand out flags?

VOTE: YES - 9 NO - _____ ABSENT - _____ ABSTENTIONS - _____
Motion carried.

Mr. Cleaver – I wanted to share with the board and community that the Elementary Center, we did receive temporary certification of occupancy. So, we are ready to go with that. The reason we were looking at a temporary one is because the gym area is not yet complete and it will, we actually need a temporary status. So, the gym floor has actually been installed so we are hoping that will be complete in three weeks. The reason for the month delay is to allow the wood floor to get acclimated to the constant temperature that was maintained in the area. So until the HVAC and everything was balanced, we wanted to make sure that the wood had time to sit. So, it was not, it was in place but not nailed down until this morning at about 10 o'clock they started the process. And, this is to ensure that the floor will have limited movement once it's permanently installed. The longer we waited for this process, the less likely we have to deal with it in the future. So that was one of the reason they have to use it for temporary. So, the area of the gym, the divider that comes down on one side and the divider on the stage will be closed and until that's completed then we are, we do not have access to that area.

Directors' Concerns

Mrs. Spinelli – I have something, Mr. President. I'm going to read a statement concerning the allegations made against me at the July board meeting. I checked into every single one of them. I would like to read this in its entirety and comments can be made afterwards if I could please have that courtesy.

I received a copy of my court testimony before Judge Nanovic as proof that I would unite this board, play nice when Dave plays nice, alleged that several people in the audience were mindless

puppets doing assignments for Dave Bradley, that as long as Dave make allegations, I can too. My testimony contained mistakes and perjury is a felony. That's what I was told. I read my testimony many times and have had other people read it. I've read the official minutes and listened to the recorded meetings. I've indeed found many mistakes, but not in my testimony. Those mistakes were in the accusations. First, I would unite the board. That I will address at the end. Number two, I would play nice when Dave plays nice. What I said, according to the minutes, is, and the tape, Mr. Bradley we have asked several times for you to please work within the system. You refuse to do that. Unless you learn to play well with the rest of the board, you will be sanctioned and that's what this is about. I did not say, when he plays nice, I will play nice. It was concerning his sanctioning. Number three, I was accused that I felt bad after soul-searching and would become more of a uniter than a divider. On page 18 and 19 of the May 2018 minutes I stated that I'm going to continue to do what I testified in court I would do and that is to keep the district going on the path it is, the way it is until someone convinces me otherwise. That testimony appears on the bottom of page 2 of the court document. I have three copies of court document here for anybody who'd like to look at it. Fourth allegation, I made an allegation at the June meeting that several people in the audience were mindless puppets. Page 64 of the June minutes lists my comment as, Mr. Bradley, it seems to be that you have a whole entourage of people that you direct to do different things. I made this comment because we have received emails from board members with certain information that is subsequently brought up during Courtesy to the Floor with the same information and same evidence. I have asked that a copy of the tape of the CCTI meeting with Representative Heffley be made available to the board and was told I actually taped that for Dave. I never got a chance to continue after I made the comment because some people assumed I was talking about them, even though I mentioned no names. Number five, Dave has made allegations, so I can too. I found no such statement in the minutes. The tone of these meetings was set before I was appointed. I stated on the last page of my testimony that I have antagonized people before and may again. And, they may antagonize me. Both Judge Nanovic and I agreed, that's part of life. I'm a board member with beliefs and opinions, as are the others on the board, we all represent the people of this district and their opinions. I will not apologize for defending myself and others by fighting fire with fire. Finally, on uniting the board. I found nowhere in that testimony that I said that and anyone is welcome to read it and figure that out. Now, on uniting the board, what does that mean? Does that mean that we all agree and vote alike? Does it mean all new board members get their way? This board is split because the community is split on their opinions. If the public was ready to turn the board over to an inexperienced majority, they would have done so. The vote reflected the fact that the community is fine with new faces but not ready to turn things over to them quite yet. That has been done before and people are leery of doing it again. That is why I applied for this position. Time will determine the course to be taken but in the meantime, I reiterate, that I will vote to keep things moving forward until substantiated facts convince me otherwise. Looking over the minutes of the last six months, I notice that this board is more united than is apparent. That has nothing to do with me individually, but with a board trying to do a job. Most boards are not, most votes are 9-0 or 8-1, which shows we can get something done. We pay bills, approve conferences and contracts and hire and pay salaries. We keep the district in business. I also noticed that we make concessions, we're going to look at several policies that need revision and a compromise was reached on Franklin Field. We disagree on some matters and probably always will but so do the people we represent. I have left a few copies of my testimony at the end of the table as I stated for anyone who wishes to read it. There is not one mistake or falsehood in the entire statement. If anyone has a sophisticated ability to get audio that isn't audible to me, please do so because I have not heard what I allegedly said on the recordings. Anyone can feel free to criticize my comments at any time, however, remember to check the facts first, because I will.

Mr. Yenser – I guess one comment if I could, I'd like to thank the administration for their efforts. Last month we had given the authority to hire, to get the school year prepared, to get off on the right foot. I feel that that was done in accordance to our hiring practices to a "T". So, that efforts much appreciated that we have a school year that we're running into, instead of, you know, stumbling into. So, thank you.

Mr. Cleaver – And, I have to give credit to the teams. I mean there's a lot of time and commitments that is made by the interview committees. And, like I said, twenty interviews, it's about three or four days of information for, you know, one to two positions. So, but there is a lot time and there is also staff members who donate their time too to sit on those committees. So, I have to, you know, give them credit as well. So, it's not just the administration, there's a lot of time put into those, that process by other staff members, as well.

Mr. Bradley – And, we'd like to thank you for sharing the part after the interview with the board for your process. What was missing was the part before when the applications comes in and that evaluation prior to giving someone an interview. If you could share that with the board we'd appreciate it, or at least I would, thank you. Can I make a motion that it gets shared with the board, this information of what happens from application to interview?

Mr. Cleaver – There's a paper screening that takes place.

Mr. Bradley – I know, so I'm making a motion that that gets shared, I understand. I'm making a motion that that gets shared with the board, the process from advertising the position, collecting applicants, and weeding them to the interview process. Can I get a second on that motion that we as a board can have that information?

Mr. Stern – Right now it's documented from the interview process forward. All you're looking for is where it gets posted, how it gets posted, how the resumes come in, how the information comes in, what's the...

Mr. Bradley – And how it gets weeded out?

Mr. Stern – The stack of this to this?

Mr. Bradley – To, all for the interview, correct.

Mr. Stern – So prior to accepting an interview? Prior to extending an interview.

Mr. Bradley – Correct. Exactly right.

Mr. Yenser – That's more of a comment. Could you describe the comment that was used to...

Mr. Cleaver – We post the positions depending on the position usually determines the amount of time. We advertise the postings. We advertise them in PAReap, which is a statewide website, we also advertise them on PennLink which goes out statewide for professional or administrative positions. We do not post para, support positions, however they are posted locally in the newspaper for an allotted amount of time and then depending on the deadline, they come in and they are presented and there's a paper screening that takes place and again that paper screening takes place in my office and then also depending on the supervisor. If it's a high school position, of course the high school administration would review it to review the applicants. Middle school would be middle school. But the support position, for example, maybe someone in Brian's office,

of course Brian would then, you know, go through the paper screening, as well, depending on the position. And, then, to make sure they meet the requirements and the posting and then it gets, they will get a, receive a call for a potential interview and sometimes they accept the interview, sometimes they deny the interview and then we move forward from there.

Mr. Bradley – So all of that process that you just discussed, we're, we're a board and we don't micromanage but we are a board that sets policy. Everything you just mentioned is that policy or is that a guideline?

Mr. Cleaver – Procedure.

Mr. Bradley – It's a procedure inside of the policy?

Mr. Cleaver – Administrative procedure.

Mr. Bradley – So we don't have a copy of this policy which our board...

Mr. Cleaver – It's not a policy.

Mr. Bradley – So our, I'm asking the question first and then you can answer. Take your time. So there is a procedure that you follow. Is this procedure written down?

Mr. Cleaver – No, it is not.

Mr. Bradley – Okay. As a board, we should write down a human resource policy and/or procedure to ensure that the position is advertised, applicants are received, and that they are reviewed in a way to make sure, and ensure, that we do not have any EOE opportunities, EOE issues, from those individuals, prior to the interview process which was well documented. Thank you. And, I make a motion that that information be given to the board members. Basically just have him write down what he said he's doing.

Mr. Stern – You didn't have a motion for the other part, so I don't think we need a motion for this, Mr. Bradley.

Mr. Bradley – So you can just authorize him to make sure we get it?

Mr. Cleaver – I could put something together.

Mr. Bradley – Perfect. So, by consent, as Mr. Schwab would say, by consent. We look forward to getting that before the next meeting, thank you, by consent.

Mr. Cleaver – Probably just copy the notes from the meeting.

Mr. Stern – Okay. Last section is adjournment.

Mrs. Wagner – There were no courtesy to the floors, just.

Mr. Stern – I know. There weren't any. That's why I did ask. Other than the ones that were addressed earlier.

Barbara Bowes – Excuse me, I had a Courtesy to the Floor on my sheet.

Mr. Stern – You did, you spoke.

Barbara Bowes – At the end. I wrote it at the end.

Mr. Stern – Sorry about that.

Barbara Bowes – I didn't know how to write it.

Mrs. Wagner – That's okay, that's alright, yeah, I wouldn't have read that.

Audience Member – Can you change that to make that read at the end of (inaudible)? Because sometimes things come up and you want talk about them.

Barbara Bowes – Well that's why I put that there.

Mr. Stern – Okay. It is public comment so, okay.

Mr. Bradley – One second, excuse me, one second before you start, so are you now saying that any individual that has a public comment can make that comment now without prior filling out a form at the beginning of the meeting? Is that correct? Is that what I'm hearing by consent?

Mr. Stern – It's not our policy actually though.

Mr. Bradley – So the policy is that these people have to put a form in before the meetings to talk about whatever happened during the meeting?

Atty. Schwab – There was a mistake made. Apparently, Ms...

Mrs. Wagner – She does have it at the end.

Mr. Bradley – I fully understand that. I want to make sure that what you just said was by consent.

Mr. Stern – I misspoke.

Mr. Bradley – You misspoke. So, no one else is allowed to speak except for Ms. Bowes.

Mr. Stern – Right.

Mr. Bradley – And you're gonna prevent people from speaking because they didn't file a paper before the meeting and if they have anything that happened during the meeting that they want to add comment to, they are being silenced. Is that correct?

Atty. Schwab – They come next (inaudible).

Mr. Bradley – I make a motion that we allow anyone to speak at the end of the meeting regardless of whether or not they filled out a paper prior to the meeting.

Mr. Yenser – Similar, similar to what we've discussed prior. May I finish, please? Thank you. What we've discussed prior is that if you do not like the policy that's in place, take it to the policy committee, have the rules changed and that's the way we proceed with those changes.

Mr. Bradley – Or we can make a motion right now, as a board, and add this in to make sure that those people have a right to speak. I make the motion, can I get a second, please?

Ms. Beers – I'll second it.

Mr. Bradley – Thank you. I'd like those people to have a chance to speak. Since it's a new motion, would anyone on the floor like to speak on the idea of being allowed to speak without filling out a form until after the meeting. Thank you.

Audience members speaking.

Mr. Stern – It is against present policy.

Gloria Bowman – You do that; you're going against present policy.

Mr. Stern – We need to change policy. Let's do it at policy.

Gloria Bowman – Policy right now, you just cannot throw out a new motion without taking it back to committee, which is your policy committee. Do it properly, not transpirence Mr. Bradley, do it properly, procedurally.

Mr. Bradley – Or, as a board, as they said you can override any policy at any time and then within the 30-day period you can review that policy and make sure that it is implemented. But prior to that, this board has every authority to allow these people to speak without filling out a form before the meeting because they may or may not have had what they knew they're gonna say before the meeting. It's a way to silence people, Ms. Bowman and that's what we're trying to prevent.

Gloria Bowman – I disagree with you, okay. Because if you want things clean, procedurally, you do it right and you want to do things by the book, do it right.

Mr. Bradley – This is by the book. We can make a motion at any time, it's by the book, we're allowed to do that.

Mr. Feick – Before you even do that, we have someone we gave the floor, now we're interrupting her. Let her take the floor before you do anything.

Mr. Bradley – We, we wanted to make sure...

Mr. Feick – Did we not give her the floor?

Mr. Bradley – But we do have an opportunity...

Mr. Feick – You should let her speak first.

Mr. Bradley – But we do have a motion and a second and I apologize to...

Mr. Feick – We already gave her the floor before you made that motion.

Mr. Bradley – Then I may be in error, however, we do have a motion and a second. We do want Ms. Bowes, right? Ms. Bowes to speak, we have no problem with that but we also heard other

people in the audience that would like to speak. We have a motion and a second, we have public comment. Ms. Bowman spoke. Anyone else would like to speak on this motion prior to a vote? They should have the right to do so and then the board should take a vote before they adjourn after she's done.

Audience Member – Does the policy committee meet before next meeting? Can it be (inaudible)?

Mr. Stern – Yes.

Mr. Bradley – No. A policy, to go through the entire procedure...

Mr. Cleaver – Two readings.

Mr. Bradley – ...that she's talking. You need multiple meetings to go through this entire policy procedure. However, just like searching a kid, you can override a policy. Just like sanctioning a board member, you can override any meeting, any policy at any time as a board. Think of it as a law. A policy is a law.

Audience member speaking.

Mr. Stern – Thank you. Policy is the 5th.

Tom Wertman – I want to make one comment.

Mr. Stern – Can we, Mr. Wertman, thank you.

Ms. Beers – I'd like to comment on Dave's motion that we had other motions here that should've been in subcommittees and instead they came directly to the board, did not go through the subcommittee and they were favored by you Andy and you were okay with it not going to a subcommittee and it got voted on. So...

Mr. Yenser – Was I changing policy?

Ms. Beers – I suppose you were.

Mr. Yenser – How so?

Ms. Beers – Because we had a motion brought to the floor that in my opinion, or I believe according to policy, should've gone through one of the other subcommittees.

Mr. Yenser – There's no necessary policy that everything runs through a subcommittee to come up to a motion on the agenda. But what I'd like to do right now is allow Ms. Bowes to speak because as we all...

Mr. Bradley – But, Andy you....

Mr. Yenser – ...you taking away this lady's right to...

Mr. Bradley – You're not taking away her right. You're never taking away her right. But I will make the comment that you did make the comment when you added a motion on to the agenda to give away property, that should've gone through Buildings and Grounds but that's just one

example. Before you can move onto the next section, you have new business so at this point is everyone done commenting prior to this vote. And that's Mr. Stern's right to ask for that to take place. I suggest you confirm that prior to this vote everyone had their opportunity to speak.

Barbara Bowes - I will say one thing on your motion. I think people should be allowed to speak at the end of the meeting 'cause a lot of times something comes up that you want to ask a question on. And, luckily, I did put that on my form because there's something I want to ask about that was said at the meeting and I will do so from now on. So, just in case.

Mr. Bradley - Can you please be patient enough for them to have this vote?

Barbara Bowes - Yes, Dave for two minutes. You got two minutes.

Mrs. Wagner - Alright. You want me to read this one.

Mr. Stern - Sure.

Mrs. Wagner - Okay. So, I have a motion by Dave Bradley, seconded by Joy Beers to allow anyone to speak after a board meeting as public comment without filling out a form before a meeting.

Public Comment W/O Form Denied MOTION by Mr. Bradley, SECONDED by Ms. Beers to allow anyone to speak after a board meeting as public comment without filling out a form before a meeting.

Roll Call Vote:

	Yes	No	Absent	Abstention
Mr. Stephen Holland, Member	☐	X	☐	☐
Mrs. Gail Maholick, Member	X	☐	☐	☐
Mrs. Rita Spinelli, Member	☐	X	☐	☐
Mr. Wayne Wentz, Vice President	☐	X	☐	☐
Mr. Andrew Yenser, Treasurer	☐	X	☐	☐
Ms. Joy Beers, Member	X	☐	☐	☐
Mr. Richard R. Beltz, Member	X	☐	☐	☐
Mr. David F. Bradley, Sr., Member	X	☐	☐	☐
Mr. Larry Stern, President	☐	X	☐	☐

Mr. Bradley - As a unifier, I say yes.

Mr. Stern - As someone who tries to keep order, I say no. And I emphasize tries.

VOTE: YES - 4 NO - 5 ABSENT - _____ ABSTENTIONS - _____
Motion denied

Courtesy of the floor / Public Comment

1. Barbara Bowes

- Something that you said at the meeting actually, Larry, intrigued me, you said that the Mahoning and East Penn elementary schools were actually advertised prior to for

months prior to the sale. I just find that interesting, I didn't know that that occurred. Because, in my Right-to-Know, I asked for that information, didn't get anything.

Mr. Stern – That's the information that was provided to me, Ms. Bowes. If that's not the way it is, then maybe I misspoke but we can double check on that for you.

➤ Okay, yeah, 'cause I would, you know, I would like specific...

Mr. Stern – Maybe we didn't have the document that would prove it but the other parts of it probably were there that would show that that occurred. We'll have to figure out a way maybe to show that to you.

➤ Okay, thank you very much. I'd like to see that.

Mr. Stern – I appreciate your questions.

Tom Wertman – I'd like to make one comment before we.

Mrs. Maholick – No we can't, you didn't pass it.

Mr. Bradley – You've been silenced by the board, I apologize, I really wish you'd be allowed to but this board has silenced you sir. They have silenced you sir. It sucks, but they silenced you sir.

Tom Wertman – You know what, you're a real jerk.

Tom Wertman continued to speak out.

Mr. Bradley – I love you, Tom, I love you buddy, you're awesome.

Board and audience speaking.

Mr. Bradley – They just voted you're not allowed. It's comical, because I want you to speak. Please do. Please, Larry, let the man speak.

Mr. Stern – We have a motion to adjourn the meeting.

Mr. Bradley – Please, prior to, wait, prior to adjournment can we please let Tom speak. I make a motion that Tom has a right to speak. Can I get a second that Tom has a right to speak, please?

Mr. Stern – I have a motion on the floor.

Mr. Bradley – Order, I have a motion, hold on, I have a motion that I would like to allow Tom Wertman to speak. Can I get a second?

Mr. Stern – Can you please shut up?

Mr. Bradley – I have a motion.

Mrs. Maholick – I'll second it.

Mr. Bradley – Point of order, Mr. Stern.

Mr. Stern – Please, please, please.

Mr. Bradley – Point of order, Mr. Stern, point of order.

Mr. Stern – Mr. Wertman, make a (inaudible), please.

Mr. Bradley – I would like to, thank you, wait, I need a motion and a second prior to violating our policy to allow him to speak. Can I get a second please?

Mrs. Maholick – I'll second it please.

Mr. Bradley – Thank you. We have a motion and a second. Anyone like to speak on that motion that Tom should have a right to speak prior to this meeting.

Mr. Stern – Imagine you have created a circus.

Mrs. Spinelli – Motion and a second to adjourn.

Mr. Stern – You can make a comment, Tom. You've created a circus, Mr. Bradley.

Tom Wertman speaking.

Mrs. Maholick – He's the one that said you can't talk.

Tom Wertman – I made a comment before the, and I asked Larry, before the...

Mr. Stern – The motion, yes.

Tom Wertman – before the motion was made...

Mr. Stern – Yes.

Tom Wertman – ...to speak and I said I would wait.

Mr. Stern – Yes.

Tom Wertman – Did I not?

Mr. Stern – Yes.

Tom Wertman – Okay. Now the comment was to only (inaudible) sitting here is that we have these (inaudible), we have a policy we have a procedure. We can speak whatever on (inaudible) to speak as long as we fill out that paper. We can make a comment at the end of the meeting as long as we fill out that paper.

Mrs. Maholick – Where's your paper?

Tom Wertman – So what is so hard for this comment about, about not able to speak on their agenda. We just have to fill out that paper. What is so hard about filling out that paper?

Mrs. Maholick – Where is your paper?

Tom Wertman – Like any other meeting (inaudible). Why are you making it so difficult for everyone not to understand that, Mr. Bradley? You, you, you.

Audience members and board members speaking.

Mr. Yenser – I have a motion on the floor for adjournment, Mrs. Spinelli seconded that motion.

Audience members and board members speaking.

Mr. Stern – This is why, you just made the supreme example of the motion. The meeting is over. We adjourned the meeting.

Mr. Bradley – When did you adjourn the meeting?

Mr. Stern – I voted, we had five.

Mrs. Spinelli – Just now, you were yelling.

Mr. Stern – You’re too busy creating a ruckus. This is why, that is why we have paperwork filled out.

Mrs. Spinelli – We had five votes.

Mr. Stern – Then abstain.

Mr. Bradley – How could I vote?

Mr. Stern – You didn’t. You didn’t, we didn’t.

Mrs. Bradley – Ms. Wagner, how could I vote? Please put me as a no.

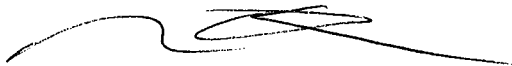
Adjournment

Next regular scheduled meeting is Monday, September 17, 2018, at 7:00 p.m.

MOTION by Mr. Yenser, SECONDED by Mrs. Spinelli to adjourn the meeting at 9:30 p.m.

VOTE: YES - 8 NO - 1 (D.B.) ABSENT - ____ ABSTENTIONS - ____

Respectfully submitted



Brian Feick
Board Secretary

(Minutes of August 27, 2018 includes Pages 1 through 69.)