

**MINUTES OF THE PATERSON BOARD OF EDUCATION  
SPECIAL MEETING**

May 22, 2019 – 6:12 p.m.  
Administrative Offices

Presiding: Comm. Oshin Castillo, President

Present:

Ms. Eileen F. Shafer, Superintendent of Schools  
Ms. Susana Peron, Deputy Superintendent  
Robert Murray, Esq., General Counsel

Comm. Emanuel Capers  
Comm. Jonathan Hodges  
Comm. Manuel Martinez  
Comm. Eddy Olivares

Comm. Joel Ramirez  
Comm. Nakima Redmon, Vice President  
Comm. Robinson Rondon  
\*Comm. Kenneth Simmons

The Salute to the Flag was led by Comm. Castillo.

Comm. Redmon read the Open Public Meetings Act:

The New Jersey Open Public Meetings Act was enacted to insure the right of the public to have advance notice of, and to attend the meetings of the Paterson Public School District, as well as other public bodies at which any business affecting the interest of the public is discussed or acted upon.

In accordance with the provisions of this law, the Paterson Public School District has caused notice of this meeting:

**Special Meeting  
May 22, 2019 at 6:00 p.m.  
Administrative Offices  
90 Delaware Avenue  
Paterson, New Jersey**

to be published by having the date, time and place posted in the office of the City Clerk of the City of Paterson, at the entrance of the Paterson Public School offices, on the district's website, and by sending notice of the meeting to the Arab Voice, El Diario, the Italian Voice, the North Jersey Herald & News, and The Record.

Comm. Castillo: Good evening everyone. I just want to welcome you all to the May 22 Special meeting. We don't have any presentations today, so we're going to go right into public comments.

**PUBLIC COMMENTS**

**It was moved by Comm. Redmon, seconded by Comm. Ramirez that the Public Comments portion of the meeting be opened. On roll call all members voted in the affirmative. The motion carried.**

Comm. Castillo: For all of you visiting this evening, we usually allow three minutes per speaker just to be mindful of everyone else's time. Thank you.

Ms. Marcella Simadiris: Praise the Lord everyone. I was notified today by my lawyer that you will be discussing me today in closed session. I was under the impression that the State law requires you to provide me a Rice notification and I then have the option to request what you all discuss and vote on is public. That's my understanding. You can correct me if I'm wrong. That's my understanding. I did not receive that notification, nor did I receive the option to have it held publicly in a vote. I just want to make you all aware of that. I'm not as prepared because I did not get the time that I'm supposed to get, but what I have today are copies of my summative, which puts me at exemplary for last year. This is my last evaluation, just so you can have something. I don't know what the district is providing you, but I would like to provide you something. I also would like to let you know that there are a lot of other things that I can discuss and make you aware of that I just have not had the time to prepare for. Hopefully, you will look over these and it will be a red flag that there's an issue. I'm going to give this to Cheryl and hopefully you will look at it. Thank you.

Mr. Shaka Zulu: How are you doing? My name is Shaka Zulu. I'm Chairman of the New African Black Panther Party. I came here specifically to sing the praises of Ms. Marcella Simadiris. She has been a fine outstanding citizen in our community. She has lifted the spirits, hopes, and intellectual awareness of young kids, especially the kids that I know of in the community which a lot of us come from. I think that she deserves a chance to continue her stewardship as an intellectual within the Paterson School System. Aren't we sometimes overzealous in our case to make sure that people are on the right track? I think so. If we look at history, there have been overzealous people that have changed the course of the society in which we live. Martin Luther King was arrested 39 times in order to desegregate the South. Nelson Mandela spent 27 years in prison in order to break down apartheid. Harriet Tubman went back into the south 300 times in order to free the slaves. The point I'm making to you is that sometimes we have to stand up and we have to take the hits that are going to come. There are some people that are happy with injustice. There are some people that are unhappy with injustice. Marcella Simadiris has shown to me that she is unhappy with acts of injustice. I just hope that this Board considers 19 years and not just one or two complaints. That's my position.

Ms. Sarah Moody: Good evening Superintendent Shafer and Board Commissioners. My name is Sarah Moody and I'm a retired teacher from Paterson Public Schools. I've had a close relationship with Marcella Simadiris for about seven years. I find her to be a very compassionate, fierce, and dedicated teacher. She is very in tune to any injustice that affects our children and the families of our children. She sacrifices her time and money, whatever it takes, to make our community, our students, and their families better. She fights for equity in learning for all children. We have served together on a number of boards related to education and she embodies a spirit where she takes the children that she teaches and she brings them into the community. She teaches them unity, respect for community, respect for themselves, and a strong identity as to who they are. It's a shame if we're going to remove a teacher of this caliber from the district. I think we need to listen more rather than react. She is an asset to all our children and their families. Thank you.

Ms. Inga Spungen: Good evening everybody. Thank you again for the service that you provide here. I think the Board of Education is probably one of the toughest jobs I've ever seen anybody do. Thank you for that. Being the Superintendent is probably even tougher. I have a couple of questions. I have two things I want to talk about. I

understand that Silk City Academy and Great Falls Academy are merging. I have heard that there are many concerns about the two different types of populations that are going to be there. I'm concerned about how they're going to merge and what plans are being made to make sure that is safe and successful. I am the Executive Director of the Paterson Alliance. Every summer we offer a program for high school juniors and seniors who will be entering in the fall. We will offer this opportunity for a paid internship to nine different interns. I'm happy to share more information with the district. I was an Eastside High School today telling students there about it. If you know of anybody who is that age who is looking for a summer opportunity that is paid, let me know. Thank you so much.

Mr. Johnny Staton: I'm just here to support Mr. Maynor, where my grandson goes to school. He is a great principal and leader for the kids. It's an all-boys school and I think he's doing a heck of a job. That's just me speaking about my grandson. I want to say thank you.

Ms. Paula Alford: Good evening. I'm here to address a few matters. I'm going to start first with PARCC. I want someone to please give me an answer to what's the procedure for children that are opting out of taking PARCC. What is their academic plan for that day? Does anyone have an answer? I asked my school's principal. My child goes to School No. 2 and I was met with a lot of tension behind it. I'm just trying to understand what the procedure is. He went to school, they did not have an academic plan for him that day, and so I ended up picking him up. I'm asking you all, are you prepared to have an academic plan for students that are opting out of PARCC?

Comm. Castillo: You can ask us all the questions and we're writing them down. At the end of public portion, the Superintendent will answer.

Ms. Alford: My second question is about the breach with the passwords that just happened. The answer seems to be that you decided to change passcodes and give out new ones and user names. Was that the resolution to that? Was it just teacher information that was compromised? Or was it students as well? My third point is not a question, but a complaint. I have a serious issue with the principal at School No. 2. I will provide each of you the documentation that goes along with what I'm saying. There are some serious leadership issues there. Principals as well as administration have to be ready to be challenged. That's in your everyday role at your job. You have to be ready to be challenged. You cannot turn a parent off because you're being challenged. You can't be unprofessional. You can't be nasty. I'm a parent that's going to continue to challenge you. That's not going to stop because you're being that way. I would like answers to those questions because I'm really concerned about the PARCC. Like I said, my son went to school and there was no academic plan for him. There was no computer for him to work on and he sat there. I don't think you are all prepared for parents to say they don't want their child to take the PARCC. There's nothing there for them. I just want to go off with saying as much discipline as we give the students, I really need for you to help me explain what type of professional development you're giving to these leaders such as principals and administrators. It's not there. We expect our children to be accountable. Yet when I reach out to that principal's assistant superintendent, the same question I'm asking you all I'm here asking you because I asked the principal four times and she evaded the question. I copied Cicely Warren, who is her Assistant Superintendent, as well as Superintendent Shafer, and was told that she would answer it. Guess what? She showed me who was boss because she didn't.

Ms. Kimbilee Jonas: Good evening everyone. My name is Kimbilee Jonas. I am a resident of the City of Paterson. I'm a product of Paterson Public Schools. I have a few questions and issues. Before I start, I just want to first say as I'm hearing about Ms. Marcella and her situation with the Board wanting to terminate her services here in Paterson Public Schools, I know for me as a concerned family member I have several nieces and nephews in the Paterson Public Schools. If it was not for Ms. Marcella, I would not be able to help my nieces and nephews. Like the previous parent said before me, when you challenge administration, principals, and teachers in the Paterson Public School System, they are not very welcoming and they tend to backlist you and remove you. For example, I learned about the ESSA meeting through Ms. Marcella and the first time I attended they tried to bar two other parents from attending this meeting. They literally called security on us and everything. If we are trying to move forward as a community and village, because it does take a village to raise and educate our children, we really need you all to be truly transparent. When we send emails to you all, Shafer, Peron, special education, I have weeks and months that go by and I get no response. I'm constantly being put over and over. When you have teachers like Ms. Marcella that are actively engaging the community and informing the parents about meetings that they should be attending so that their voice can be heard, so that we can have a seat at the table, it's disheartening to see that you're trying to remove that voice from this community. We are so disconnected and so disjointed. We don't have the trust. Parents don't trust the Board. We don't trust the teachers. We don't trust the principals. It's really sad. In addition to that, as a family member wanting to attend the PTO meeting, I was told by administration that I'm not allowed to attend PTO meetings. I wasn't trying to be a voting participant. I wanted to render my services. I have a science background and I was willing at one point to teach in the Paterson Public School System. Even as an AmeriCorps volunteer I was backlisted, as you all are trying to do with Ms. Marcella. I'm now not even interested in serving as a science teacher and you all need science teachers. I have a BS degree in biology and I can teach chemistry. In addition to that, I have a question with regards to the charter schools. Since the public schools have so many children in class, do charter schools have to accept more students since both are public schools? Since our public schools are overcrowded, do charter schools have to accept more children? That's all I have to say. Thank you so much for your time.

Mr. Lawrence Hamm: Good evening. My name is Lawrence Hamm. My address is 18 Madison Avenue, Montclair, New Jersey. President Castillo and Board members, I'm here as others before me to speak in support of Marcella Simadiris, a teacher in your school system. I want you to know how important this is to me. I have never addressed this Board of Education before and I have seldom addressed any board of education since I myself was a board member more than 48 years ago. I'm also a certified licensed social studies teacher and a product of Newark Public Schools. I am somewhat familiar with the general situation, although not with the specifics of Ms. Simadiris' case. I want to say that I think she is a great teacher and that she should be in the classroom. I'm urging you not to do anything to take her out of the classroom. I'm a personal witness to her care and concern for her students. I have seen her personally with her own resources and money bring her students to programs in our community. She places great emphasis on making sure that her students are aware of Black, Latino, women's and other history. I think that's very important. Ms. Simadiris may be outspoken. She may be unconventional. She may be unorthodox. But I believe those are the qualities our teachers should have today. Our system needs to be shaken up. I just want to say this and I know my three minutes are almost over. When I was in the eighth grade, I was thrown out of school. I deserved to be thrown out of school. I damaged some property and I was suspended. I was returned to school and I had a teacher named Ms. Ryerson. After I was brought back into school, Ms. Ryerson

said one day, "Larry, come with me. We're going downtown." I said I had to ask my mother and she said, "We don't have time for that." If that had happened today, that teacher probably would have lost her job. But she took me down to Bambergers. Any of you remember Bambergers Department Store? We went upstairs to the fourth floor. There was a big crowd and TV cameras there. This was the spring of 1967. With me in one hand, Ms. Ryerson went over to a table, got a book, pushed her way through the crowd, through the press, came to a table, and put the book in front of the person sitting at the table. She asked the man sitting at the table, "Would you please sign this book for my students?" Do you know whose signature that was? Jessie Owens, who broke the racial barriers of his time in 1936. Ms. Ryerson was a teacher in the mold of Marcella Simadiris. Those are the kinds of teachers that we need. I implore and urge the Board, whatever action you take, please take into account that Marcella is the kind of teacher that our students need in the classroom. Keep her there, please. Thank you very much.

Ms. Ingrid Hill: Good evening, members of the Board. I'm here to support Marcella Simadiris. One of the things that I think defines Marcella is passion. I think it's important because a lot of times passionate teachers go above and beyond. When I'm talking about passion, I'm not just talking about her work in the classroom, but her engagement in the community. A lot of times, teachers come in, do their work, and then they go home. Marcella is the kind of person that goes into the community, finds out what the issues are, and continues. I always wonder about due process. A lot of times people get railroaded who are doing justice and the kind of work that needs to be done. She was suspended. But if there was an issue, were any corrective measures put in place? There are State statutes around teacher education in the State of New Jersey that if there's a problem, then something needs to be put in place. I don't see that as a problem in terms of the kind of passion that she exemplifies. I think it's important because our students, given the conditions of our community, need the kind of teachers to go above and beyond and also the teachers who support the Amistad Law in the State of New Jersey, which every school district should have in place. I often find that people who may not be comfortable with that react to it, as opposed to using that as example to see how I can better myself. I have been fortunate because most of my teachers have been very proactive and have been engaged in the community. Perhaps that's where I've gotten my passion in terms of working with students. Again, I would recommend strongly to the Board that you follow due process. I'm not sure who made up the complaints, but a lot of times we complain because we don't meet those expectations. It's easier to tear people down than really look at what it is that we need to change ourselves. We support Ms. Marcella and we have her back. The community has her back and we are a force to be reckoned with. That's all I have to say. Thank you.

Ms. Kellia Sweatt: Greetings to you. Peace and blessings. My name is Kellia Sweatt. I am a member of the NIBPA. It stands for the National Independent Black Parent Association. I've had the privilege of meeting some of you on other occasions. What our organization does is fight to eradicate racism within education. We have a clear understanding that schools, education, and our country are really about socialization. We go above and beyond to make sure that children of African descent receive fair access to unbiased, quality education. Because of that, someone has become very known to our radar, Ms. Marcella Simadiris. This is why I'm here this evening. I'm here in support of her. I want to hopefully encourage you to dig deep and to recognize that she's an asset to your district and the community and not just someone who comes to get paid on the 15<sup>th</sup> and the 30<sup>th</sup> and normally wants to speed out of the parking lot. She is the opposite of that. Even when it is not within school hours, she is here in the community. She is volunteering. She is really there for the children. She is a child-

centered individual and that's what we need. As the others have said before me, I'm here to support her. I know sometimes things may have gotten a little bit rough, but when people champion causes that most people run away from, that protect the most vulnerable children, it does not always look pretty. I want to remind you that she is an asset to your district. This is not someone you want to lose. Please, as Larry said, keep her in the classroom. We need our children having access to someone like this. Some time ago when I participated in a quality program providing African martial arts to the children for free in your district, it was on her invite. I know that the children experienced and saw things they had never seen before, and they need more of that. Again, please do not fire Marcella Simadiris because she is an asset to you, but she is also very much needed by the children here in Paterson. Thank you.

\*Comm. Simmons enters the meeting at 6:39 p.m.

Ms. Linda Willis: My name is Linda Willis and I am a great-grandparent of one of the children in the school that Ms. Marcella was going to. I just want to let you know that she is one of the best teachers there. Like the lady just said, when 3:00 o'clock comes, she does not step on you and knock you out of the door trying to get out of the school. If you want me to name some of the other teachers, when the door opens up at 3:00 o'clock, they are open for the children to come out and they knock the children down trying to get to their car. She is not like that. She loves her students, all of them, and the children love her. People made comments in the school. I'm not going to go into who it is, but like they said, these principals and vice principals, let them know that it is not their school. They don't own that school. They can stop making comments such as "It's my way or the highway" and "I don't give a crap about the children." I heard this in quite a few schools because I go pick up my grandchildren from different schools. These are Paterson schools and all of these children deserve teachers like her. Hopefully, you will keep her in this system. If you don't, you are going to lose out. I don't know where you come from, where your area is, or where you live. Maybe your children are getting the best. But in my area, we only have a handful of teachers that really care, and she is one of them. If you get rid of her, I'm not wishing bad luck on any of you, but I hope your teachers take care of your children. Thank you.

Ms. Britney Moore: Good evening everyone. My name is Britney Moore. My son attends Young Men's Leadership Academy. He's in the fourth grade. He will be in the fifth grade come September. I'm here to address the issue of Principal Maynor being removed as my son's principal. I just wanted to give you guys a bit of positivity that he has brought to Young Men's Leadership Academy. My son is currently in Boys Scouts. He used to attend Boys Scouts at a previous school, but being that he's transitioning to Young Men's Leadership Academy he's in Cub Scouts as well. Principal Maynor also has a program called Omega Teens for the older kids for sixth through eighth grades. Those programs are a prime example of what he has brought to the school. I believe that he should be at the helm of Young Men's Leadership Academy. I feel that the two years that he was given for a transition period it would be absurd to bring in a new principal and new administration when the boys are already acclimated with what Principal Maynor has brought to Young Men's Leadership Academy. Raising a nine-year-old boy in an urban city is not easy. I can have all the degrees in the world. I just graduated with my master's degree from Rutgers Saturday. What I'm saying is that has nothing to do with raising a young boy. I'm very pleased with Young Men's Leadership Academy and I was looking forward to seeing what else Principal Maynor can do for Young Men's Leadership Academy. I just hope that you make a clear and concise decision to keep him, renew his contract, and give him the resources that he needs for the school to continue to grow and flourish. I would like my son to continue to grow and flourish under his administration. With that being said, please make a clear and concise

decision to keep Principal Maynor at the helm of Young Men's Leadership Academy.  
Have a good evening.

Ms. Erika Santiago: Hello. My name is Erika Santiago. I came to talk about something that happened to someone that I know. It was an issue with a principal that spoke very disrespectfully and was very obnoxious with this parent, to the point where she was dissolved into tears. That's a tragedy. She cannot come here to speak for herself. That's why I'm here to speak. When you're a principal, you're the head, just like you're the head of the family or the head at the table. Whatever it is, people are going to come to you because you're supposed to be that person in charge. When you're at that level you have to be able to have a thick skin, wear different hats, and have different demeanors. When you're a model on a runway you may not like the outfit that you have on, but if you signed up for it, you have to be able to strut your stuff and walk it. If you can't wear different hats and outfits, then you need to pick an outfit and sit down and get off the runway. You're wasting everyone's time. If you can't keep up, then there's no shame in saying that. Just say you can't handle it and get a vice principal or someone else. You can even call down to the Board of Education and have your assistant superintendent come down and take care of the parent or the advocate if you can't deal with the situation. Be honest and treat people the way you want to be treated. That's my opinion. Since everyone else spoke about Marcella, I'll speak about her too. I don't know Marcella from school. I know her from here from being at the Board. As everyone knows, I'm here next to Raquel. A lot of people confuse passion with aggression. I think as adults we need to be able to understand that just because someone gives you constructive criticism doesn't mean that they're trying to tear you down or saying that you're doing your job in a bad way. They're trying to help you. It may come across the wrong way. You may not understand it, but if you have a mother-in-law you should understand it. We've all been there. I just want to say thank you for the principals listening. Take my advice. For Marcella, good luck.

Mr. David Spungen: Good evening. My name is David Spungen. I moved to Paterson in 2017 and I became captivated by its rich history. I'm proud to call myself a Patersonian. Although I don't have any children in the school system, I care about all Patersonians here. I'm here today because I wanted to address the Hinchliffe Stadium situation that I know is going to be considered. In my career, I have been involved in sports and television marketing. In my time here in Paterson, I realized that Hinchliffe Stadium is a potential diamond in the rough. It's a facility that offers so much about this community and for this community. When I came here on May 1 to hear the discussions by Michael Powell, Baye Adofo-Wilson, and the architectural team I was very encouraged, not only to hear about the project, but also to hear the very positive energy of the Board that was coming. As a Patersonian citizen, I ask that as you begin your deliberations about the decision about Hinchliffe Stadium that you remember what the School Board was presented with in 1997. To rehabilitate the stadium at that time would have cost approximately \$4.8 million. To demolish it would have cost about \$4 million. That was 1997 and who knows what those numbers are today? I do want to say that it's very clear that if Hinchliffe Stadium is going to be rehabilitated, this is the time and this is the moment. With all the attention that's going on with the Great Falls and the Pavilion pointing towards 2021, I ask you, how many stadiums in the world can say that they live inside a national park? How many national parks can have a stadium? There's an opportunity here that will never come again at this type of momentum. I just ask for you to consider that in your deliberations. Thank you.

**It was moved by Comm. Redmon, seconded by Comm. Ramirez that the Public Comments portion of the meeting be closed. On roll call all members voted in the affirmative. The motion carried.**

Comm. Castillo: Erika, what school?

Ms. Santiago: Great Falls Academy.

Comm. Redmon: I just have a question for legal. Ms. Simadiris explained that she wasn't Rice'd. Was that the proper process? Is it proper for us to even go into executive session to talk about her without the Rice notice?

Mr. Murray: Yes, it is proper to go to closed session. The Rice notice does not apply to tenure hearings. The reason the Rice notice does not apply to tenure hearings is the Rice notice gives the teacher the opportunity to request that the discussion be held in public rather than in private. By statute, all tenure hearings must be conducted in closed session. They may not be conducted in open session. Therefore, the Rice notice does not apply. Incidentally, her lawyer was notified that the Board would consider the tenure charges today. He was notified on Monday morning.

Comm. Redmon: Thank you.

Ms. Shafer: Thank you all for coming. Let me just go right down the list here. I'm going to ask some other individuals to come to the microphone. As far as the Great Falls and Silk City Academy merger, we do have Assistant Superintendent Sandra Diodonet leading that effort along with Nicole Payne. We've had several meetings with all of the staff and the students. We're having parent meetings coming up. We have staff and student committees working on how the merger is going to play out. We also have both principals involved in that. We will certainly keep you posted. We are looking at all different models for the merger and that's why we have these committees working together. I'd like to ask at this point if Ms. Cicely Warren would come up. I did have a conversation with the parent from School No. 2, but I would ask Cicely Warren to please come up and provide some additional information.

Ms. Cicely Warren: Good evening. I'd like to answer the questions that were posed earlier. Just correct me if I don't have any of them correct. One of the questions was about the procedure for students who opt out of NJSLA, New Jersey Student Learning Assessment, the assessment our students take now. There really is no opt-out. It's a refusal. The procedure is that a letter be sent to the school, a meeting is held with the principal, and the refusal is affirmed. If that is the case, then there is another activity that the student is assigned to. For the parent who raised the question in particular, the assignment for that student was math because as per our previous discussion, that's where the student needed reinforcement. There was a plan in place for math support outside of the NJSLA. That's what the intention was. There was correspondence that went back and forth between the parent and the principal. Ms. Shafer and I were copied on that correspondence and the principal answered every single one of the questions in detail. There was no need for me to interject my response when the principal was addressing the questions. The parent does have my email and cell phone number if there is any other assistance required. Where there any other questions?

Comm. Capers: If any student opts out of testing, are they sent to gym or put in a classroom with a substitute while testing is going on?

Ms. Warren: If there's a refusal the student is to be in another class working on an assignment. You're asking if students are warehoused some place?

Comm. Capers: Correct.

Ms. Warren: No, not to my knowledge. If there's an incident of that, I'd like to know what school.

Comm. Capers: We have a procedure in place. If a family decides for their son or daughter to refuse testing, they're put in another class.

Ms. Warren: They're doing another activity under the supervision of a certificated staff member.

Comm. Capers: Thank you.

Ms. Warren: Any other questions?

Ms. Shafer: I'm going to ask Chris Lewis to come up and address the question about the technology security breach.

Mr. Chris Lewis: Good evening everyone. With regards to the security breach, the changing of the passwords was not the only step that we took to try to remedy the situation. That was the first step. We've actually implemented a two-factor authentication which is more secure. We've also engaged with our internet service provider, our software company, as well as the checkpoint system which allows any penetrations that go in or out of the network. We've tightened up the checkpoint solutions so that now we only allow certain IP addresses in. We continue to scrub and monitor the network from this day moving forward.

Ms. Shafer: Were any of the students' emails hacked into?

Mr. Lewis: Not to my knowledge.

Ms. Shafer: I'm going to ask the Deputy to address the ESSA meetings and also email responses. I can only tell you that I respond to every email that I get. I return parent calls the same day or I don't leave. I meet with parents whenever necessary. I'm going to ask Susie to address that as well as Ms. Coy.

Ms. Peron: As far as any emails that I receive, I work hard to answer them within 48 hours of receiving them. If I need time to gather information to answer questions posed in an email by a parent, community stakeholder, or anyone that emails me, I will work to get those replies. To my knowledge, I have answered every email that has been sent to me by Ms. Jonas. In conversation about the ESSA meetings, those meetings are twofold. There is a section in ESSA that speaks to parent meetings that need to happen at the school level. Every school has to have a committee and hold parent meetings. The documents to those meetings' agendas and sign-in sheets are uploaded into the system where they keep all the information for their annual school plans that they have to develop through ESSA. As far as the stakeholder meeting at the district level, that is a committee meeting which is closed. There were specific stakeholders that joined that meeting. There were a lot of different misunderstandings and miscommunications about those meetings which I hope to think we worked through. Then we went as far as placing the information that we hold and cover in those ESSA meetings on the website. We prepared a link so that if you're not part of this committee you can still understand and know what went on in that meeting. I can't go back and forth with you, but we can address this topic further if you would like. To my knowledge, that link is up. The information is put out there. We do have a standing committee for

ESSA that covers all of their concerns and recommendations to the district in line with the ESSA funding.

Ms. Cheryl Coy: With regard to the communications between the department and Ms. Jonas, the first communication I received came from Ms. Powell with some inquiries regarding what the supports are that we have in place. Myself and Ms. VanDiver requested an immediate meeting to address her concerns. We sat and met for almost two hours to go over some of her concerns and the support she would like to bring to the district in partnership with St. Joseph's. We're waiting for that information from Ms. Jonas in order to know who the parties are to connect with at St. Joseph's. As far as email communications after that, her concern has been to be a part of the SEPAC group, that's the Special Education Parent Advisory group. I've explained to Ms. Jonas that the district does not lead that. We partner with the parents. There are four parents on that committee. Her information was shared with them. I've reached out to them numerous times letting them know that she is interested in participating when the next meeting occurs. That is all by their guide. It's not a district-driven group. Last year we participated with another parent who was a strong advocate, making sure every month we had a meeting. The group of parents we have now has not been as consistent, but I have given her information to them in order for them to reach out to her regarding the group.

Ms. Shafer: Thank you. The last comment that I have is Sandra Diodonet is the Assistant Superintendent over Great Falls Academy. I will have her address the principal and find out what happened at that meeting. Thank you.

## **RESOLUTIONS FOR A VOTE:**

### **Resolution No. 1**

Whereas, the Paterson Public School District (the "District") has current and emergent legal needs for which it requires outside counsel; and

Whereas, the procurement of legal services from special counsel is exempt from advertising and bidding requirements under the "professional services" exception to the Public School Contracts Law in N.J.S.A. 18A:18A-5a(1); and

Whereas, the procurement of legal services from special counsel is in line with the Bright Futures Strategic Plan 2014-2019, Priority IV: Efficient and Responsive Operations, Goal 2: Customer Service Focus.

Now, Therefore, Be It Resolved that the following firms be appointed as Special Counsel for the District, pursuant to the terms of a Professional Service Agreement, for the period through June 30, 2019:

The firm of Inglesino, Webster, Wyciskala, Taylor, LLC, at a rate of \$160 per hour for all attorneys and \$95 per hour for paralegals; for all school law, contracts, litigation and related matter \$85,000

The firm of Robert E. Murray, LLC, at a rate of \$160 per hour for all attorneys: for labor counsel, current and or matters and as assigned services \$55,000

The firm of Scarinci Hollebeck, LLC, at a rate of \$160 per hour for all attorneys and \$85 per hour for paralegals; for all school law, contract, litigation insurance and related matter \$20,000

The firm of Barto & Barto, Fran Barto, Esq. at a rate of \$165 per hour for all attorneys and \$85.00 per hour for paralegals for all school law, contracts and litigation and related matters not to exceed \$17,000.

**It was moved by Comm. Redmon, seconded by Comm. Martinez that Resolution No. 1 be adopted.**

Comm. Hodges: What is the reason for these expenditures?

Mr. Murray: The amounts shown in the resolution are required so that the law firms indicated are able to be paid for work in some cases already done and on a continual basis. In other cases, it's in order to complete the work until the end of June 30 of this year.

**On roll call all members voted in the affirmative, except Comm. Capers who abstained. The motion carried.**

### **Paterson Board of Education Standing Abstentions**

Comm. Capers

- Self
- 4<sup>th</sup> and Inches
- Westside Park Group
- Florio Management Company (ACES Program receives donations)

Comm. Castillo

- Self
- Passaic County
- Scholastic/Jordan (Transportation)

Comm. Hodges

- Self
- Jumpstart
- City of Paterson

Comm. Martinez

- Self
- New Jersey Community Development Corporation (NJCDC)

Comm. Olivares

- Self

Comm. Ramirez

- Self
- Berkeley College

Comm. Redmon

- Self
- Historic Preservation of the City of Paterson
- County of Passaic

Comm. Rondon

- Self

Comm. Simmons

- Self
- Family

## **Resolution No. 2**

### **A RESOLUTION AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH THE PASSAIC COUNTY IMPROVEMENT AUTHORITY'S 2019-2020 COUNTY GUARANTEED CAPITAL EQUIPMENT LEASE BANK PROGRAM**

**May 22, 2019**

WHEREAS, under the 2019-2020 County Guaranteed Capital Equipment Lease Bank Program (the "Program"), various municipalities, local authorities and school districts within the County of Passaic (the "County") and the County itself (each a "Board") submit an application (the "Application") to the Passaic County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Passaic Municipal Bank Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Program may be referred to herein as the "Project(s)");

WHEREAS, under the Program, the Authority has entered, or will enter, into a lease purchase agreement (the "Authority Lease") with TD Equipment Finance, Inc., or an affiliate thereof (the "Lessor") to finance the Projects of the Authority;

WHEREAS, the Board of Education of the Paterson State Operated School District in the County of Passaic, New Jersey (the "Board") is authorized by law to acquire through sale and lease back textbooks and non-consumable instructional materials to finance any lawful purpose of the Board and the School District pursuant to N.J.S.A. 18A:20-4.2(h), N.J.S.A. 18A:7F-5.2 and N.J.S.A. 7F-7.1 (P.L. 1998, c. 55, effective July 10, 1998, and amended by P.L. 2010, c. 44, effective July 13, 2010) in an amount not exceeding the fair market value of the textbooks; and

WHEREAS, the Board hired Educational Funding Sources, LLC who has appraised the value of the textbooks as of February 13, 2019 in the amount of \$13,812,638.99; and

WHEREAS, the Board has determined to enter into a textbook equipment sale lease back financing of those textbooks, including all costs necessary or incidental thereto, by means of lease purchase financing for a term that does not exceed five (5) years pursuant to the provisions of N.J.S.A. 18A:20-4.2 and N.J.S.A. 18A:18A-42(f) in order to meet unique cash flow needs of the School District; and

WHEREAS, the Board will enter into a lease purchase agreement (the "Board Lease") and other related documents with the Authority to obtain financing in an amount not to exceed \$12,250,000; and

WHEREAS, the Board desires to authorize the Board President, the Superintendent, the Business Administrator, the Board Secretary, the Municipal Advisor and McManimon, Scotland & Baumann, LLC ("Special Counsel") to prepare and to execute the Board Lease and certain other documents and agreements necessary or incidental to the transactions contemplated thereby;

WHEREAS, under the Authority Lease, the Authority shall make rental payments solely from amounts received by the Authority from the Board under the Board Lease;

WHEREAS, the Authority will sublease the textbooks to the Board pursuant to the terms of the Board Lease to be entered into by and between the Authority, as sublessor, and the Board, as sublessee, under which the Board will make rental payments that are subject to annual appropriation of said Board in an amount sufficient to pay the corresponding rental payments due under the Authority Lease, plus all administrative expenses of the Program;

WHEREAS, pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-[80](#)), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

WHEREAS, in order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement by and between the County and the Authority (the "Guaranty Agreement"), the County has covenanted to guaranty the lease payments due under the Authority Lease by the Authority to the Lessor to the extent that amounts received by the Authority under the Board Lease are not sufficient to cover such amounts due under the Authority Lease;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE PATERSON STATE OPERATED SCHOOL DISTRICT IN THE COUNTY OF PASSAIC, NEW JERSEY:**

**Section 1.** The Board hereby determines to enter into a sale leaseback textbook equipment lease purchase financing in a principal amount not exceeding \$12,250,000 in accordance with the requirements of the Public School Contracts Law for the purposes described in the preamble to this resolution. The Superintendent, the Business Administrator, the Board Secretary, the Municipal Advisor, the Special Counsel, the Board Auditor and other appropriate representatives of the Board are hereby authorized to prepare the related documents as may be necessary and to take other steps necessary to prepare for and to implement the proposed financing.

**Section 2.** The rental payments required by the Board Lease are subject to annual appropriation of said Board in an amount sufficient to pay the corresponding rental payments applicable to the Projects due under the Authority Lease, plus all administrative expenses of the Program. The payment of rent or other monies due under the Board Lease shall be made only from the General Fund of the Board. Neither the Board nor any agency, department or political subdivision thereof shall be obligated to pay any sum to the Authority under the Board Lease from any taxing source for the payment of any sums due under the Board Lease unless an appropriation is made in a duly approved budget of the Board. The obligations of the Board shall not constitute indebtedness of the Board or of the constituent municipalities or of any department, agency or political subdivision thereof. The Board Lease shall set forth the term of the Board Lease, the rental payments to be paid by the Board in respect thereof and the dates on which such rent shall be due and payable.

**Section 3.** The Board hereby authorizes and directs the Board President or the Business Administrator to approve any changes, additions, or deletions to the Board Lease or such other documents as may, in the judgment of Special Counsel, be

necessary or advisable, such approval to be evidenced by the execution of the Board Lease or such other documents by the Board President or the Business Administrator. The Business Administrator is also authorized to pay any agreed upon fees and costs of issuance from the proceeds of the Board Lease. The Board President and/or the Business Administrator or other appropriate Board Representatives are also authorized and directed to take on behalf of the Board such other actions as shall be necessary and appropriate to accomplish the lease purchase financing in accordance with the terms of the Board Lease, the Authority Lease and this resolution and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Board in respect thereto. Any Authorized Board Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Board Lease and for carrying out the sale, issuance and delivery of the lease obligations, and all related transactions contemplated by this resolution.

**Section 4.** The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the payments of the Board under the Board Lease will be based in part, on the Authority Lease payments of the Authority to finance the sale and leaseback of the textbook and the interest thereon, the maximum amount of Authority Lease payments which the Authority shall finance the acquisition of the Projects to be leased to the Board shall not exceed \$12,250,000 and the interest rate on said least obligations shall not exceed 3.74% per annum;

(b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the President or any authorized representative of the Board (as defined in the Board Lease) may substitute or add items of equipment in accordance with the provisions of the Board lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

**Section 5.** This resolution shall become effective immediately.

**It was moved by Comm. Redmon, seconded by Comm. Martinez that Resolution No. 2 be adopted. On roll call all members voted in the affirmative. The motion carried.**

#### **Paterson Board of Education Standing Abstentions**

##### **Comm. Capers**

- Self
- 4<sup>th</sup> and Inches
- Westside Park Group
- Florio Management Company (ACES Program receives donations)

##### **Comm. Castillo**

- Self
- Passaic County
- Scholastic/Jordan (Transportation)

Comm. Hodges

- Self
- Jumpstart
- City of Paterson

Comm. Martinez

- Self
- New Jersey Community Development Corporation (NJCDC)

Comm. Olivares

- Self

Comm. Ramirez

- Self
- Berkeley College

Comm. Redmon

- Self
- Historic Preservation of the City of Paterson
- County of Passaic

Comm. Rondon

- Self

Comm. Simmons

- Self
- Family

### **Resolution No. 3**

WHEREAS, from Tuesday, May 28 through Thursday, May 30, a film production crew from HBO and Random Productions, LLC will be in the City of Paterson filming scenes for the upcoming TV mini-series, "The Plot Against America" based on the Phillip Roth novel of the same name, and have requested permission from the Paterson Public School District to film scenes at Urban Leadership Academy (Public School No. 17), 112 North 5<sup>th</sup> St.; and

WHEREAS, HBO and Random Productions, LLC. representatives have requested to work at Urban Leadership Academy on: Tuesday, May 28 from 7a to 5 pm (to dress and prep the site), Wednesday, May 29 from 7am to 7pm (to film), and Thursday, May 30 from 7am to 5pm (to restore the site); and

WHEREAS, HBO and Random Productions, LLC. representatives have requested possible rain dates within a week of Wednesday, May 29; and

WHEREAS, HBO and Random Productions, LLC. representatives have requested access to the school's lobby for background actors to enter and exit the building during the scene; and

WHEREAS, HBO and Random Productions, LLC. representatives have requested the district provide a member of the Facilities Department and/or the Security Department at their expense; and

WHEREAS, HBO and Random Productions, LLC. representatives have requested from the district permission to place equipment on school property; and

WHEREAS, HBO and Random Productions, LLC. representatives have provided their plan to hang the signage; and

WHEREAS, HBO and Random Productions, LLC. representatives have provided to the district proof of insurance and added the district to its policy as an additionally insured entity; and

WHEREAS, HBO and Random Productions, LLC. representatives have offered the district \$8,000 for the use of the building; and

THEREFORE, BE IT RESOLVED that the Board of Education approves the usage of Urban Leadership Academy (a.k.a. Public School No. 17), by HBO and Random Productions, LLC for the filming of "The Plot Against America."

**It was moved by Comm. Redmon, seconded by Comm. Ramirez that Resolution No. 3 be adopted. On roll call all members voted in the affirmative. The motion carried.**

#### **Paterson Board of Education Standing Abstentions**

##### **Comm. Capers**

- Self
- 4<sup>th</sup> and Inches
- Westside Park Group
- Florio Management Company (ACES Program receives donations)

##### **Comm. Castillo**

- Self
- Passaic County
- Scholastic/Jordan (Transportation)

##### **Comm. Hodges**

- Self
- Jumpstart
- City of Paterson

##### **Comm. Martinez**

- Self
- New Jersey Community Development Corporation (NJCDC)

##### **Comm. Olivares**

- Self

##### **Comm. Ramirez**

- Self
- Berkeley College

##### **Comm. Redmon**

- Self
- Historic Preservation of the City of Paterson

- County of Passaic

Comm. Rondon

- Self

Comm. Simmons

- Self
- Family

## **EXECUTIVE SESSION**

**It was moved by Comm. Redmon, seconded by Comm. Ramirez that the Board goes into executive session to discuss legal matters as it pertains to a lease and conduct a tenure hearing. On roll call all members voted in the affirmative. The motion carried.**

The Board went into executive session at 7:06 p.m.

\*Comm. Castillo leaves the meeting at 7:50 p.m.

\*Comm. Ramirez leaves the meeting at 8:26 p.m.

The Board reconvened the meeting at 8:30 p.m.

**It was moved by Comm. Rondon, seconded by Comm. Martinez that the meeting be reconvened. On roll call all members voted in the affirmative. The motion carried.**

## **Discussion on Hinchliffe Stadium**

Comm. Redmon: We're going back onto the record to discuss Hinchliffe Stadium. We would like to introduce the economic developer and also the consultant that's representing the buyers. Are there any questions regarding Hinchliffe Stadium? I know Commissioners had questions.

Mr. Michael Powell: Good evening everyone. Good to see you. Thanks for having us back. I just want to thank the Superintendent and Board members for all the hard work that went on over the course of the last couple of weeks, as well as your attorney. I also want to thank Baye and our team for trying hard to find a pathway forward in terms of finding a way to revitalize Hinchliffe Stadium and the surrounding areas in a way that would be truly catalytic for the city and for the area.

Comm. Redmon: I'll take any questions at the podium that you can pose to Mr. Baye and Mr. Powell.

Comm. Hodges: Lot 7, is that the economic engine to pay for the stadium?

Mr. Powell: Do you mean the partnership in terms of doing housing and parking as a way to drive the stadium's resurrection?

Comm. Hodges: The conveyance of that lot to the city, which you would then turn around and sell to a developer. Is that what you're using to finance the project?

Mr. Powell: Yes.

Mr. Baye Adofo-Wilson: Yes, in some way. We're going to use a RAB to fund the maintenance and operations of Hinchliffe Stadium.

Comm. Hodges: The maintenance of it.

Mr. Adofo-Wilson: Maintenance and operations.

Comm. Hodges: But you plan to put housing on that property.

Mr. Adofo-Wilson: Yes.

Comm. Hodges: And use tax credits. That will be the main economic driver to pay for the project.

Mr. Adofo-Wilson: The state tax credits are the main tax credit source for the project for the preservation and rehabilitation of Hinchliffe Stadium. The housing is an additional source. It's to reactivate the area and also to help subsidize the operations of it.

Comm. Redmon: Are there any other questions? Comm. Capers, just to give you an update, this is Mr. Powell and Mr. Baye. They're here to answer any questions.

Comm. Capers: I was just wondering about Lot 7. Can you guys explain what's going on there?

Mr. Adofo-Wilson: The plan for Lot 7 and Lot 23, which is the city-owned site, is to do housing and a parking structure at that corner of Liberty and Jasper. Our goal is to make sure that we have the long-term maintenance and operations capacity for Hinchliffe Stadium. We'll use a RAB, Revenue Allocation Bond, to pay for the maintenance and operations. There will be housing mostly on Lot 7.

Comm. Capers: I like the whole idea. I don't know if it's rumor or fact, but the last time you guys presented you said there would be 79 units put on that lot. Now I'm hearing there are going to be 125 or 129. Did the development agreement change? Is that just a rumor? Is it fact?

Mr. Adofo-Wilson: It's approximately 72 units. It's the same number. We haven't changed it. I got a call saying there was a rumor that it was much more. That number has never changed. I'm not sure where that came from, but it has always been in the 70's, 12 per floor.

Comm. Capers: I'd like to see this project done correctly. The only other issue I've raised before is we're building more housing structures in the City of Paterson but we don't have enough schools to fill these kids that are coming. That's my only issue. Thank you for answering my questions.

Mr. Powell: The idea is that this is going to help revitalize that area and will help down the line in terms of tax ratables as well. In a perfect world that's where we're trying to get to long-term so that we understand the district is burdened too. We're trying to do quality development, but also get back those artifacts like at Hinchliffe Stadium, which the district could use so well. But we have to be able to pay for it.

Comm. Capers: How are we going to address the traffic issues? There are traffic issues there now. Putting close to 2,000 people in that area with additional housing, how are we going to control the traffic in that congested area?

Mr. Adofo-Wilson: We're going to need additional lights at that Totowa/Jasper area. There's going to need to be a light at that corner. I know there's a burden on the school district. We can do more studios and one-bedrooms in the apartment complex so that it's less families.

Comm. Capers: Does the city control that?

Mr. Adofo-Wilson: No, the developer. The housing can be geared more towards singles and couples, as opposed to families. We can make sure that there are more studio and one-bedroom apartments as opposed to three-bedroom apartments. It's a mixed unit, but we can increase the amount of studios and one-bedrooms so it's more young people.

Comm. Rondon: Is the housing complex going to have parking in it?

Mr. Adofo-Wilson: Yes. There will be approximately 270 parking spaces attached to it, which will be available for the residents that are already there, as well as for Hinchliffe Stadium and the new units.

Mr. Powell: And the National Park too.

Comm. Simmons: I have a question about Lot 7. There is the language in the lease that says we will convey it to the city for \$1 and the city will in turn convey it to the developer. There is no dollar amount attached to that. Is there a dollar amount?

Mr. Adofo-Wilson: We haven't put a dollar amount. It's probably going to be a similar number. Our goal with that site is really for housing but also to make sure that the taxes go back into the operations and maintenance of Hinchliffe Stadium. The low acquisition number goes to the operations and maintenance of the building.

Mr. Powell: Thank you everyone. I appreciate it. Thank you for all the hard work, Superintendent and attorneys. If there are further questions, feel free to reach out. We'll talk soon.

**It was moved by Comm. Olivares, seconded by Comm. Martinez that the meeting be adjourned. On roll call all members voted in the affirmative. The motion carried.**

The meeting was adjourned at 8:40 p.m.