

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

January 23, 2018 – 6:15 p.m.
Administrative Offices

Presiding: Comm. Oshin Castillo, President

Present:

Ms. Eileen Shafer, Acting State District Superintendent
Ms. Susana Peron, Acting Deputy Superintendent
Robert Murray, Esq., General Counsel

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

Comm. Nakima Redmon, Vice President
Comm. Kenneth Simmons

Absent:

Comm. Joel Ramirez
Comm. Flavio Rivera

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
January 23, 2018 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: Can we just remain standing and have a moment of silence for the Passaic County Superintendent of Schools who passed away last night?

PUBLIC COMMENTS

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

Ms. Rosie Grant: Good evening all. I won't speak directly to the lease as that is your decision, but I do ask you to consider the boys at the school as you consider the lease. They are hoping, I've been told in conversation, for a permanent home. They are hoping to not have to move again and again. We've had them for two or three years now and they've moved a couple of times. I wanted to ask you to also consider whether or not the SDA will cover the lease since they are directed by the State of New Jersey to provide facilities for Paterson Public Schools. I don't know the answer to that question, but I do want to raise it up as you make your deliberations this evening. Thank you.

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

RESOLUTION FOR A VOTE:

Resolution No. 1

WHEREAS, Paterson Public Schools (the "District") is working to upgrade facilities and to ensure that schools are clean, safe, and aligned with 21st Century Learning Standards in accordance with Priority II, Goal 7 of the 2014-2019 Strategic Plan; and

WHEREAS, by lease agreement ("Lease") dated the 1st day of August 2018, between Michael John's, LLC ("Landlord") and the Paterson Board of Education, Landlord did lease to the District certain real property, consisting of a building located at 535 Broadway, Paterson, New Jersey; and

WHEREAS, the initial five-year term of the Lease will commence on the 1st day of August 2018 and terminate on June 31, 2023, per year thereafter, and Year 1- \$19,026.67 per month [\$228,320.04], Year 2- \$35,500.00 per month [\$426,000 annually], Year 3- \$39,379.66 per month [\$460,917 base rent + \$11,639 catch up=\$472,556 yr.] ,Year 4- \$39,379.66 per month [\$460,917 base rent + \$11,639 catch up = \$427,556 yr.], Year 5 - \$39,379.66 per month[\$460,917 base rent = \$11,639 catch up = \$472,556 yr.]; and

WHEREAS, the lease is attached to this action it sets forth the landlord's obligation to pay real estate taxes and such other payments required by the lease and the landlord is required to provide the build out of the interior of the building as required by the lease; and

WHEREAS, the District has determined that its use of the Premises is required for the provision of public education and related administrative services and that Landlord will retain some use of the Premises during mutually agreeable times and dates; and

NOW, THEREFORE, BE IT RESOLVED THAT, the District approves this Lease with Michael John's, LLC for a period of five (5) years at a monthly rate set forth in the lease until the expiration of terms as hereby ratified and confirmed.

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

Comm. Simmons: Just piggybacking on what Ms. Grant just talked about, since the inception of the school, it has been moved a couple of times. I don't think that we've ever really done exactly what we were supposed to be doing with regards to the school. In its enrollment process there was a parental engagement piece. Those things have never come to fruition. For me, since its inception the school hasn't been stable, but I do think we have an opportunity to make sure that the school is stable and make sure that we're doing the things that we are supposed to be doing, the things that we set out to do, and making sure that we're reaching the goals that were set. Also remember that this was a pilot. We wanted to make sure that this was successful so that we could also establish the girls' school. As we're deliberating we have to keep all of those things in mind. Secondly, I just have a question in terms of the payment amounts. I'm not sure where this money is coming from. The acting Superintendent expressed last week that it was a wash, so I don't see where we're saving money. I want to have us keep that in mind as we're deliberating this lease.

Ms. Shafer: Let me just be clear about the funding. The Young Men's Academy is the same amount of the lease. That would be the first year. The second year is the same if you combine STARS Academy and Young Men's Academy. There would be some minor savings, for example, if you only needed the one nurse because it was one building instead of two buildings. There would be minimal savings with transportation, depending on where the young men live. That's what the funding would look like.

Comm. Martinez: It seems that for all intents and purposes the potential savings to the district are not going to be anything. Every dollar saved is going to be beneficial, but it's not a tremendous amount of savings that we're looking at here. I think the one positive takeaway from this entire situation is that it brought to the table the need to revisit the way the Boys' Academy has been rolled out, is continuing to operate now, and how we're going to operate it moving forward. It was indeed a pilot with the notion of meeting certain regulations and also incorporating a girls' school down the line. I think that this has brought that subject back to the surface and really put it to the top of the priority list here in the district. That is the one takeaway that I'm pleased about throughout this entire ordeal.

Comm. Capers: I just have a couple of concerns, just to piggyback off what Comm. Simmons and Comm. Martinez said. I shared my concerns yesterday with the Superintendent. I'm not in agreement with combining the two schools, the Young Men's Academy and STARS Academy. If we're going to stick to the mission of the all boys' academy of adding a grade each year, because right now they have seventh grade, I posed a plan which was voted on in 2015. It says it begins with grades 4 and 5 and grows to grade 12. If we're combining the schools in that Broadway building with 18 classrooms, there's no way it can grow. I did talk with the Superintendent and I said that if we keep STARS Academy where they're at and keep the Young Men's Academy in that Broadway building it can grow to grade 12. Then we can look at and make sure that they have a place that they can call home, it can grow, and we can develop it and make sure that school is doing what it's supposed to do. If we combine the two schools, I can't vote on that because we're not sticking with the core values of that school and it would never grow to what we want it to be.

Comm. Redmon: I just feel that the boys' academy is feeling like the stepchild of this district because we keep moving them. They just moved last year. Then we're going to try to move them again for this upcoming year. I think with the process that we have

here even if we expand, which we intend to, that building still doesn't meet the needs of our children for one reason. I just feel that this school in particular, especially the boys' academy, we need to nurture this program. Parents want to bring their kids there and make sure that they're giving them the proper education. Right now, we keep moving them every so often and they're not getting accustomed to the building. Their learning environment is changing and it affects their learning skills. At this particular time, I think this was a bad idea. I like the concept that we're trying to bring our students back to Paterson, but at this particular time I think that it's not doing us any justice.

Comm. Hodges: I guess I have a number of concerns. Ms. Shafer, is it not my understanding that you're going to have to move out of that building next year? Do we anticipate staying in Prospect Park for this program?

Ms. Shafer: The Prospect Park lease ends June 2018.

Comm. Hodges: So you do not have an alternative?

Ms. Shafer: We have not started to renegotiate with them about staying there.

Comm. Hodges: In terms of expanding the program, could you expand in that building?

Ms. Shafer: You can expand to grade 8.

Comm. Hodges: First and foremost, I don't like being put underneath the gun the way we seem to be. I don't like being put in that position. I think it does not serve the needs of the district when we're up against it like this. I wanted to put that on the table. The other thing is I wish that these negotiations had occurred in the facilities department. What needed to be discussed, as Comm. Simmons and Comm. Capers have said, is the entire process. What do we want those schools to be? Where are we going? We have a habit of throwing things together and calling it an academy. We've not done a good job of getting it right the first time. On the flip side of that, we're in leases all the time. We have got to get out of leases. Unfortunately, what we're going to do here is essentially pay for this building to be built and then we have no opportunity to purchase the building, which is problematic. We also don't have a triple net lease and we do need buildings. The question is, are there plans to develop schools for the Young Men's Academy and STARS Academy? Do we plan to go back to the SDA and get them to build the schools that we need? When are they going to be able to do that in terms of finding additional real estate? I don't think we had a chance to discuss any of that yet. How are we going to move forward with the project? Will this save us money next year since you don't have a lease for Young Men's Academy? STARS Academy I can't speak to, but I know you don't have a lease going forward. Would you not save money against a prospective lease? They're not going to give you the same space for the same price. Is it also not a triple net lease? The cost is going to be higher, in all likelihood, for at least the Young Men's Academy. It will be cheaper in this building than it will be in its current location. Those are the things we should have been discussing whenever this whole idea came together. If you don't have a working facilities committee working independently, this doesn't get discussed like this. It doesn't get brought to the Board to discuss it. That's where this should have taken place. There's also the issue of putting pressure on the SDA to weigh in on this in some way, shape, or form. Where does this stand with our long-range facilities plan? Those are all the things that should have been discussed while this was going on and the Board should be looking at in the future, but that hasn't taken place. In the short term, we can save some money by virtue of the type of lease that we're having and the sheer suspicion that they're going to raise the cost going forward, particularly as you're increasing the

size of the school over time. They're going to want more money for that. You've accounted for some of that cost in this lease and it's not a triple net lease. You have some potential savings here. As for STARS Academy, we have a year to do what we haven't been doing, deciding what that academy is going to look like, what we plan to do for facilities, where we're going with it, and who's going to pay for it. On the table now, at best, is a five-year short-term fix which would be cheaper than the current fix. I can't believe I'm saying this, but it will give us a short-term ability to plan the right way of using the Board's committee process to figure out what we want to do. That's how I see what's in front of me. I walked out last meeting because I was insulted by the process and I refuse to take part in that. I didn't want to come here and be unpleasant, so I left rather than say what I should have said.

Comm. Martinez: What this entire ordeal has brought to the surface is the need to take a look at both STARS Academy and Young Men's Academy and make sure we find adequate placement, make sure those programs are running, and that we have a long-term plan to sustain those programs. To move forward in a knee-jerk reaction would have been shortsighted. I'm glad we did take the time to table it and look at it in a thorough and in-depth kind of way. Speaking on my own behalf, I didn't appreciate the tenor and the way that these gentlemen came here last week and tried to strong-arm us. I'm glad that our Vice President and Mr. Rivera also spoke up and said that's not how we're going to conduct business here. Far be it from any of us to accept anyone coming into our home and trying to strong-arm us in public and threaten us into getting us to do something that we need to vet thoroughly as Commissioners. Speaking on my own behalf, I was not in any way, shape, or form pleased to have these gentlemen come here and threaten us publicly in that way. To your point, this is an opportunity to bring these things to surface and put them right at the top of the priority list to make sure that we address them accordingly.

Comm. Simmons: I don't want to prolong this, but just to piggyback on what Comm. Martinez spoke about with regards to the tone for last week. Last week it was urgent that we vote on it last week. Yet today there is no one here to answer questions if we had them. Hopefully everyone is taking note of that.

Comm. Capers: How long is the lease we have for STARS Academy?

Ms. Shafer: June 2019, one more year.

Comm. Capers: If the Board decides to go with it, are we breaking that lease? What would be the repercussions for that?

Ms. Shafer: The Young Men's Academy lease ends June 2018. We wouldn't be breaking a lease. STARS Academy is fine for another year. That lease can be renegotiated or we can look to see an alternative placement for them.

Comm. Castillo: I'm glad we had the discussion and tabled it last week because I think we've had many conversations making sure that we vet things. We're here to do the things that are right for our students. It's not fair for them to pay for the price of us not doing the job and the vetting that we need to do and that needs to take place. I do like that because of this situation we're having this conversation that we weren't having. It's important. It's not just the Young Men's Academy, but all the academies. We need to figure out what we want from these programs and make sure that we're giving our students the tools that they need to succeed and not continue to build things together and push it forward. It's definitely something that we have to revisit. I would say to the Superintendent and Deputy we need to figure out how the Young Men's Academy is

working. I'm not saying it's not, but we need to come with a report so we can all get a better idea on what's going on. How is it working? How is the application process for the students to come in? Are we continuing to expand it into high school or just eighth grade? Are they going to stay in a high school of all boys? If we expand, are they going to have an option to apply to the other schools and start getting them ready to come into the workforce? These are all immediate questions that we need to ask. We can't wait three years and we need to do our due diligence to make sure that they're getting what they need. I completely agree with Dr. Hodges. This is something that wasn't vetted through facilities or finance. They're conversations that we need to have to make sure that we're not put in a situation where we are being strong-armed to make a decision that we don't have all the information for. We would have voted a certain way, regretted it later, and then we would have these kids back and forth and it's not fair for them. I know something that has been said quite often is we need to come back and revisit all these schools in committees and get a true clear-cut idea, not only from the administration, but from the teachers, students, and parents. We need to know what their feelings are about the process and the school. At the end of the day, it's their children and they're the ones who are paying the cost of us not continuing to put in the work that we need to in those areas.

Comm. Redmon: I just think that we need to change the culture of this district. A lot of times we do crisis by management. The crisis comes and then we manage the crisis. What we need to do is think of a better plan. We need to have a thought-out plan and then work for the plan, not work on a crisis and then go on to another crisis. The last time the owners were here they made one comment. They talked about our PANTHER Academy. They shouldn't have because that was not a state-of-the-art building. The stakeholders were not involved. Parents were not involved. Now we have a building where students can't go to eat. They have to go across the street to PCCC to eat. There's no gym. That wasn't a state-of-the-art program. That was one of my main problems with it. When you talk about another building that you put in the district years ago, that was a problem. That should not have been brought up at the table. You're talking about a current lease, not something that should never have been done without the stakeholders being at the table. We need to change the culture of this district and understand that we're now going to back to local control and thinking of our students, not just the problems that we're fixing. We're fixing our students. That should never have been brought up at this table and I appreciate that all my colleagues backed me up on this when I talked about them strong-arming us. You came to our house and told us what we were going to take, not what we were given. We just didn't have an opportunity to vet that out. I think that was poor judgment.

Comm. Hodges: I hate to demur from your remarks about PANTHER. What was supposed to happen is not what did happen. What was supposed to happen was an opportunity to introduce students to a college atmosphere by exposing them to the cafeteria, the gym, and especially the library. They would get a sense of college students and how they're supposed to conduct themselves. They would benefit from those interactions. Unfortunately, the way we managed the situation is where the failure was. It wasn't the concept. It was the implementation that was the problem. We're forced to do less. People would love to have an opportunity to have their kids exposed to college students. We just didn't carry it out the way we were supposed to. At that time there were concerns about another aspect of that in terms of is it wise to have high school students interacting with college students. That was managed incorrectly. How many votes do you need to pass? We don't have any time to take a broader view of this and what we're going to do. Just to sum it up, is this financially beneficial for us in the short-term? The Superintendent is suggesting that in her opinion it is. I don't think we're going to have an opportunity to purchase this building in the future. I think the

price will almost double and we would have paid for its repair. That's for sure. What's going to be the cost to have the students housed in Prospect Park? What are we going to do there? If we know we have a five-year window, then we have the responsibility to take that time to plan and to advocate for the proper facilities for not only that school but for STARS. Again, I came here to vote this down. I really did. I don't understand why I'm saying these things right now. Just thinking about it, I'm wondering. I also wanted to make sure that the next day, however the Board decides, we begin the process of deliberating on what's going to happen to those two schools, to the facilities, and that we have a real facility committee that is separate and that can take its time to go through these. It's our big issue. We have other schools, such as School No. 14 and School No. 19. I could go on and on. We're up against it. We're not talking about those things. There's been no advocacy around those things. That's one of our biggest issues and we don't hear about it. I'm saying whatever happens, there's a link between what the school is supposed to do and the facilities you have to do it in. There has to be that discussion somewhere soon. That's what I'm hoping for.

Comm. Castillo: Let's move on to a vote.

Comm. Capers: However the Board votes, if we put the Young Men's Academy in this Broadway project, would that building be able to fit the full plan of the academy in terms of going to 4-12?

Comm. Castillo: Before the Superintendent answers, I also want us to have in mind that if this project moves forward and we bring Young Men's Academy over to this build, leave STARS where it is.

Comm. Capers: Correct.

Comm. Castillo: This year would be a wash, apart from the one nurse and transportation. Now we have to take into consideration for next year that this amount will double. In retrospect, there was the idea of both leases combined paying for this. If we keep STARS where it is and then we bring Young Men's Academy, this year would be a wash. Next year it would be double the amount plus leaving STARS where it is for that year. We have this movement. Where are we going to have the money to sustain it? If we don't have that money around, that means we're moving these kids all over again? It's something to have in consideration as well as we're moving forward.

Comm. Capers: To your comment, even if the Young Men's Academy stays in the building, according to the plan that the Board voted on in 2015 there still has to be room for expansion.

Comm. Castillo: Yes, for now.

Comm. Capers: We're going to end up spending the money anyway.

Comm. Castillo: Not to that capacity.

Comm. Capers: Why not?

Comm. Hodges: Is there room to expand in that building?

Ms. Shafer: Yes.

Comm. Capers: Just until next year.

Ms. Shafer: Comm. Capers is talking about expanding 9-12 in the same building on Broadway. I'm just clarifying. His question is can we expand it 9-12 with the 18 classrooms. Where we are in Prospect Park we can expand to the eighth grade.

Comm. Capers: So you can't expand in the Broadway building?

Comm. Castillo: You can't expand in either one.

Ms. Shafer: You can expand to the eighth grade. We have a total of 18 classrooms. We would have to look at if we can expand for a high school. You need some other specialties.

Comm. Castillo: Either way, you can't do it.

Comm. Hodges: That's the issue. You can't do it in Prospect Park and you can't do it in Paterson. You're going to have to do something down the road. Right now, you have a triple net lease in Prospect Park. You don't have one here. And we don't have any planning. I think that's clear.

Ms. Shafer: Part of a plan is to look at grades 9-12 for the Young Men's Academy. We have two years to plan that. I agree because we do need to plan. Unfortunately, we've been negotiating this lease since September. I'll just repeat that last Wednesday at 10:00 a.m. I received the final document and that's why it got here so late. This was something that was negotiated for four to five months until we could finally come to the terms that the district needed.

Comm. Castillo: Now we leave it up to the Superintendent and Deputy as well as all of us in facilities to come up with a viable plan for these students so that we're not guessing anymore. It's something that we have to restructure.

Ms. Williams: It was moved by Comm. Simmons and seconded by Comm. Redmon.

On roll call all members voted as follows:

Comm. Capers: Pass.

Comm. Hodges: Yes.

Comm. Martinez: No.

Comm. Redmon: No.

Comm. Simmons: No.

Comm. Capes: Yes.

Comm. Castillo: No.

The motion did not carry.

Paterson Board of Education Standing Abstentions

Comm. Capers

- 4th and Inches
- Westside Park Group

Comm. Castillo

- Passaic County
- Scholastic (Transportation)

Comm. Hodges

- Pertaining to himself
- Jumpstart
- City of Paterson

Comm. Martinez

- New Jersey Community Development Corporation (NJCDC)

Comm. Redmon

- Historic Preservation of the City of Paterson

Comm. Rivera

- Passaic County
- Private Industry Council (PIC)
- Workforce Investment Board (WIB)
- Community Charter School of Paterson

Comm. Castillo: Before we move forward, just for transparency, I just wanted to make the comment that the position for Comm. Irving we have already posted. We will be accepting the letters and resumes up to next Monday at 4:00. We will be having the interviews next Wednesday. For any more information, please feel free to reach out to Cheryl. The advertisement came out last week. We're collecting resumes and whoever is interested can apply. Thank you all for coming out. We will also have more meetings next month regarding the budget. Come along and give us your opinions as well.

It was moved by Comm. Redmon, 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 6:53 p.m.