

***MEETING OF THE LAKEWOOD BOARD OF EDUCATION HELD ON FRIDAY,
JANUARY 28, 2011, AT 8:30 A.M., AT 1771 MADISON AVENUE, LAKEWOOD, NEW
JERSEY 08701***

Mr. Abramhas Ostreicher, Acting Board President, called the meeting to order at 8:30 a.m. Robert S. Finger, Board Secretary read the following notice:

SUNSHINE LAW

***Sunshine
Law***

Pursuant to the provisions of Chapter 231, of the Laws of 1976

(THE OPEN PUBLIC MEETINGS ACT), Ms. Miller notified the public that notice of the date, time, location and agenda of this meeting, to the extent known, was provided at least forty-eight (48) hours prior to the commencement of this meeting in the following manner:

1. By posting such notice on the public announcement board of the Lakewood Board of Education Offices, and the Lakewood Township Municipal Building.
2. By mailing such notice to the offices of the Asbury Park Press and the Tri-Town News.
3. By filing such notice with the Board Secretary.
4. By mailing such notice to all individuals who requested and paid for a copy of same.

ROLL CALL:

Roll Call

Board Members Present: Mr. Fink, Mr. Ms. Gonzalez, ,
Mrs. Miccio Mr. Ostreicher,
Mr. Seitler, Mr. Silver, Mr. Zlatkin

Board Members Absent: Mr. Grunhut, Mr. Thomas

Also Attending: Lydia R. Silva, Superintendent,
Debra Mercora, Assistant Superintendent
Lisa Miller, Interim Assit. Board Secretary *Also Attending*
Michael I. Inzelbuch, Esq.

Mr. Inzelbuch – “First of all, Mr. Thomas could not
Be here and Mr. Grunhut, Vice President is not here.
So, the board will have to have a motion to appoint
a president for this meeting, is there a motion?”

Mr. Inzelbuch

Ms. Miccio – “Yes.”

Ms. Miccio

Mr. Silver – “Ms. Miccio made a motion to appoint
Mr. Ostreicher.

Mr. Silver

Mr. Fink – “Second.”

Mr. Fink

Mr. Inzelbuch – “All in favor.”

Mr. Inzelbuch

The Board – “Aye.”

The Board

Mr. Inzelbuch – “Anyone against? Mr. Ostreicher will serve as Board President.”

Mr. Inzelbuch

Mr. Ostreicher – “Thank you.”

Mr. Ostreicher

Mr. Inzelbuch – “There is an Agenda this morning.

Mr. Inzelbuch

I would ask the Board to go out of turn, we have advertised this meeting both as a special meeting and as meeting to hold a hearing regarding one of our vendors, Negba Bus Company. I do see that there is a representative of Negba Bus Company, Mr. Rottenberg. Mr. Rottenberg has received notice regarding this meeting, several letters, and back up January 24th and January 25th, is that correct Mr. Rottenberg?"

Mr. Rottenberg – “Correct.”

Mr. Rottenberg

NEGBA HEARING

Negba Hearing

Mr. Inzelbuch – “They were hand delivered, in fact, and some of them were emailed. The purpose of this hearing is to allow Mr. Rottenberg and then the Transportation Department to make recommendations as to the situation to this matter. public participation is welcomed and that will be subject to the Board’s pleasure. Mr. Rottenberg, if you like, let’s begin. As the letters say, and you do have the right to present what you would like prior to the Board taking possibly any action.’

Mr. Inzelbuch

Mr. Rottenberg – “My name is Ahron Rottenberg, President of Negba Bus Company. I know what has happened in the past and all I can say is that we have all of our issues corrected at this point and the past few days have proved it. I would like to ask a favor, and I don’t know if I have legal grounds to ask, but I ask a favor, to give me a one week extension to see if every-

Mr. Rottenberg

Negba Hearing

thing runs well and I can meet every morning with our new Transportation Director to go over any problems for the week and if it goes well continue on to the next week and see what we can do. For me to take out 15 runs would be a major loss, especially because the 15 runs picked does not make sense. You are taking all 15 runs, which if you think I am short buses, the 7:00 runs would be short. I would take out five, five tiers would be better for everybody, but that is only my recommendation. My real request it to have a one week extension.”

Mr. Rottenberg

Mr. Inzelbuch – “Through the chair. I would like Mr. Rottenberg, we did identify the routes in one of the letters, correct?”

Mr. Inzelbuch

Mr. Rottenberg – “Correct, you did, I received it yesterday afternoon.”

Mr. Rottenberg

Mr. Inzelbuch – “Did you get the earlier letter of January 24th.”

Mr. Inzelbuch

Mr. Rottenberg – “Yes, but it was not the same.”

Mr. Rottenberg

Mr. Inzelbuch – “The idea was identified. The reason I have been told that the 15 routes were chosen by our Transportation Director, Mr. Gus Kakavas, is that they had the most complaints. Mr. Kakavas can you address this?”

Mr. Inzelbuch

Mr. Kakavas – Well, 12 of the routes are 9:00, 1 is at 8:30, 1 at 7:40 and 1 is at 7:30.

Mr. Kakavas

Mr. Inzelbuch – If I may, please explain how You came about of the mentioned routes?”

Mr. Inzelbuch

Mr. Kakavas – Well, Ms. Bunnell, who is here in the audience did an outstanding job of logging every complaint that was phoned in parents, before me, and starting

Mr. Kakavas

Negba Hearing

in September.. From the beginning of this school year 189 have been logged in for

Negba. Typically other vendors have had about 10, so we are at 189 verses 10, so that is our comparison.”

Mr. Rottenberg – “Can I ask one question? by meeting around two weeks ago, besides the four days that we know we had a real problem, Bill had said that we were pretty equal to every other vendor. My question is, are the 189 complaints pretty much over those four days?”

Mr. Rottenberg

Mr. Inzelbuch – “You did receive on January 24th, a rather thick packet from my office, containing all back up including emails, whether from schools or others.”

Mr. Inzelbuch

Mr. Rottenberg – “Did anyone else forward to me before that?”

Mr. Rottenberg

“Mr. Inzelbuch – “All I can tell you sir, is obviously I did not because I did not have it. Ms. Bunnell can answer if she so desires. Ms. Bunnell, has Negba Bus Company been advised of issues prior to the

Mr. Inzelbuch

January 24th letter?”

Ms. Bunnell – “Verbally form Mr. Coyle.”

Ms. Bunnell

Mr. Inzelbuch – “In addition, Mr. Rottenberg was given the opportunity to meet with the Board in closed session back in October. I have been told that there were some extenuating circumstances that occurred in his Linden yard or something to that, so I have been told, this is not in his defense.”

Mr. Inzelbuch

Mr. Rottenberg – “Yes”

Mr. Rottenberg

Mr. Inzelbuch – “Was there some vandalism at the time of September/October? Which my notes reflect, which was put in the letter. Also, there was no gas for the buses, there was a sting operation where about 13 buses, I could be off, I could be correct.”

Mr. Inzelbuch

Negba Hearing

Mr. Rottenberg – “It was more than that. It was

Mr. Rottenberg

more like 18. The Department of Transportation did the so called sting operation.”

Mr. Inzebuch – “The Department of Transportation, subject to blue law, which the Board was apprised of. However, we do have quite a listing of complaints which I had been asking for and it is now in written form and it starts on September 1st. I am just reading the first entry, Bais Tova, School Administration, Negba...”

Mr. Inzebuch

Mr. Rottenberg – “September 1st we did not even have busing yet.”

Mr. Rottenberg

Mr. Inzebuch – “Well, you have this. If you would like to go through this, this is your opportunity to do so. There are quite a few listing here, many of them are from January. I would say a large percentage according to this is from January. There are earlier complaints registered here as well. Either late arrivals, no shows, calendar wrong, no buses, things of that sort.”

Mr. Inzebuch

Mr. Rottenberg – “Calendar wrong is not our problem, calendar wrong is the Dept. of Transportation.”

Mr. Rottenberg

Mr. Inzelbuch – “That is one entry. No show and late arrival. There are those events of January 4th, I see here ran late and no show due to the gas situation. Which you did write us a letter about if you recall. Many complaints of no show, late arrival, 40 minutes late.”

Mr. Inzelbuch

Mr. Rottenberg – “Until January, well in January, I think I have explained this to the Board before. We had our inspection scheduled for the last two weeks of December, they do about 10 buses a day. From the 25th, that whole week was a blizzard and They did not come at all. So at that point, by January 1st, we had around 30 to 40 buses that did not have the proper inspection which we cannot use.

Mr. Rottenberg

Negba Hearing

As of today they still didn’t make up all five days that they missed. They were supposed to come

today for the last day, they cancelled, they were supposed to do it yesterday and they canceled rescheduled for today and they canceled again. So we were not given the opportunity to have all Our our buses inspected the State. But even with that, this past week we ran, I would say perfectly, and since Friday we had most of our buses put back. We are able to run perfectly as of the second.”

Mr. Rottenberg

Mr. Inzelbuch – “Is there a side issue with the high school? I will just read what I have been getting here. Ateres Yisroel High School, apparently there was a contract approved on the 24th of August. On September 1st, you did responsibly let the Board know that you were giving her to Klarr. Klarr was supposed to be doing it, but then they gave it back on December 14th. This seems to be an ongoing issue. What are you willing to propose regarding this high school?”

Mr. Inzelbuch

Mr. Rottenberg – “My understanding was that

Mr. Rottenberg

legally, let me go back. We decided to switch three runs, that worked out better for both of us. At that point, we appraised that legally we could not change the contract, we should do an out of contract change, which we did with Bill and Patty. And Klarr was supposed to do our three runs and we were supposed to dot there three runs.”

Mr. Inzelbuch – “Then Klarr gave it back in December?”

Mr. Inzelbuch

Mr. Rottenberg – “Klarr gave them back in January and I gave back Ateres Yisroel since then. We made up that they will be doing the run and I will be giving them the money that we get from the LBOE monthly.”

Mr. Rottenberg

Mr. Inzelbluch – “Can we have something in

Mr. Inzelbuch

Negba Hearing

writing to that effect?”

Mr. Rottenberg – “I told them to and did ask them to sign, but I don’t think they did at this time.”

Mr. Rottenberg

Mr. Inzelbuch – “Let’s try to solve where we can. Regarding Ateres Yisroel High School.”

Mr. Inzelbuch

Mr. Rottenberg – “It if is legally possible to take it out of my contract and give it to them that is fine.”

Mr. Rottenberg

Mr. Inzelbuch – “It is, as you have done in the past, based on the chronology I was given on January 22nd, as was Ms. Silva, but you can assign that to and will refer to Gus, but you can that to an approved vendor so that to Ateres Cemecca, you can assign that just like you did to Klarr.”

Mr. Inzelbuch

Mr. Rottenberg – “But who get the actual money for that? Where does the check come to for that run?”

Mr. Rottenberg

Mr. Inzelbuch – “The check would to you, and we would have it in writing that you would sign the check over to Ateres Cemecca.”

Mr. Inzelbuch

Mr. Rottenberg – “That is exactly what I did with Klarr, I told them I did that.”

Mr. Rottenberg

Mr. Inzelbuch – “So the Ateres Yisroel High School is solved you are saying?”

Mr. Inzelbuch

Mr. Rottenberg – “It was solved a while ago.”

Mr. Rottenberg

Mr. Seitler – “You have mentioned in the past week, you have been doing okay. I am reading a letter, I don’t know anything about it, but he sent you a letter and the first day was on January 24th, which was four days ago. Some seven routes were not serviced in a timely fashion.”

Mr. Seitler

Mr. Rottenberg – “I said this week.”

Mr. Rottenberg

Mr. Seitler – “This was Monday.”

Mr. Seitler

Negba Hearing

Mr. Rottenberg – “Right. We had our last inspection

Mr. Rottenberg

on Friday and I told everybody it would take me a day or so to get back up and running, and we have no complaints.”

Mr. Inzelbuch – “We are going to give the public a chance. We do need to afford Mr. Rottenberg his chance.”

Mr. Inzelbuch

Mr. Rottenberg – “I would also like to say that the 189 complaints, most of them were in January and I imagine almost any bus company would get that if there is letters given out and on the internet, please with emails who you can give your complaint to and every run 10 parents are giving the same complaint about the same run. So if you ask for complaints in a proactive way you will get a lot more complaints than regular. You know, if my son’s bus comes late, I have a lot children in school also, I don’t complain. If they are going to make a whole campaign to complain, maybe I would complain.”

Mr. Rottenberg

Mr. Inzelbuch – “Mr. Rottenberg, if I could interrupt, and please understand I am just trying to understand.

Mr. Inzelbuch

Currently, how many buses of your do not have inspections?”

Mr. Rottenberg - Around seven or eight.”

Mr. Rottenberg

Mr. Inzelbuch – “So, obviously, that effects your Ability to have those seven or eight buses operational, right?”

Mr. Inzelbuch

Mr. Rottenberg – “At this point it doesn’t, seven or eight will not effect us. We have leased a few buses, In January I spent at least \$20,000 leasing buses.”

Mr. Rottenberg

Mr. Inzelbuch – “What about spare buses? I have been told that companies are to have spare bueses that need to be in existence at your yard, in case a bus doesn’t start, cars don’t, I have to assume buses don’t.”

Mr. Inzelbuch

Negba Hearing

Mr. Rottenberg - “I have adequate spare buses. If everything would be inspected, i am a little short

Mr. Rottenberg

on spares at this time. But what I do every morning is bring in buses from my Linden yard by 6:30 to be on stand by in case they are needed. My Lakewood drivers are standing by to do the route because the Linden drivers would not know the route.”

Mr. Inzelbuch – “Is there anything else you would like to present to the Board? If I could summarize, one, you are asking for the Board to rescind the previous vote which took away 15 routes. Two, to give you a week or some time period of time to establish your creditability.”

Mr. Inzelbuch

Mr. Inzelbuch

Mr. Rottenberg – “Yes, and if that does not work, then I am asking, which would make more sense, even for the Board to move around 12 9:00 runs won’t help out the 7:00 runs.”

Mr. Rottenberg

Mr. Inzelbluch – “The Board needs to make this Decision in public. I am not saying they go to the third option that you just laid out, but if they for some reason, there is documentation here and we

Mr. Inzelbuch

do have Patty and Gus here. But if they would opt for the third option, would you be willing to give back the 15 routes, if they were all not at 9:00?”

Mr. Rottenberg – “I have no choice.”

Mr. Rottenberg

Mr. Inzelbuch – We’re not here to pressure you. We are asking you voluntarily, is that what you are suggesting is choice three?”

Mr. Inzelbuch

Mr. Rottenberg – “Yes.”

Mr. Rottenberg

Mr. Inzelbuch – “Tell me if this is the right nomenclature, if you give them back, then the Board would have to rebid them, I would assume There is a differential in cost then. Is that right?”

Mr. Inzelbuch

Mr. Rottenberg – “I can’t know that until the bids come in.”

Mr. Rottenberg

Negba Hearing

Mr. Inzelbuch – “Let’s assume there would be. Who would pay that?”

Mr. Inzelbuch

Mr. Rottenberg – “I have no idea, I am not a lawyer.”

Mr. Rottenberg

Mr. Inzelbuch – “Well, there is two choices, sir. It would be the Board, which is the tax payer, or it would be you, or it could be the bond company. So, there is actually three choices, right?”

Mr. Inzelbuch

Mr. Rottenberg – “Yes. You know more about this than I do.”

Mr. Rottenberg

Mr. Inzelbuch – “I don’t do much busing. But someone would have to pay the differential and the three choices are you, the Board or the bond company.”

Mr. Inzelbuch

Mr. Kakavas – “That is correct.”

Mr. Kakavas

Mr. Inzelbuch – “So, part of offer three, what would you suggest?”

Mr. Inzelbuch

Mr. Rottenberg – “I don’t know what the numbers are and I don’t know whether you are going to bid out 12 9:00 runs right now, they are going to come in very

Mr. Rottenberg

high because I don't believe anybody in this town has 12 buses sitting around at 9:00 that can pick them up and do it at a reasonable cost."

Mr. Inzelbuch – "I have spoken with Gus and he feels that the number 15 there is a basis on how it was selected. But it could be tiered if that is what needs to be done. Which may make more sense. I speak for the Board as a collective Board. The Board is not interested in punishing. The Board wants it to make sense and they do agree based on Gus's telling me that should not all be at 9:00. Correct?"

Mr. Inzelbuch

Mr. Kakavas – "No."

Mr. Kakavas

Mr. Inzelbuch – "So, if you would scatter them through the different hours, which would make more buses available. Is that what I understand?"

Mr. Inzelbuch

Negba Hearing

Mr. Kakavas – "Right. It would free buses that way. If we did it based on the 15 most complained about routes, that would not free up any buses. I think we can sit down

Mr. Kakavas

and we can work out a plan where 15 routes would be incorporated, it may free up as many as 4 or 5 buses which would help him improve his operation and give him a little bit more of a probability to deliver on his promise of not perfect service but a level of service that is expected and deserved by the tax payers, parents, children and the LBOE.”

Mr. Inzelbuch – “As far as the 15, if the Board were inclined to accept this, which will be my recommendation, that they do and Gus and Patty will provide which routes after sitting and talking with you.”

Mr. Inzelbuch

Mr. Kakavas – “We are limited at this time of year as to how much work can go out to bid and realistically receive an effective bid. It is something that will improve as the year progresses because vendors will begin to bid by buses which will give them the ability to help us out in a greater extent in the future.”

Mr. Kakavas

Mr. Inzelbuch – “You feel 15 is a good number?”

Mr. Inzelbuch

Mr. Kakavas – “Yes, at this point in time.”

Mr. Kakavas

Mr. Inzelbuch – “So, 15. The routes will be determined, and if there is a differential in price between if we need to go out to bid, which is a process form what I understand. Are you willing to assume that and if not then your bond is going to assume it. There are two choices Mr. Rottenberg, and if we contact the bond company that will effect your rating and you know this.”

Mr. Inzelbuch

Mr. Rottenberg – “Yes.”

Mr. Rottenberg

Mr. Inzelbuch – “So are you willing to assume differential?”

Mr. Inzelbuch

Mr. Rottenberg – “I can only assume what I can carry. So it depends on what the numbers are going to be.”

Mr. Rottenberg

Mr. Inzelbuch – “Well, it is either a yes or no. Also, that we should have different routes, not all at 9:00. I guess

Mr. Inzelbuch

there is more buses available earlier in the morning, are you saying that?”

Negba Hearing

Mr. Rottenberg – “No, I am not saying that. The same bus

Mr. Rottenberg

does a 7:00 and a 9:00. So, if you put them all at 9:00 I still need the same amount of buses.”

Mr. Kakavas – “There is an additional advantages to the Board to do what Mr. Rottenberg is proposing. When we go out to bid for these 15 routes, whoever is the successful bidder will be able to tier them just the way he did. By tiering them, they will be able to give us a lower cost per route rather than if you to commit to 15 total buses.”

Mr. Kakavas

Mr. Inzelbuch – “Do you agree with that?”

Mr. Inzelbuch

Mr. Rottenberg – “Logically, it is 100% correct.”

Mr. Rottenberg

Mr. Inzelbuch – “Now we need to wrap this up. Can we ask you, see the Board has an obligation to the taxpayer. While many might not agree with the way they operated, they are operating in this instance in an effort to have vendor comply with his contract and his commitment. There has been on going discussions with the vendor and we are suggesting and the Board agrees not to have an attack on the

Mr. Inzelbuch

bond, not to have a County hearing under NJSA 18A:39-11.3, disqualification of a bidder, because that would effect you and not just in Lakewood, but possibly elsewhere. We at this time, I am suggesting at this time that the Board not do this. What we are suggesting is we need to take action. Does the Board agree so far with what I have said?"

Mr. Ostriecher – "Yes, I would agree. However, I would leave the option open."

Mr. Ostriecher

Mr. Inzelbuch – "Of course, the Board does have the absolute right. In fact, the statute requires it, they could make a motion today, it has been properly advertised, and it has been properly on notice, where they could, in fact, have a motion passed where this would then go to the County hearing where a hearing would be held regarding the alleged non-performance

Mr. Inzelbuch

Negba Hearing

status of your company. It is my legal advice that if you would comply with the request, 15 routes as determined by Gus and Patty, which would not all be

at 9:00.”

Mr. Kakavas – “In consultation with Mr. Rottenberg.”

Mr. Kakavas

Mr. Inzelbulch – “In consultation, but with the understanding that the Board has the final say.”

Mr. Inzelbuch

Mr. Kakavas – “Yes.”

Mr. Kakavas

Mr. Rottenberg – “Can I ask one thing? While this discussion is going to be taking place, it is probably going to take a few days...”

Mr. Rottenberg

Mr. Inzelbuch – “Today, right after this meeting.”

Mr. Inzelbuch

Mr. Rottenberg – “I don’t have all of the information with me right here but I will get it. But it is going to take another 10 days, I think legally for a bid to go out. In those 10 days, if we prove ourselves, can we continue with what we are doing?”

Mr. Rottenberg

Mr. Inzelbuch – “That would be a question for the Board. Please respond.”

Mr. Inzelbuch

Mr. Kakavas – “I don’t think that option was on the table.”

Mr. Kakavas

Mr. Inzelbuch – “What does the Board think of that?”

Mr. Inzelbuch

Mr. Seitler – “No.”

Mr. Seitler

Mr. Ostreicher – “Well, I am going to have to take that opportunity. What kind of guarantees do we have? There have been broken promises in the past.”

Mr. Ostreicher

Mr. Rottenberg – “Again, if you could just – by the time the bidding packets are ready and the bids come back and I can’t live up to it, then the new guys take over.”

Mr. Rottenberg

Mr. Ostreicher – Let me understand it. Over the next

Mr. Ostreicher

Negba Hearing

I think we said March 1st...”

Mr. Inzelbulch – “No. It would take about a week or so

Mr. Inzelbuch

to get a bid packet together, is that right?”

Mr. Rottenberg – And then another 10 days for the bid to go out and be opened and then for someone to take over.”

Mr. Rottenberg

Mr. Ostreicher – What would we use if this arbitrary date, the five days, seven days, ten days, whatever we discuss.”

Mr. Ostreicher

Mr. Inzelbulch – “Well, sir, I am sorry it is not arbitrary. Please don’t use that word.”

Mr. Inzelbuch

Mr. Ostricher – “The 15 is arbitrary.”

Mr. Ostreicher

Mr. Inzelbuch – “The 15 is not arbitrary, at all. In fact Mr. Kakavas has told us there was a basis for the 15. Please repeat that basis again.”

Mr. Inzelbuch

Mr. Kakavas – “15 routes were picked because we think that is a realistic number that we could expect vendors at this time of the year would be able to commit to and accommodate us.”

Mr. Kakavas

Mr. Ostreicher – “What would happen if we don’t find 15 route vendors?”

Mr. Ostreicher

Mr. Silver – “You have the same question whenever you put any route out to bid, what would happen if no vendors come? I don’t think it is a legitimate question.”

Mr. Silver

Mr. Ostreicher – “The question I am asking is from Gus because we are in the middle of the year and most companies have their commitments. So, we are talking about in June, July and August when companies are putting together their routes, then you say what happens if nobody shows. However, what I am talking about here is, that Gus is suggesting, is that there is a real possibility that all the companies that typically do give the bids to our district are completely, fully, whatever you say, at capacity as far as runs are concerned and all

Mr. Ostreicher

Negba Hearing

I am asking is this, what would happen under those circumstances?”

Mr. Kakavas – “Realistically, the nature of the business,

Mr. Kakavas

there are buses that are available to a small extent that could be purchased immediately.”

Mr. Inzelbuch – “Or leased.”

Mr. Inzelbuch

Mr. Kakavas – “Your larger vendors have the availability to do that. If we were to go for let’s say 117 routes, it is possible right now, it’s just to large a scale. I believe by doing it this way you are doing two things; putting out a realistic bid, which is going to give you a realistic price that is going to be cost effective and also provided us with responsible bidders. Also, I think it sends a message to Mr. Rottenberg, that we are talking about children, children standing in subzero weather, waiting in areas that may not be the safest for children to wait for a prolong period of time. I think when we fail one time, it is a failure, We have to get a mentality between Mr. Rottenberg and the Board so that we are thinking the same thing, the children deserve the highest level of service. I think with these 15 routes we are sending a message to the vendors that will bid on it and it is also a fair message to Mr. Rottenberg. We are not crippling his operation we are giving him an

Mr. Kakavas

opportunity , especially with the tiered level to free up some of his buses to succeed in what he has promised to do. I think all the way around 15 tiered routes is the best way to have the best service. I must say that Mr. Rottenberg's request that if he is doing better in three weeks can we just negate the process. We can't do that, if that becomes part of the record the vendors bidding will not take it as a serious bid and you will simply not get realistic bids packets back in. You have to let them know this is real, that there are 15 routes out there, The successful bidder who gets them will understand and meet the level of service that the Board expects."

Mr. Kakavas

Mr. Ostreicher – "Now, just to pick up on what you just said and I do appreciate your response. If in those two weeks, three weeks what ever it is, if

Mr. Ostreicher

Mr. Rotenberg's performance does pick up and he is punctual and everything is running 100% he is allowed to be one of the bidders?"

Negba Hearing

Mr. Kakavas – “Mr. Inzelbuch should address that.

Mr. Kakavas

If he was a successful bidder than the entire process was not a sincere effort.”

Mr. Inzebuch – “ We know the Board members all have different personalities, which makes us a very interesting Board, but they are generated by interest, interest in children’s safety. Mr. Rottenberg if you would go with your bus company. The fact is we need to take action. This is really becoming into a sort of circus. Mr. Rottenberg can sit down with Gus and Patty by Monday at 5:00 p.m. They will agree to which routes and that Mr. Rottenberg will be responsible for the differential in price. If Mr. Rottenberg is not willing to those two conditions, that is agree to work collaboratively with Gus and Patty by 5:00 p.m., Monday, signed, and that he will be responsible for the differential which will be taken from the monthly checks he gets. If it is not done, those two agreements by Monday, if the Board is so inclined based on evidence we have 15 routes selected by the Board and attack the bond. Let’s move on.”

Mr. Inzelbuch

Mr. Seidler – “So moved.”

Mr. Seidler

Mr. Fink – “Second.”

Mr. Fink

Mr. Inzelbuch – “Before we call it, Mr. Rottenberg
are you prepared for the first option?”

Mr. Inzelbuch

Mr. Rottenberg – “What is the first option again?”

Mr. Rottenberg

Mr. Inzelbuch – “Option is, you agree with Gus and
Patty’s recommendations as to which 15 routes and
you are responsible for the differential, it any, as far
as cost, which will come out of your payments on
your other approximate 100 routes, on a monthly
basis through June in equal installments.”

Mr. Inzelbuch

Negba Hearing

Mr. Rottenberg – “If there is a difference in price.”

Mr. Rottenberg

Mr. Inzelbuch – “If it is cheaper you get the money.”

Mr. Inzelbuch

Mr. Rottenberg - "I will get money back?"

Mr. Rottenberg

Mr. Seitler – "No, no, no."

Mr. Seitler

Mr. Inzelbuch – "That is a joke, Mr. Seitler."

Mr. Inzelbuch

Mr. Rottenbeg – "Yes, but I am asking again to give me one more chance."

Mr. Rottenberg

Mr. Inzelbuch – "The motion is in the second, call it."

Mr. Inzelbuch

Mr. Rottenberg – "Can I say one more thing?"

Mr. Rottenberg

Mr. Inzelbuch – "If you all agree in writing, signed, by Monday at 5:00 p.m. as to which routes, that you will pay the differential, if there is any, in a monthly payments through the end June. If you don't, the 15 routes will be selected by the Transportation Department, who has the final say in either scenario and then we will attack your bond immediately. This is the motion, please call it."

Mr. Inzelbuch

**MOTION REGARDING NEGBA BUS COMPANY
AND 15 OF THEIR ROUTES**

***Motion Regarding
15 Routes w/ Negba***

Public Recog.

ROLL CALL:

Roll Call

YES **Mr. Fink, Ms. Gonzalez,
Ms. Miccio, Mr. Seitler,
Mr. Silver, Mr. Zlatkin**

ABSTAIN **Mr. Ostreicher**

MOTION PASSES

Motion Passes

Mr. Inzelbuch – “If the agreement is not adhered to
based on the criteria established, then the Board will
be seeking under 18A:39-11.3, disqualification of
bidder. Can I have a motion on that please.”

Mr. Inzelbuch

Negba Hearing

Mr. Seitler – “So moved.”

Mr. Seitler

From the Board – “Second.”

From the Board

**MOTION TO SEEK 18a:39-11.3 REGARDING
NEGBA IF THEY DO NOT ADHERE TO THE
CRITERIA ESTABLISHED**

***Motion to seek
18a:39-11.3 if Negba does
not adhere to criteria***

ROLL CALL:

Roll Call

YES

**Mr. Fink, Ms. Gonzalez,
Ms. Miccio, Mr. Seitler,
Mr. Silver, Mr. Zlatkin**

ABSTAIN

Mr. Ostreicher

MOTION PASSES

Motion Passes

Mr. Inzelbuch – “ Are there any other issues, because
we want to make sure we gave it the full opportunity,
Mr. Negba?”

Mr. Inzelbuch

Mr. Rottenberg – “The 30 days that the second motion
was, is that after you take the runs away, so we are
freeing up buses?”

Mr. Rottenberg

Mr. Inzelbuch – “Yes. Wait, let me think, I am sorry.
Gus what is your recommendation?”

Mr. Inzelbuch

Mr. Kakavas – “30 days from today.”

Mr. Kakavas

Mr. Rottenberg – “Okay.”

Mr. Rottenberg

Mr. Kakavas – “Mr. Rottenberg, I strongly urge
you do what you told me the other night and that
was to get extra help on the phones at your office.
The complaints I am hearing from folks is that
you are not answering the phones.”

Mr. Kakavas

Mr. Inzelbuch – “Through the chair. Let it be
known to the public that Mr. Rottenberg has
previously agreed to contact principals as well as
the LBOE should there be issues with busing, he
is to immediately contact the school principal as

Mr. Inzelbuch

Negba Hearing

Board Members – “Aye, Aye, Aye, Aye.”

Board Members

Mr. Inzelbuch – “Anyone against?”

Mr. Inzelbuch

Thank you.

Mr. Rottenberg – “Just be aware that most of the time when the problem arises it is 8:00 and the principal is nowhere to be found at that time.”

Mr. Rottenberg

Mr. Inzelbuch – “Okay.”

Mr. Inzelbuch

Mr. Silver – “Can we have recognition of the public?”

Mr. Silver

Mr. Inzelbuch – “We are not done yet. The Board has taken action, the public has heard that action. If there is anyone who wants to and feels it necessary at this point to discuss the issue of Negba Bus, you have heard the action taken is 15 routes, it is not a question now, thanks to the Board’s efforts. You have also heard, 30 days starting Monday, 30 calendar days was the intent of the Board. So you do hear that the Board is taking a

Mr. Inzelbuch

process here to guarantee that the children are picked up and that what we are paying for is being delivered. So, if there is any member of the public despite all of that who would like to address this issue....”

Mr. Ostreicher – “Mr. Inzelbluch, I don’t see a point in having to discuss Negba anymore. There will be no additional action being taken, there is no reason to keep beating a dead horse. Action has been taken.”

Mr. Ostreicher

Mr. Inzelbuch – “We appreciate that. Is there any member, any member of the public who feels they still need to address, who has signed in on the sign in sheet, that feels they need to address Negba?”

Mr. Inzelbuch

Negba Hearing

Mr. Silver – “Just call their names.”

Mr. Silver

Mr. Ostreicher – “Call their names in order.”

Mr. Ostreicher

Mr. Inzelbuch – “Do you wish to discuss Negba?

Mr. Inzelbuch

Mr. Bonuch Mandel – No.

Ms. LaFalve – No.

Mr. Hobday – No.

RECOGNITION OF THE PUBLIC

Public Recog.

Mr. Hobday – 30 Schoolhouse Lane. In December we discussed several incidences where Negba was discharging passengers on Massachusetts Avenue and Cross Street, just by pulling over, not enacting flashers.”

Mr. Hobday

Mr. Inzelbuch – “Actually, we did review that, because you did get the emails. Negba as well as other bus companies do private busing not through the LBOE. They have the right to make money off of schools on Sundays. We were told that this was not pursuant to the contract with the LBOE. This is when they were doing their private busing, correct.”

Mr. Inzelbuch

Mr. Hobday – “Yes, I do recall that. However,

Mr. Hobday

the public doesn't realize that this is a private contract and are confused when a bus is stopped and passengers are discharged with no flashers on. We the motoring public has been trained to stop when a school bus is stopped, whether the flashers are on or not, therefore we the public are confused."

Mr. Inzelbuch – "A very valid concern. What could be done not just for Negba, but for Jay, Klarr , or Harnett, I don't want to single anyone out, is to put a sign saying you are doing a private charter, when not operating for the LBOE."

Mr. Inzelbuch

Mr. Hobday – "I think some kind of sign saying not school children."

Mr. Hobday

Mr. Inzelbuch – "Well, school children are private charters, in other words it is not the LBOE."

Mr. Inzelbuch

Public Recog.

Mr. Hobday – "But I think that those were weekends. Would it be the same if they get private charters during school hours?"

Mr. Hobday

Mr. Inzelbuch – “There are some schools that do that.

Mr. Inzelbuch

So, that is why I am saying, Gus would you agree with that recommendation?”

Mr. Kakavas – “Yes. The statute does permit the use of school buses for multiple use. However, we can require for those buses who wish to do that have a flip sign on their buses and I will work with the Board on that. So, that when a bus is being used as a charter they can either use a flip sign or electronically from the drivers position, or simply get a magnetic sign that goes over the word “school bus” and that sign would say “charter.” Another thing I did in Toms River to assist the motorists was the white strobe lights that many districts are using on school buses. The white strobe lights are there to alert that there are pupils on board and to be alerted that the bus will be activating its flashers sometime during the route. If you had non-children on the bus the strobe would not be activated, therefore eliminating the confusion of the motorist.”

Mr. Kakavas

Mr. Inzelbuch – “Thank you.”

Mr. Inzelbuch

Mr. Rottenberg – “Can I answer that? I believe that the stop was at a school, and when you discharge by a school, you do not put your red lights on, that is the law.”

Mr. Rottenberg

Mr. Kakavas – “If you are discharging in front of a school at curbside if you are going to be an excessive amount of time, you are not required to put your flashers on.”

Mr. Kakavas

Mr. Rottenberg – “Exactly, and that is what happened in this case.”

Mr. Rottenberg

Mr. Junger – “3 Malka Way. It is regarding Negba. . I have a son and a daughter who ride the Negba bus everyday. The Dept. of Education you have helped

Mr. Junger

Public Recog.

me, but I am still waiting for some phone calls to be returned. About half of the requested complaint forms that I have filled out still have not arrived. Finally,

why are you so rigid with the way you accept the complaint forms? I have asked for it to be made available on-line or by email and I have been told by the people that answer the phone for the Dept. of Education, no, it has to be faxed or mailed.”

Mr. Ostreicher – “Education or Transportation?”

Mr. Ostreicher

Mr. Rottenberg – “Transportation.”

Mr. Rottenberg

Mr. Junger – “I personally created a form on-line. Nobody knows about it, because we are not getting a lot of hits on it, but when they do I will forward it to you.”

Mr. Junger

Mr. Inzelbuch – “If you can forward to me at micahelinz@aol.com. “

Mr. Inzelbuch

Mr. Junger – “But the Board of Education should do the same thing.”

Mr. Junger

Mr. Inzelbuch – “When I get it, we are going, it will be my recommendation that we allow

Mr. Inzelbuch

electronic complaints, as long as it applies to all bus companies equally. So if you can get that to me.”

Mr. Junger – “Communication with your company, Mr. Rottenberg has been a chronic problem for years now and that is my personal experience as a parent and being heavily involved in two local schools. If we are able to accept your answers, then we would ask the following: Since he knew about these problems for some time now, stained, broken windows and all of that, which he knew was adversely and severely affecting so many children, why didn’t he at least communicate with the public? I could give you at least a dozen easy reasons, that would not cost you a penny, to help

Mr. Junger

Public Recog.

the public out. If we knew what we were dealing with, we could help ourselves, car pool, something, maybe we would have been able to help you. We could have saved hundreds of children standing out in subzero weather, standing on unsafe corners. I

Mr. Junger

want the LBOE to understand this keeping our children on street corners longer than necessary exponentially increases the probability of tragedy occurring. Lakewood has experienced abductions, people exposing themselves to children, shootings, and plenty of instances of cars jumping curbs.

Frostbite in children makes for a child not interested in school, that is also a tragedy. I will conclude with one of my own experiences with transportation. On Monday, it was 8 degrees Fahrenheit, and my daughters bus showed up at 8:57 when everything was supposedly okay.”

Mr. Inzelbuch – “What time was it supposed to be there?”

Mr. Inzelbuch

Mr. Junger – “8:17, maybe 8:20, so 40 minutes late.

Mr. Junger

The bus was empty, which is unusual. At this point, and because the bus was empty and because my daughter still didn’t arrive at school yet, we were concerned for her safety because the bus was empty. My wife called the school and both the school and my wife tried to contact Negba, as usual you could

not get through. My wife began panicking and lift several messages, frantic messages, with details, begging form someone to call back with the status. Did the bus driver drive off where her somewhere? Till this day, no one has returned a call. I must say that I have gotten help from the Board, despite my other complaints. I will leave with the conclusion of communication is very important.”

Mr. Inzelbuch – “Here is what I would like to recommend based on what Mr. Junger has said and the cumulative effort of days, or several meetings. I want for the bus companies to get into our website, I am not a computer guy, but we do have a \$100,000 computer guy and there has to be a way for these bus companies to automatically get onto our website and say, these routes are not working, these buses are

Mr. Inzelbuch

not coming. Would that be a good idea?”

Public Recog.

Mr. Kakavas – “Absolultely.”

Mr. Kakavas

Mr. Junger – “I will work with Ben.”

Mr. Junger

Mr. Inzelbuch – “No, Ben is in spirit we have
Mr. Trischitta who I will call out to meet with
you momentarily if the Board accepts my
recommendation.”

Mr. Inzelbuch

The Board – “We accept.”

Board

Mr. Inzelbuch – “Number two would be to get me
the complaint form, and look at it next meeting.”

Mr. Inzelbuch

The Board – “Aye.”

Board

Mr. Inzelbuch – “Did you feel what the Board did
today sir, was to your satisfaction?”

Mr. Inzelbuch

Mr. Junger – “Absolutely. I was very appreciative,
to Mr. Rottenberg as well.”

Mr. Junger

Mr. Inzelbuch – “As are we. Anyone else? Annette
Kearney, does she want to speak about Negba?”

Mr. Inzelbuch

Ms. Kearney – “No.”

Ms. Kearney

Mr. Inzelbuch – “There are no more names signed.”

Mr. Inzelbuch

Mr. Zlatkin – “Last time, I believe it was Item 4A.”

Mr. Zlatkin

Mr. Ostreicher – “We’ll get to that then in a minute,
we have public comment. Do you mind if we go out
of order Mr. Attorney?”

Mr. Ostreicher

Mr. Inzelbuch – “We have a motion to out of order,
is there a second?”

Mr. Inzelbuch

Ms. Gonzalez – “Second.”

Ms. Gonzalez

Mr. Inzelbuch – “All in favor?”

Mr. Inzelbuch

Public Recog.

Board – “Aye, Aye, Aye.”

Board

Mr. Zlatkin – “I want to approve the whole agenda
into this motion to approve item that was tabled last

Mr. Zlatkin

time, I believe it was item 4A. Term is professional development for public, non-public teachers and approve the whole agenda.”

Mr. Seidler – “Second.”

Mr. Seidler

Mr. Inzelbuch – “There is a motion and there is a second. The motion as written, and removing from the table the item that was on the agenda last time, is that the recommendation of the Assistant and Superintendent?”

Mr. Inzelbuch

Dr. Mercora – “After review of the supporting documentation, it is my recommendation, contingent upon Board Attorney’s legal opinion.”

Dr. Mercora

Mr. Inzelbuch – “The Board Attorney’s legal opinion is as follows: “Provided there is no religious content and provided there will be a certification from the Ateres Messar prior to the convention that there is no religious content, then it will be my recommendation. M r. Ateres Messera are you here? Please approach the microphone.”

Mr. Inzelbuch

Mr. Gobiof.

Mr. Inzelbuch – “Mr. Gobiof, your position with the organization is what?”

Mr. Inzelbuch

Mr. Gobiof – “I am totally not affiliated. I did the

Mr. Gobiof

actual convention last year. We got involved. I just spoke to both of them this morning and they asked me to speak on their behalf.”

Mr. Inzelbuch – “So have the authority from the organization to speak on their behalf?”

Mr. Inzelbuch

Mr. Gobiof – “Yes.”

Mr. Gobiof

Public Recog.

Mr. Inzelbuch – You heard the condition. The condition is that there is no religious content. We need to be very careful about that in the United

Mr. Inzelbuch

States of America. You do understand that?”

Mr. Gobiof – “Correct. I checked it out with both people involved this morning and they both told me.....”

Mr. Gobiof

Mr. Inzelbuch – “If we could have that by Monday. My suggestion is that the vote be contingent on getting that. Fax it to my office by Monday. Is that okay Mr. Zlatkin with that condition?”

Mr. Inzelbuch

Mr. Zlatkin – “Yes.”

Mr. Zlatkin

Mr. Inzelbuch – “Dr. Mercora, is that acceptable?”

Mr. Inzelbuch

Dr. Mercora – “Yes.”

Dr. Mercora

Mr. Inzelbuch – “Therefore, it is my legal ruling based on that, that we should allow professional development, to continue with the understanding that the professional development money is non-public funds, not public funds and the schools are so selected to utilize those funds. Call it.”

Mr. Inzelbuch

Ms. Miller – “Mr. President, I have an addendum
a change.”

Ms. Miller

Mr. Inzelbuch – “We are going to vote on the
agenda with this addendum and then we will vote
on the other. Ms. Miller what is the change?”

Mr. Inzelbuch

Ms. Miller – “The change is under the Super-
intendent Items, item 1, approve the Kaplan
Advantage SAAAT Prep Course to be held at
the High School, which is not to exceed \$10,000.”

Ms. Miller

Mr. Inzelbuch – “And if the Board will recall we
used this last year and we increased the participation
as well as the rates. Mr. Zlatkin since you made the
motion, is that change acceptable to you?”

Mr. Inzelbuch

Mr. Zlatkin – “Yes.”

Mr. Zlatkin

**MOTION TO MOVE ON THE AGENDA
AS AMENDED.”**

***Motion to move
Agenda as amended***

ROLL CALL:

YES

Mr. Fink, Ms. Gonzalez,

Ms. Miccio, Mr. Ostreicher,

Mr. Seitler, Mr. Silver,

Mr. Zlatkin

Motion Passes

MOTION PASSES

AGENDA

January 28, 2011

- I. PLEDGE OF ALLEGIANCE – PRESIDENT, LAKEWOOD BOARD OF EDUCATION
- II. ROLL CALL
- III. PRESENTATIONS - NONE
- IV. MINUTES - NONE
- V. HEARING – NEGBA COMPANY
- VI. RECOGNITION OF THE PUBLIC

VII. CORRESPONDENCE AND COMMUNICATIONS

VIII. COMMITTEE REPORTS

IX. REPORTS AND RECOMMENDATIONS OF THE BOARD SECRETARY/BUSINESS ADMINISTRATOR

A. Approve Bills List for January 28, 2011 for the Warrant Account \$178,607.96

B. Approval of agreement between the Lakewood Board of Education and Energy Analysis Group, LLC that shall allow energy analysis to submit the '2010 Pay for Performance Application (s)' to the New Jersey Clean Energy Program that will promote energy reduction and installation of recommended measures per the reduction plan when and if same is approved to reduce utility usage at the High School, Middle School, and Clifton Avenue Grade School and effectuate energy savings to the district and taxpayer. There will be no cost to the district. The district will be obligated to utilize the services of and Energy Analysis Group, LLC provided same does not require the district to expend any local or state or federal funds. However, should the Board opt not to proceed with the plan but for the above the Board will be responsible for expenses incurred by Energy Analysis Group, LLC in an amount not to exceed \$44,300.00 (10 cents per square foot).

IX. REPORTS AND RECOMMENDATIONS OF THE SUPERINTENDENT OF SCHOOLS

SUPERINTENDENT'S ITEMS

A. **SUPERINTENDENT'S ITEMS**

1. Approve the Kaplan Advantage SAT Prep Course to be held at the High School.

B. PERSONNEL

1. CERTIFICATED

- f. Appointments

- (1) 6TH GRADE ACADEMY TEACHERS

Funds) Salary: \$40.00 per hour (Paid Through Title I

Effective: Saturday, February 5, 2011

Terminating: Saturday, May 21, 2011

Baker, Rivera. Ebony	Bower, Kathryn
Burnett, William	Carpenter, Dawn
Crump, Nancy	Drapkin, Meagan
Ehlers, Diana	El, Suzanne
Fastnacht, Richard	Fiori, Veronica
Fox, Paulette	Hall, Kathleen
Justina, Rose	Kearney-Canace, Tracey
Majors, Lacy	Mazzeo, Deborah
McKee, Diane	McLaughlin, Maryellen
Mcloughlin, Stephanie	Milon, Danielle
Minka, John	Niechwadowicz, Stephanie
Ring, Jessica	Shaw, Kim
Tolar, Mettria	

- (2)***PHYSICIANS/CONSULTANTS
GORDON, Steven B.

Behavior Therapy Associates

Salary: \$280.00 per hour

Effective: School Year 2011

Terminating: June 30, 2011

* Appointment subject to approval of Criminal History background check by State Department of Education, as per NJSA 18A:6-7-1, et. seq., NJSA 18A:39-17 et. seq., or NJSA 18A:6-4.13 et seq., as applicable.

** As required by law and code, this Emergent Employee Resolution, upon motion duly made, seconded and carried, it was RESOLVED that this person be employed by the Board of Education of the Lakewood Public School District in the County of Ocean on an emergent basis.

*** This position does not include the following:

Medical Coverage	Personal Days
Dental Coverage	Professional Days
Prescriptions	Vacation Days
Optical Coverage	Sick Days
Reimbursement for Credits	

Mr. Inzelbuch – “Thank you very much. My fax number is 732-886-0806. It will need to be signed by people in authority in that organization. The public should note that Gus is meeting with

Mr. Inzelbuch

Mr. Rottenberg, and Mr. Junger is meeting with Mr. Trischitta and Mr. Zlatkin must be excused. There are two others who have work too, I have been told. Is there anyone else that signed up and the four minute rule applies, that would like to speak.”

Mr. Hobday – “30 Schoolhouse Lane. I was heading South on Route 9 and Jay’s bus was stopping at every street on a State Highway, and not once putting on his flashers and they had traffic backed up for a half of mile. This was on January 24th at 4:00 p.m.”

Mr. Hobday

Mr. Inzelbuch – “Did you report this to the Transportation Department or anyone?”

Mr. Inzelbuch

Mr. Hobday – “I did not. I was somewhat aggravated and said, uh-huh, there is going to be a special board meeting, and I will tell it then. They were on a State Highway, that is wrong.’

Mr. Hobday

Mr. Inzelbuch – “Do you know what school it was?”

Mr. Inzelbuch

Mr. Hobday – “They were all men, they did not look like children.”

Mr. Hobday

Public Recog.

Mr. Silver – “High school boys?”

Mr. Hobday – “They were young men, not children.”

Mr. Hobday

Mr. Inzelbuch – “Ms. Silva please report that to the Transportation Department. Please have a review of this done.”

Mr. Inzelbuch

Mr. Hobday – “It was bus 109.”

Mr. Hobday

Mr. Inzelbuch – “Please have a report ready by next meeting. All in favor?”

Mr. Inzelbuch

Board – “Aye, Aye, Aye.”

Board

Mr. Mandel – “122 Tudor Court. Boruch

Mr. Mandel

Mandel. I asked this the last time and I did not get an answer. Is there any BOE policy that we are going to have a 90 minute delays in consideration of other districts?”

Mr. Inzelbuch – “I did research this issue, and there is no 90 minute rule if you will. There is a policy in our policy book that allows the Superintendent to make the decision in consultation with the traffic and safety people. We are not going to have a 90 minute delay policy. When there is a delay she is contact with the Police Dept. around 4:00 – 5:00 a.m., is that correct?

Mr. Inzelbuch

Ms. Silva – “That is correct.”

Ms. Silva

Mr. Inzelbuch – “The decision is made based on consults with the Police Dept., weather reports received by Mr. Hobday, all information combined and then a determination is made. You are alluding to one out of the twenty emails I read, regarding buses. We do not own our

Mr. Inzelbuch

buses and they do runs for other towns, Howell, and you are absolutely correct, since we have a 60 million plus in budget transportation, so we need to put that in our mindset. Ms. Silva, respectfully, when we do a 90 minute delay it should be based on our town.”

Pubilc Recog.

Ms. Silva – “For the record. I do ask people from transportation to go out and I do consult with the watch commander and I am in contact with our custodial company. Based on the collective assessment of the situation, I then make my decision. For example, yesterday we labored for a half an hour to figure out if our six schools could be dug out within the period of time just before they came in. The other districts were not a factor and that is just for the record.”

Ms. Silva

Mr. Mandel – “I have no problem for safety of the children, but not for other districts.:

Mr. Mandel

Mr. Kakavas – “We will be first.”

Mr. Kakavas

Mr. Silver – “From now on people in Hell
will be saying, due to other districts, we have
to have ours delayed.”

Mr. Silver

Mr. Seitler – “I would like to draw to your
attention an email on January 12th at 8:12 p.m.
It is about Bill Coyle being in contact with the
school district all day to determine, just because
other districts have a delay it does not obligate
us to have one, I think that is what is being
referred to.”

Mr. Seitler

Mr. Silver – “Who sent that email?”

Mr. Silver

Mr. Seitler – “The Superintendent.”

Mr. Seitler

Mr. Inzelbuch - “The bottom line is that
that will not reoccur, correct Ms. Silva?

Mr. Inzelbuch

Ms. Silva – “Correct.”

Ms. Silva

Mr. Inzelbuch – “The only other thing we need to do is the SAT Prep course, we do not have the exact teachers but the rate is \$40.00 an hour. We need a motion to pay those teachers and not to cumulative exceed \$10,000.”

Mr. Inzelbuch

Pubilc Recog.

Mr. Seitler – “So moved”

Mr. Seitler

Mr. Fink – “Second.”

Mr. Fink

**MOTION TO PAY SAT PREP TEACHERS
\$40.00 AN HOUR NOT TO EXCEED
\$10,000 CUMULATIVELY**

***Motion to pay for SAT
Teachers not to exceed
\$10,000 Cumulatively***

ROLL CALL:

YES **Mr. Fink, Ms. Gonzalez,
Mr. Ostreicher, Mr. Seitler,
Mr. Silver, Mr. Zlatkin**

ABSTAIN **Ms. Miccio**

MOTION PASSES

Motion Passes

Mr. Inzelbuch – “We are here about education and there has been talk that we are starting a Saturday Academy, Dr. Mercora if you will, please give a brief presentation.”

Mr. Inzelbuch

Dr. Mercora – “The Saturday Scholar Academy starts February 5th. We have 299 6th graders that signed up. The teachers were approved today. We have the curriculum written, we enrichment, music, art, dance, drama and computers, the teachers are very excited and I think this is a great thing for Lakewood Public Schools.”

Dr. Mercora

Mr. Ostreicher – “Can I say something in old business? At the last meeting, perhaps I rudely interrupted Dr. Mercora in the middle of her comment she made regarding teachers’ spelling. I am aware she has been in contact with Dr. Mercora and that things are being worked out regarding he concern.”

Mr. Ostreicher

Pubilc Recog.

Mr. Inzelbuch – “We do have this lingering issue, that I need to remind you of the rental situation regarding Title I. It is my legal opinion that we do need to provide space for Title I public and non-public and I wrote to Mr. Anthony Hearn, a member of the State Department saying that. There is an issue that has not been resolved by a unified vote by the Board as to payment of rent and as you know you all have the letters the NJDOE has taken the position that we can not pay rent to non-public schools. It is my legal opinion they are in error. We have a total as I have been told by administration, of approximately \$619,000 that would be \$250,000 of Title I, \$369,052 approximately of 192.”

Mr. Inzelbuch

Mr. Silver – “You just read my mind, I was just about to make a motion to approve the rental contracts.”

Mr. Silver

Mr. Inzelbuch – “I want to give you all of the

Mr. Inzelbuch

facts, which has been before. We do currently have a lease with Catapult, again I believe the number is \$698,276. Obviously that exceeds the 619. The Board did hire an appraiser, Johnson Realty and as of Tuesday I was assured the appraisal would be coming. I have also been told that there are 33 to 35 schools who have sought a rent payment by the Board. Catapult, according to the lease agreement, but especially the board resolution, which I did review prior to being signed and it does allow if the board sees a problem, and they do there is not enough money to pay Catapult, yet alone other schools. So, you need to take action because I believe that we have an obligation to provide space. What I suggest is that you authorize the Superintendent and myself to challenge the States position. Do we have the authority to do that?"

Mr. Seitler – "Yes."

Mr. Seitler

Public Recog.

Mr. Silver – “Can we hold any future rental **Mr. Silver** payments to Catapult while this is being challenged?”

Mr. Inzelbuch – “Well, that is an excellent point. I will tell you that until today you are contractually bound because you have been under lease. I did communicate with Catapult on January 25th and reminded them how we met on December 23rd, that is the Administration and a representative of Catapult. I told them several things. One, there is a removal fee for trailers, should the school opt not to use the trailer module and it is my position that local funds should not be used for that and State funds if the state approves. I have also been told the State is only approving 84% of every dollar we request. Catapult did send me late, last evening, when I say ‘late’ around 5:00, I was still there, they are agreeing as far as the modular’s being removed. They are willing to accept the lower amount, as long as

Mr. Inzelbuch

it is not local funds and that it only be 84%. I wrote to them there is not enough money to pay the non-pubs in Catapult, so we need to find a solution. If a solution can be found, so be it. If not, the Board will possibly consider canceling the lease per Board approval. As you were advised the Board only has \$619.053; approximate 250 in Title I, and 369.053 in 192, with that understanding that Title I is subject to review. The Catapult lease is \$698,277 per Board approval through 2010. However, the language is clear that the Board is subjects to “the level of funding available.” We did meet, Ms. Silva, Dr. Mercora, Yvette, Adina, Kathy, and we have not arrived at a solution. I would concur with you, Mr. Silver that as time goes on your lease obligation continues. So when you say cancel the lease, I want this to be known to all, at one time, in live, and any questions you have, if you would cancel that lease, that lease also ties into their contract, which they put in that obviously providing services subject to the

Mr. Inzelbuch

Pubilc Recog.

lease agreement. I did forewarn them that there will be Board discussion. I was told that there would be today, so you could say you want to cancel their lease, but there are significant ramifications of that. I am not saying you shouldn't. It remains my legal position prior to April and after April, that non-public as far as Title I, have the right to have space. Of course, as my friend, Mr. Fink, when we sat together many months ago, we could provide space here as a second alternative, but I do want to remind you there is transportation issue then. As far as 192, and I know this is probably boring you, but I need you all to here it again, live again. 192 is a State creation. So, if the State's position is that we can't provide space because of separation of church and State, that would be the same argument they're using as far as title I. But if they say, for example, well no, we created 192, and these are our rules, we don't have to pay for space in a school as opposed to

Mr. Inzelbuch

trailers, then that would be a different issue.

I have written the letter, you all got the letter, the one sent to Anthony Hearn. I played phone tag with Susan Oxy and I can't get anything back. So, if you want to say to Catapult, we are not going – use the language of the Board approval. This is important you allow me to find it again. Subject to the level of funding available. There was discussion by various non-public Principals and Board members. I understand, and others, that we should apply, there are two other choices. I have to give this to you, which I have, but now I am doing it publicly again. You could ask for additional 192 money. Well, the problem with asking for additional 192 money is, number one, how much? Well, that is subject to the appraisal we don't have. That is subject to how many kids are in each class, which we don't have. That is subject to the State changing their position that we can pay non-publics. So we could ask for more 192 money. The

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second thing we could do, the five percent administrative cap for Title I, which NJDOE sets, there is no such standard for federal government. So, our esteemed Washington attorney has told me, we could possibly manage it. We could apply to the State to exceed the five percent cap. Let me warn you, if you do that you are taking money from instructional dollars, which my advice is don't do that. So, with all of that said, are there any questions? I don't want...I will be blamed later. I have told you as much as I know at this time."

Mr. Ostreicher – "Can you have a motion?"

Mr. Ostreicher

Mr. Seidler - "I make a motion as follows:

Mr. Seidler

Contingent on whatever number Johnson Realty comes back with, based on the \$619,000 you apply and work out and put together, whatever you do, percentage of what ever money is available, due to the percentage of what the appraised value is,

so Catapult and any other school that would like to have space rented out, will receive that percentage of the total appraised value. Just for example, should that percentage be, let's say, only 70% of the appraised value, everyone would be equal to 70% . Should they decline, it can revert back to the RFP, in which each vendor said they would provide space at their cost. We are going to give the State mandated amount that we could give at that percentage and everybody else can either take it or leave it. That is the motion.”

Mr. Fink – “Through the chair. I want to go back to what Mr. Hobday said, I want to explain something. If there is any way we can pass a motion or instruct all the bus companies, when they make a stop in front of all schools on the secondary roads to put their flashers on. I think it would be a huge

Mr. Fink

Public Recog.

safety issue for everyone.”

Mr. Kakavas – “You want to enforce the law.

Mr. Kakavas

We can certainly do that.”

Mr. Silver – “Well, we would have to rescind
the previous contract, two in the same motion.”

Mr. Silver

Mr. Seidler – “Yeah.”

Mr. Seidler

Mr. Inzelbuch – “So the motion is; the previous
Board approval of the August 24th in accordance
with that, where it says that the funding is subject
to the level of funding, we now know approxi-
mately, and I asked the Administration if they
know differently, it is approximately \$619,000.
That we immediately advise Catapult that
officially, which we’ve done, but there is not
enough money, that we await the Johnson
Realty appraisal. And even when those numbers
come, Mr. Seidler, we do have to determine, don’t
we, if the school truly needs the space and the
amount of students?”

Mr. Inzelbuch

Mr. Seidler – “Once it is all figured out to the exact amount, and what everyone is supposed to get, however, whatever it takes to figure that out, whenever that number is available, whatever that number is, \$619,000 is going to be a percentage. I am sure it is not going to be more than 100%. 619,000 will be a percentage of that total amount. Whatever percentage it is of that total amount, for Catapult and everybody. Everyone will be offered the same percentage of their appraised value, even and fair.”

Mr. Seidler

Mr. Inzelbuch – “What about – let’s be candid. It appears we are not going to have enough money for all of this, whether it be both of them, the school. What do we do then?”

Mr. Inzelbuch

Mr. Seidler – As I said, we are going to give everybody an offer of whatever the number is.”

Mr. Seidler

Public Recog.

Mr. Inzelbuch – “What if the non-public,
Catapult or both say no?”

Mr. Inzelbuch

Mr. Seitler – “Then we have an RFP in which
each vendor says they would provide space.”

Mr. Seitler

Mr. Inzelbuch – “Which you realize, i am just
lettingyou know, the approval, we put aside
that, when we were paying rent.”

Mr. Inzelbuch

Mr. Seitler – “This is the amount of money we
had.”

Mr. Seitler

Mr. Inzeluch – “Okay, I want to be clear.”

Mr. Inzelbuch

Mr. Silver – “Second.”

Mr. Silver

Mr. Inzelbuch – “There is a motion.”

Mr. Inzelbuch

Mr. Ostreicher – “Roll Call.”

MOTION IS Contingent on whatever

Motion Regarding

number Johnson Realty comes back with,
based on the \$619,000 you apply and work
out and put together, whatever you do,
percentage of whatever money is available,
due to the percentage of what the appraised value
is, so Catapult and any other school that would
like to have space rented out, will receive
that percentage of the total appraised value.
Just for example, should that percentage be,
let's say, only 70% of the appraised value,
everyone would be equal to 70% . Should
they decline, it can revert back to the RFP,
in which each vendor said they would
provide space at their cost. We are going
to give the State mandated amount that
we could give at that percentage and every-
body else can either take it or leave it.

Rent Space

ROLL CALL:

Roll Call

YES

Mr. Fink, Ms. Gonzalez,

Recog.

Pubilc

**Ms. Miccio, Mr. Ostreicher,
Mr. Seitler, Mr. Silver,**

MOTION PASSES

Motion Passes

MR. ZLATKIN LEFT THE MEETING BEFORE THE VOTE

Mr. Inzelbuch – Through the chair. The Superintendent and Assistant have been here during the last discussion, so, how do I say it, get cracking. Okay, the guy is not doing his job quickly.”

Mr. Inzelbuch

Mr. Ostreicher – “I call for adjournment.”

Mr. Ostreicher

Mr. Seitler – “Can I have one more motion? I would like to make a motion that the State statute requires that every student provide four pieces of resident – proof of residency. I would like to make that a motion.”

Mr. Seitler

Mr. Inzelbuch – “You would like to make a motion to enforce the residency requirements of the State of NJ, is that correct?”

Mr. Inzelbuch

Mr. Seitler – “Yes.”

Mr. Seitler

Mr. Silver – “Can I add something to your motion, that we should enforce the already previously approved motion that this should be a central location for administration.”

Mr. Silver

Mr. Seidler – “For admission.”

Mr. Seidler

Mr. Inzelbuch – “Well, let me ask this, because we have been beating this around for a while, and if I may through the chair? I would like to see, I know I have looked at a draft. Could we please have at our next meeting, Ms. Silva, and I don’t care what emergency arises, it seems that one always does, could we please have the plan on a photo slide here and a presentation to the public, as well as the Board, I know you are prepared to present that and enforce that and put it into effect at the next...”

Mr. Inzelbuch

Ms. Silva – “It has been ready for months, but we have been seemingly occupied with other issues.”

Ms. Silva

Public Recog.

Mr. Inzelbuch – “The first item of business will be that.”

Mr. Inzelbuch

Mr. Fink – “There is a motion on the table. Why can’t we pass the motion?”

Mr. Fink

Mr. Silver – “I second.”

Mr. Silver

Mr. Inzelbuch – “You really could do that. You have already instructed the Superintendent, but do it again, go ahead. Call it.

Mr. Inzelbuch

**MOTION RESIDENCY ACCORDING TO NJ
STATE AND CENTRAL LOCATION
ROLL CALL:**

***Motion Residency &
Central Location***

**YES Mr. Fink, Ms. Gonzalez,
 Ms. Miccio, Mr. Ostreicher,
 Mr. Seitler, Mr. Silver,**

MOTION PASSES

Motion Passes

Mr. Fink – “I would like to make a motion that all

Mr. Fink

public portions of all meetings from now on are limited to one hour.”

Mr. Seidler – “Second.”

Mr. Seidler

Mr. Inzelbuch – “That would need two times on an Agenda, that is a change in policy. Mr. Seidler you would agree with me?”

Mr. Inzelbuch

Mr. Seidler – “Yeah, yeah. This is the first reading.”

Mr. Seidler

Mr. Inzelbuch – “So, this is the first reading of that. You would need administration, Debra, if you could ask Rosie to find that part of our policy book that discusses public portions. And if you can get it to me, I will work on it on Sunday. And then we will have it posted on the website next week. It will need to be posted on the agenda so we can invite the public comment on the change of public comment.”

Mr. Inzelbuch

Public Recog.

Mr. Ostreicher – “If I can just see if I can amend the amendment. There used to be a rule that people were allowed to speak for four minutes. But repetitious comments were not welcome.”

Mr. Ostreicher

Mr. Inzelbuch – “That is still the rule, but for some reason it has been relaxed.”

Mr. Inzelbuch

Mr. Ostreicher – “If we followed the rule that additional comments, like if a person does not like the color green painted on the ceiling, and we have 17 people saying I don’t like green or whatever, we don’t have to hear 17 people say they don’t like it.”

Mr. Ostreicher

Mr. Inzelbuch – “I did promise Ms. Wahler, even though our start was a little rocky this morning, but one at a time, so our nice person here can type.”

Mr. Inzelbuch

Mr. Ostreicher – “If we can enforce that portion of the rule, then the rule would not have to be an hour. How many topics do we cover in one

Mr. Ostreicher

particular given night?”

Mr. Fink – “I would agree with you, but unfortunately, that doesn’t happen and I don’t think it has happened since April. I would just like to make a motion and have it enforced one way or another.”

Mr. Fink

Mr. Seidler – “I think the reason it happens, is when someone stands there and they are prepared to say what they have to say, you are not going to start grilling them, are you repeating something. They will just say they are not.”

Mr. Seidler

Mr. Inzelbuch – “ All right. Well then, the answer is they don’t agree to your motion change. But there is a motion by Mr. Fink, seconded by?”

Mr. Inzelbuch

Mr. Seidler – “Me.”

Mr. Seidler

Mr. Inzelbuch – “Seconded by Mr. Seidler.

Mr. Inzelbuch

Public Recog.

This is the first reading. It will need to be posted
by legal ruling on the website.?

Mr. Ostreicher – “How many votes do we need
on this?”

Mr. Ostreicher

Mr. Inzelbuch – “Five. It will be posted on the
website for public comment. It will be on the
Agenda next time, and we will then have a
chance to discuss it. Let me suggest this to you.
You raise a concern which will be addressed at
next meeting. It is just going for its first reading.
So, we have to redraft the policy. It will be on
the Agenda. It will be posted on the website
prior to next meeting.”

Mr. Inzelbuch

Mr. Silver – “What is the Townships policy?”

Mr. Silver

From the floor – “One hour.”

From the floor

Mr. Silver – “How long for each speaker?”

Mr. Silver

From the floor – “Three minutes.”

From the floor

Mr. Inzelbuch – “We will get a copy, we will ask Rosie today to contact, to do things official, the Township and get a copy of their policy to compare.”

Mr. Inzelbuch

Mr. Fink – “If we could stop the repetitious comments that would be fine by me.”

Mr. Fink

Mr. Seidler – “I think the limit of one hour would put a stop to the repetitious comments.”

Mr. Seidler

Mr. Silver – “Okay. Let’s go.”

Mr. Silver

Mr. Inzelbuch – “Call it. Motion by Mr. Fink, and seconded by Mr. Seidler. The motion as not amended by Mr. Ostreicher.”

Mr. Inzelbuch

**MOTION TO LIMIT PUBLIC PORTION OF
MEETINGS TO ONE HOUR**

Motion to limit

Public to 1 hour

Public Recog.

ROLL CALL:

YES Mr. Fink, Mr. Seitler,

Mr. Silver

NO Ms. Gonzalez, Ms. Miccio

ABSTAIN Mr. Ostreicher

MOTION FAILS

Motion Fails

Mr. Inzelbuch – “Motion fails, there are not five votes. So, therefore, the first reading will be, again. I would suggest that we have a meaningful discussion, perhaps in private session. It will be posted. Is that okay, Mr. Fink, everyone?”

Mr. Inzelbuch

Mr. Fink – “Yes.”

Mr. Fink

Mr. Inzelbuch – “We will have a discussion.

Mr. Inzelbuch

But Debra if you can get Rosie to do those things for me, so I can work on it on Sunday.”

Mr. Silver – “Through the chair. I would like to make one more point or comment, and

Mr. Silver

possibly a motion as well. Many of these meetings get very heated sometimes, and there is a lot of different issues being discussed, and the Board members are all volunteers here. They try to do their best for all of the children of Lakewood and all the communities. And many, many times Board members can get confused because there are people in the audience, out of turn, sitting in their chairs talking and making comments to Board members. I think we need to make a motion that the rule that they are not allowed to do that has to be enforced.”

Mr. Inzelbuch – “It usually is at that side of the table.”

Mr. Inzelbuch

Mr. Silver – “Yes. I think if it does continue to happen, the individual who talks out of turn from their chair to Board

Mr. Silver

Pubilc Recog.

members, needs to be removed from the room.”

Mr. Ostreicher – “Wow.”

Mr. Ostreicher

Mr. Silver – “How else are you going to..”

Mr. Silver

Mr. Seitler – “I will second that motion.”

Mr. Seitler

Mr. Ostreicher – “Now we are getting a little silly, we can discuss this.”

Mr. Ostreicher

Mr. Inzelbuch – “You know what I think at this point, Mr. Silver, if I can ask can we discuss this at our next meeting, so we can have a meaningful discussion?”

Mr. Inzelbuch

Mr. Ostreicher – “That is precisely the point that I wanted to bring up.”

Mr. Ostreicher

Mr. Inzelbuch – “We can not have cross talk. Can we adjourn?”

Mr. Inzelbuch

Mr. Ostreicher – “Just one more second. I personally have some family issues to be taken care of on the 23rd of February, the date of the next meeting, is it possible to have the meeting on the 22nd? We have plenty of time and do we need a motion?”

Mr. Ostreicher

Mr. Inzelbuch – “Yes, you do.”

Mr. Inzelbuch

Mr. Seidler – “Second.”

Mr. Seidler

Mr. Inzelbuch – “The 22nd is a Tuesday. This way Mr. Fink and Mr. Ostreicher can be here.”

Mr. Inzelbuch

Mr. Seidler – “He says he can’t be here, he has a planning board meeting that night. Can we move it to Monday?”

Mr. Seidler

Mr. Inzelbuch – “The 21st.”

Mr. Inzelbuch

Public Recog.

Mr. Seidler – “That is President’s Day.”

Mr. Seidler

Mr. Fink – “Make it Thursday.”

Mr. Fink

Mr. Ostreicher – “That is fine with me.”

Mr. Ostreicher

Mr. Inzelbuch – “Thursday, the 24th with
public session at 8:00 p.m. and closed at
6:30 p.m. All in favor?”

Mr. Inzelbuch

Board members – “Aye, Aye, Aye.”

Board Members

Mr. Inzelbuch – “Anyone against? Please
advertise immediately of the date change
of the meeting. Motion to adjourn.”

Mr. Inzelbuch

Board Members – “Aye, Aye, Aye.”

Board Members

Meeting adjourned at: 10:30 a.m.

RESPECTFULLY SUBMITTED BY:

LISA MILLER,

ASSISTANT BOARD SECRETARY