

Special Meeting
South Orange-Maplewood
Board of Education
January 31, 2023

A Special Meeting of the Board of Education of South Orange-Maplewood was held in the District Meeting Room at the Administration Building, 525 Academy Street, Maplewood, New Jersey, as well as utilizing the online video conference platform on January 31, 2023.

Board President Kaitlin Wittleder called the meeting to order at 6:45 p.m.

Adequate written notice of this meeting of the South Orange-Maplewood Board of Education was sent to the Township and Village Clerks, The Star Ledger, the News Record, TAPintoSOMA.net, villagegreennj.com and posted on the District website.

ROLL CALL

Present: Board Member Bergin, Board Member Duvall Wilson,
Board Member Eckert, Board Member Gifford
Board Member Malespina, Board Member Telesford,
Board Member Vadlamani, Board Member Winkfield,
Board President Wittleder

Absent: None

NINE VOTING MEMBERS PRESENT

NOTICE OF THE MEETING

Please take notice that adequate notice of this meeting has been provided in the following manner:

- A. Written notice was sent from the Office of the Secretary of the Board at 6:30 p.m. on January 28, 2023.
- B. That said notice was sent via email to Maplewood and South Orange Township Clerks and the Editors of the News Record, Star Ledger, and the Village Green.

The Board of Education called a Special Meeting this evening to discuss ongoing transportation litigation with our attorneys and we will receive and update on the hearings from this week.

Motion made by Board President Wittleder, seconded by Board Member Malespina to approve the following:

SOUTH ORANGE-MAPLEWOOD BOARD OF EDUCATION RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, while the "Sen. Byron M. Baer Open Public Meetings Act" (N.J.S.A. 10:4-6 et seq.) requires all meetings of the South Orange Maplewood Board of Education to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be

discussed in "Executive Session," without the public being permitted to attend, and

WHEREAS, the Board has determined that one (1) issue is permitted by N.J.S.A 10:4 - 12 (b) to be discussed without the public in attendance and shall be discussed during an Executive Session to be held on Tuesday, January 31, 2023 at 6:45 PM, and

WHEREAS, the nine (9) exceptions to open the public meetings set forth in N.J.S.A 10:2-4(b) are listed below, and next to each exception is a box which will be marked when the issues to be privately discussed fall within that exception, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

X"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is attorney/client privilege, Transportation Litigation Status Update.

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

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

"(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body."

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the South Orange Maplewood Board of Education will go into Executive Session for the above stated reasons only; and

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

Motions unanimously approved.

**Board Members adjourned to Executive Session at 6:49 p.m.
Board Members reconvened at 7:56 p.m.
Nine Voting Members Present**

Pledge of Allegiance

BOARD PRESIDENT'S STATEMENT

The school board meeting is a business meeting in public and not a meeting with the public. Oftentimes it may appear to members of our audience that the Board of Education takes action with very little comment and in many cases a unanimous vote. Before a matter is placed on the agenda at a public meeting, the Administration has thoroughly reviewed the matter with the Superintendent of Schools/Chief School Administrator (CSA). If the Superintendent of Schools/Chief School Administrator is satisfied that the matter is ready to be presented to the Board of Education, it is then referred to the appropriate Board Committee. The Members of the Board Committee work with Administration and the Superintendent to assure that the members fully understand the matter. After the committee discusses the matter, it is then shared with the other Board members for consideration. Only then is it placed on the agenda for Board discussion and action at a public meeting.

HEARING OF INDIVIDUALS AND DELEGATIONS

Thank you for coming in-person and dialing-in by phone this evening. The South Orange - Maplewood Board of Education certainly respects that you've taken the time out of your busy day to address the Board at tonight's meeting. We value public involvement in our school district, and we are eager to hear what you have to say. The board does have time limits by policy, and it will be enforcing those to enable as many people to speak as possible this evening. Each individual will be given three minutes to speak, please do your best to stay within the time afforded to you. The first public comment period is usually limited to one hour and the second public comment period may be limited to thirty minutes. All input shared with the Board of Education is taken very seriously, and will inform future deliberations and work by the Board of Education and its committees.

The following community members commented on topics related to courtesy transportation, fair and equitable transportation for district students, long term solutions for transportation, hazardous routes, bus stops, crossing guards, bus capacity, transportation litigation/settlement and transportation related hardships: Mark Stephens, Jennifer Warren, Ben Smith, Matthew Safer, Alison Shames, Monica Burnett, Sarah Connelly, Lillian Harris, Elizabeth Fielder, Annemarie Conte, Jeffrey Bennett, Michael Trzcianowski, Andrew Flack, William Meyer, Rhea Beck, Abigail Murtagh, Julia Flath, Khadijah Costley White.

ITEM FOR ACTION

Motion made by Dr. Taylor, seconded by Board President Wittleder to move resolution 4409 for discussion and voting. Motion unanimously approved.

BE IT RESOLVED THAT the South Orange-Maplewood Board of Education hereby approves the terms of the interim agreement reached on January 25, 2023 at the Office of Administrative Law which was agreed to by all petitioners relating to the following Forty-four (44) students:

Student ID#:

1481698048	2080446561	5428297442
3118517219	8437481975	3840966763
2039768821	8522853836	2165710246
4934299478	2732323545	5474428899
6183599848	1236349696	4516376526
9568546342	1470589856	8670633185
3663499168	7460521930	4543538663
7689153537	5671241923	3225712079
5325181782	1267991271	4211086731
8581927678	7562135873	9828249515
7215713025	1468042166	6414138737
3155110310	1582022785	4975648566
6218963027	4200180328	3174312181
1654246694	2674136526	5606947612
6738149618	4041835580	

Board Member Vadlamani provided a rationale to the community on his plan to vote no on the proposed settlement resolution.

Board Member Winkfield expressed concern with the way today's Board meeting unfolded.

ROLL CALL: Motion 4409 PASSED YES: Duvall Wilson, Eckert, Gifford, Malespina, Wittleder NO: Bergin, Vadlamani, Telesford Winkfield

HEARING OF INDIVIDUALS AND DELEGATIONS

Community member Ritu Pancholoy spoke about the long term issue of pedestrian safety. Asked the Board what root cause analysis is being done to determine why we are here. What will be done to protect the students that did not receive transportation?

Community Member Jeffrey Bennett thanked the Board Members who voted yes to resolution 4409 and asked the Board to expedite changing policy 8600 for the current school year.

Community Member and former Board Member Erin Siders requested clarification regarding Board Member Malespina's vote on resolution 4409. Board Member Malespina previously recused herself on matters related to the BPW settlement. Has something changed with the School Ethics Commission's ruling? It was previously decided that

transportation and transportation related to the Intentional Integration plan fell with the BPW Settlement.

New Business

Board Member Bergin made a motion, seconded by Board Member Winkfield that this meeting will not count towards the number of virtual meetings the Board can attend under the policy that was passed last year due to the circumstances surrounding this meeting and board members not having adequate notice to plan.

Motion passed unanimously.

Future Meetings

The Board of Education will meet in Public Session on Thursday, February 23, 2023 at 6:00 pm in the District Meeting Room, 525 Academy Street, Maplewood, NJ. Immediately following the opening of Public Session, the board will move to go into a Closed Session in the Superintendent's Office, 525 Academy Street, Maplewood, NJ, as well as using an online video conference platform to discuss personnel, matters within the attorney-client privilege, legal, negotiations, and other matters that may arise and require discussion, to be announced at a later date. Immediately following the Closed Session, the Board of Education will meet in Public Session (estimated to be 7:30 pm) in the District Meeting Room, 525 Academy Street, Maplewood, NJ in person and utilizing an online video conference platform which will include Hearing of Individuals. The community can view the meeting by following the steps which will be listed on the agenda. If there are members of the community who would like to attend the meeting in person, please note that masks and social distancing are optional in accordance with the guidance received from the local DOH and the CDC. Action will be taken.

Board President Wittleder made a motion to adjourn. Motion to adjourn was unanimously approved at 9:13 p.m.

Eric Burnside, Board Secretary