

MINUTES OF THE SPECIAL PUBLIC BOARD MEETING
HELD FRIDAY, NOVEMBER 1, 2013 AT 4:00 P.M.
22 VALLEY ROAD, MONTCLAIR, NEW JERSEY

A. RESOLUTION FOR EXECUTIVE SESSION

At *4:00 p.m.* *Mr. Deutsch* moved the following resolution:

WHEREAS, the open Public Meetings Act, N.J.S.A.10:4-12, permits the Board of Education to meet in closed session to discuss certain matters,

NOW, THEREFORE, BE IT RESOLVED, the Board of Education adjourns to closed session to discuss:

1. Pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege;
2. Specific prospective or current employees unless all who could be adversely affected request an open session; and/or

AND BE IT FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.

Seconded by *Ms. Larson* and approved by a vote of 7-0.

B. EXECUTIVE SESSION

C. RETURN TO OPEN SESSION

At *4:40 pm* *Mr. Deutsch* moved that the Board reconvene in public session. Seconded by *Mrs. Larson* and approved by a vote of 7-0.

D. STATEMENTS

The meeting reconvened at *4:48 p.m.*

Let the minutes reflect that adequate notice of this meeting has been approved in the following manner:

1. On Tuesday, October 29, 2013 notice of this meeting was faxed to the Star-Ledger. The time, date and location of this meeting were accurately set forth therein.
2. On this same date a copy of said notice was filed with the Township Clerk and was posted at the public bulletin board in the first floor main hall of the Board of Education building, 22 Valley Road.

“Please be advised that this meeting is considered a public meeting under the law and may be taped, broadcast, used or reproduced in ways and in mediums beyond the control of the Board of Education.

Individual statements and opinions expressed are solely those of the speakers and do not necessarily represent the Montclair Board of Education.

Please keep in mind that if you directly disclose personally identifiable information or personally sensitive data regarding yourself or others during this public meeting, this information may be collected and used by others. Accordingly, the Board asks that members of the public be courteous and mindful of the rights of other individuals when speaking. Specifically, comments regarding students and employees of the Board are discouraged. Students and employees have specific legal rights afforded to them by the laws of New Jersey. The Board bears no responsibility and will not be liable for any comments made by members of the public. Speakers should therefore carefully evaluate their statements for individual consequences under the law, and should obtain any appropriate professional advice prior to speaking.”

E. THE PLEDGE OF THE ALLEGIANCE

The Pledge of Allegiance occurred at *4:50p.m.*

F. ROLL CALL

	PRESENT	ABSENT
David Cummings	<u> x </u>	<u> </u>
David Deutsch	<u> x </u>	<u> </u>
Robin Kulwin	<u> x </u>	<u> </u>
Leslie Larson	<u> x </u>	<u> </u>
Shelly Lombard	<u> x </u>	<u> </u>
Anne Mernin	<u> x </u>	<u> </u>
Norman Rosenblum	<u> x </u>	<u> </u>
Staff Members	<u> 6 </u>	
Members of the Public	<u> 10 </u>	
Members of the Press	<u> 2 </u>	

G. COMMENTS FROM THE PUBLIC – AGENDA ITEMS AND NON-AGENDA ITEMS

The Board offered the public an opportunity to comment on agenda and non-agenda items. No members of the public offered comments.

H. RESOLUTION RE: AUTHORIZATION TO CONDUCT INVESTIGATION/HEARINGS

Mrs. Lombard moved to approve the following resolution:

WHEREAS, the Montclair Board of Education has been provided with sufficient basis for believing that there has been an unauthorized release of proprietary/confidential District tests/assessments by District staff; and

WHEREAS, the act of releasing proprietary/confidential tests/assessments by District employees without authorization subjects such employees to disciplinary action, up to and including termination; and

WHEREAS, in anticipation of disciplinary hearings of John Doe(s) and/or Jane Doe(s) to be held before the Board, N.J.S.A. 18A:6-19 and 20 empowers the Montclair Board of Education with authority to issue subpoenas to any person within this State to provide relevant documents and/or appear before the Board to provide testimony regarding the unauthorized release of proprietary/confidential District tests/assessments by District staff; and

WHEREAS, pursuant to this authority, the Montclair Board of Education wishes to act as a Committee of the Whole for the purpose of conducting hearings regarding the suspected unauthorized release of proprietary/confidential District tests/assessments, as well as investigating other incidents of conduct contrary to the Board's best interest, as may be disclosed by further investigation; and

WHEREAS, the Montclair Board of Education wishes to appoint independent counsel for the purpose of prosecuting the investigation and hearings;

NOW, THEREFORE, BE IT RESOLVED that the Montclair Board of Education appoints Mark A. Tabakin, Esq., to conduct this investigation and hearings pursuant to the terms of his appointment as General Counsel to the Board; and

BE IT FURTHER RESOLVED that Mark Tabakin, Esq., is vested with the authority to issue subpoenas in the name of the Montclair Board of Education for the purpose of obtaining relevant documentation and/or testimony, and to take such other action as lawfully permitted in furtherance of this resolution to conduct the necessary investigation and prosecute hearings before the Board.

Seconded by *Ms. Larson* and approved by a roll call vote:

	AYE	NAY	ABSTAIN	ABSENT
David Cummings	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
David Deutsch	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Robin Kulwin	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Leslie Larson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Shelly Lombard	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Anne Mernin	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Norman Rosenblum	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

I. ANNOUNCEMENT OF FUTURE MEETING DATES

The next public meeting of the Board of Education will be held on Monday, November 18, 2013 and will open at 7:00 p.m. in public but will go immediately into executive session. The meeting will reconvene in public session at 7:30 p.m. This meeting will be held in the Auditorium at Montclair High School, 100 Chestnut Street.

J. ADJOURNMENT

At *5:00 pm* *Mr. Deutsch* moved to adjourn the meeting; seconded by *Mrs. Lombard* and approved by a vote of 7-0.

Respectfully submitted,

Brian Fleischer
Board Secretary