

**KINNELON BOARD OF EDUCATION
WORK SESSION
6:00 P.M.
FEBRUARY 11, 2021**

MINUTES

The Work Session Meeting of the Kinnelon Board of Education was held on Thursday, February 11, 2021 at 6:00 p.m.

Please be advised that the Kinnelon Board of Education work session meeting scheduled for February 11, 2021 will take place as planned. However, the meeting will occur electronically on a device or over the phone. In compliance with the Open Public Meetings Act, community members will have the opportunity to witness the BOE conduct business via phone or video conference. Public comments will be facilitated as usual.

The meeting will take place at 6:00 p.m. on Thursday through Zoom Webinar, a video and audio presentation application. The link for the webinar can be found on the Kinnelon Public Schools website just below the picture on the District Home Page.

I. OPENING OF THE MEETING BY THE PRESIDENT

Mr. Michael Petruccelli, Board President, called the meeting to order at 6:00 and read the Meeting Notice.

The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and to attend the meetings of public bodies at which any business affecting their interest is discussed or acted upon. In accordance with the provision of the act, the Kinnelon Board of Education has caused notice of this meeting to be published in the Suburban Trends on January 10, 2021, posted in the Kinnelon Public Library, filed with the Borough Clerk and posted on the District web site.

II. ROLL CALL

PRESENT	Mr. Michael Petruccelli, Board President Dr. Peter Hughes, Vice President Mrs. Karen D'Amico Mrs. Jean Donaldson Ms. Michelle Donus Mrs. Megan Fischbeck Mr. David Gigante
ABSENT	None
ALSO PRESENT	Kerry A. Keane, Business Administrator/Board Secretary Diane DiGiuseppe, Superintendent Claire Zhang, Student Representative

III. PLEDGE OF ALLEGIANCE

**MOTION BY DR. HUGHES, SECONDED BY MRS. FISCHBECK TO GO INTO RECESS UNTIL 7:00 P.M.
MOTION CARRIED BY VOICE VOTE WITH ALL PRESENT VOTING IN FAVOR.**

THE BOARD RECONVENED IN PUBLIC SESSION AT 7:04 P.M.

IV. CORRESPONDENCE

- E-mail from Mrs. Waibel

V. REPORT OF THE SUPERINTENDENT

Ms. DiGiuseppe, Superintendent reported on the following:

- Facebook post implied that Ms. DiGiuseppe made a deal with the KEA for \$45,000 give back. It has been taken down.
- State testing has been postponed. New date to be determined.
- The National Dialogue – opening schools.
- CDC updates for opening schools release date is 2/12/21.
- CALI report – region is still high risk/orange.
- Kinnelon High School to return Seniors to 4 days a week pilot.
- Wednesdays
- Hard decisions opening during a pandemic last summer.

Mr. Suda, High School Principal, spoke about the Seniors returning 4 days per week.

Mr. Rosenberg, High School Vice Principal, spoke about the timing of the turf field.

VI. PETITIONS AND HEARINGS OF CITIZENS – AGENDA ITEMS

Comments were made regarding:

- Mrs. U., parent, K-2 learning. Live streaming on hybrid days?
- Mrs. T., parent, Correspondence, how come today?
- Ms. E., parent, children in 4th and 1st grades, NCLB act and extra help.
- Mrs. W., parent, wrote the correspondence and is excited that we are looking at Board of Education policy.
- Mrs. M., parent, thanks for Wednesday/4 days per week for senior/juniors. Are there any plans for other grade levels?
- Ms. P., parent, Board of Education policy on 14 day quarantine. Younger students – are cohorts different sizes?
- Mrs. C., parent, what is included in the turf re-do project?
- Mrs. L., parent, resolution regarding claim against Board of Education. Can you clarify is it a two part process?

- Mrs. D., parent, any plans for next year with hybrid systems?
- Mrs. F., parent, BOE resolution question. It is all potential. How much in attorney fees and is it warranted?
- Mrs. K., Wednesday compromise. How many families like new format. How will Kinnelon High School opening compile with CDC?
- Mrs. O., teacher, Wednesday.
- Mrs. N., parent, Wednesday – ½ day virtual.
- Mrs. L., parent, parents don't think virtual is working.

Ms. DiGiuseppe, Superintendent, answered all question/concerns.

Mrs. D'Amico asked if she could comment at this time.

Mr. Petruccelli, Board President, explained what a Work Session is supposed to entail to the newer Board Members.

Mr. Petruccelli also summarized the Board Resolution regarding Mrs. D'Amico.

Discussion:

Mrs. D'Amico - wanted to make this resolution public, not behind closed doors. Explained what the resolution is all about.

Mr. Kyle Trent, Board Attorney – indicated that her perception of the resolution was absolutely untrue.

Mrs. Donaldson – needs more time on this to get an advisory opinion.

Mr. Trent – declaratory ruling is an advisory opinion.

Dr. Hughes – tried to break it down in simple terms.

Ms. Donus – heart hurts, this is not good for our community.

Mrs. Fischbeck – she is not a lawyer. Felt it supported Mr. Trent's case.

Mr. Gigante – whole thing is crazy- send it to the experts to decide. How much is Mrs. D'Amico's lawsuits costing the District? She wanted this in public. Why was the case dropped? It is a waste of Money. Mrs. D'Amico will drag it out in the courts.

Mr. Petruccelli – We chose a conflict attorney due to the letter of intent to re-file the case.

Mrs. D'Amico – tried to refute everyone's opinions. Wants a declaratory ruling.

Mr. Petruccelli – Just a declaratory ruling. Read it again. Amended motion passed.

VII. ACTION ITEMS

A. PERSONNEL COMMITTEE

(Mr. Petruccelli - Chair, Mrs. Donaldson, Dr. Hughes)

Agenda Item #1 represents the Personnel Committee's recommendations.

CERTIFIED STAFF

APPOINTMENTS

1. The Kinnelon Board of Education, upon the recommendation of the Superintendent, approves the appointment of **Abbey Lamberto** to the position of Leave Replacement Guidance Counselor at Kinnelon High School, MA Step 1, \$65,592(prorated), effective on or about February 22, 2021 through June 30, 2021. This action is pending successful completion of all required criminal background checks and approval by the New Jersey Department of Education.

MOTION BY MR. PETRUCCELLI, SECONDED BY MRS. FISCHBECK TO APPROVE ITEM #1 AS PRESENTED. MOTION CARRIED BY ROLL CALL VOTE WITH ALL PRESENT VOTING IN FAVOR.

B. COMMITTEE OF THE WHOLE

Agenda Item #1 represents the Committee of the Whole's recommendations.

BOARD RESOLUTION

1. **WHEREAS**, N.J.S.A. 18A:12-2 precludes any Board member from being "interested directly or indirectly in any . . . claim against the board"; and

WHEREAS, the need has arisen for the Kinnelon Board of Education to request a declaratory ruling from the Commissioner of Education regarding a potential disqualifying conflict of interest precluding Mrs. Karen D'Amico's continued membership on the Board pursuant to N.J.S.A. 18A:12-2 based on legal claims that she and her immediate family members have filed and apparently intend to re-file against the Board seeking substantial monetary relief; and

NOW, THEREFORE, BE IT RESOLVED, that the Kinnelon Board of Education authorizes and directs the Superintendent and Board Conflicts Counsel to initiate litigation requesting a declaratory ruling from the Commissioner of Education on the issue of Mrs. D'Amico's conflicts of interest under N.J.S.A. 18A:12-2 and to take any other action as may become necessary to address such conflicts issues on behalf of the Board.

MOTION BY MRS. DONALDSON, SECONDED BY MS. DONUS TO TABLE THE VOTE ON THE RESOLUTION. MOTION DID NOT PASS BY THE FOLLOWING ROLL CALL VOTE:

YES Mrs. D'Amico
 Mrs. Donaldson
 Ms. Donus

NO Mrs. Fischbeck
 Mr. Gigante
 Dr. Hughes

Mr. Petruccelli

After some discussion, a motion was made by Mr. Petruccelli, seconded by Dr. Hughes to amend the resolution as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Kinnelon Board of Education authorizes and directs the Superintendent and Board Conflicts Counsel to initiate litigation requesting a declaratory ruling from the Commissioner of Education on the issue of Mrs. D'Amico's conflicts of interest under N.J.S.A. 18A:12-2. (~~delete: and to take any other action as may become necessary to address such conflicts issues on behalf of the Board.~~)

MOTION WAS CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YES Mrs. D'Amico
 Mrs. Donaldson
 Ms. Donus
 Mrs. Fischbeck
 Mr. Gigante
 Mr. Petruccelli

NO Dr. Hughes

After additional discussion, a motion was made by Mrs. Donaldson, seconded by Ms. Donus to further amend the resolution as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Kinnelon Board of Education authorizes and directs the Superintendent and Board Conflicts Counsel to initiate litigation requesting a declaratory ruling from the Commissioner of Education **pursuant to N.J.A.C. 6A:3-2.1** on the issuer of Mrs. D'Amico's conflicts of interest under N.J.S.A. 18A:12-2.

MOTION WAS CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YES Mrs. D'Amico
 Mrs. Donaldson
 Ms. Donus
 Mrs. Fischbeck
 Mr. Petruccelli

NO Mr. Gigante
 Dr. Hughes

The following amended Resolution was read into the record.

WHEREAS, N.J.S.A. 18A:12-2 precludes any Board member from being “interested directly or indirectly in any . . . claim against the board”; and

WHEREAS, the need has arisen for the Kinnelon Board of Education to request a declaratory ruling from the Commissioner of Education regarding a potential disqualifying conflict of interest precluding Mrs. Karen D’Amico’s continued membership on the Board pursuant to N.J.S.A. 18A:12-2 based on legal claims that she and her immediate family members have filed and apparently intend to re-file against the Board seeking substantial monetary relief; and

NOW, THEREFORE, BE IT RESOLVED, that the Kinnelon Board of Education authorizes and directs the Superintendent and Board Conflicts Counsel to initiate litigation requesting a declaratory ruling from the Commissioner of Education **pursuant to N.J.A.C. 6A:3-2.1** on the issuer of Mrs. D’Amico’s conflicts of interest.....

THE AMENDED RESOLUTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE:

YES	Mrs. D’Amico
	Mrs. Donaldson
	Ms. Donus
	Mrs. Fischbeck
	Mr. Gigante
	Dr. Hughes
	Mr. Petruccelli

VIII. REVIEW OF FEBRUARY 25, 2021 AGENDA

The Board reviewed the motions slated for the meeting on February 25, 2021.

IX. COMMITTEE REPORTS

- A. Personnel
(Mr. Petruccelli - Chair, Mrs. Donaldson, Dr. Hughes)
 - Committee has not met yet
- B. Education
(Mrs. Fischbeck – Chair, Dr. Hughes, Mr. Gigante)
 - Committee met in January. Thank you to Ms. DiGiuseppe and Mr. Suda for all of the progress that has been made. Next meeting on 2/23.
- C. Policy
(Dr. Hughes - Chair, Mrs. D’Amico, Mr. Petruccelli)
 - Meeting will be set up soon.
- D. Finance/Budget
(Mrs. D’Amico - Chair, Mrs. Donaldson, Mrs. Fischbeck)
 - Committee met on 2/8/21. Going through food service and transportation. Revisiting cameras on buses. Next meeting on 2/12/21.

- E. Security/Facilities
(Mr. Gigante – Chair, Mrs. D'Amico, Ms. Donus)
- Mr. Rosenberg has done a log for the turf field project.
- F. Negotiations
(Ms. Donus - Chair, Mrs. Fischbeck, Mr. Petruccelli)
- G. Delegates
1. New Jersey School Boards Association
(Dr. Hughes)
 - NJSBA Conference will be virtual.
2. Morris County School Boards Association
(Mrs. Fischbeck)
3. Legislative Representative
(Mrs. D'Amico)
 - A bill is being presented to inform High School students about apprenticeships. Also, Middle School and High School instruction in evolution of public health history of vaccines.
4. Morris County Educational Services Commission
(Mrs. Donaldson)
- H. Coordinating Committee
(Mrs. Donaldson - Chair, Mrs. Fischbeck, Mr. Petruccelli)
- Committee is meeting on 3/1/21.
- I. Teacher Liaison Committee
(Mr. Gigante - Chair, Ms. Donus, Mr. Petruccelli)
- Committee had a good meeting. Will continue to meet once a month with a representative from each school.
- J. Kamelot
(Mr. Gigante)
- K. Kinnelon Education Foundation
(Ms. Donus)
- L. Student Representative
(Claire Zhang)

Claire Zhang, Student Representative reported on the following:

- High School academic decathlon advancing to States
- Donation of 7,00 masks to donate
- Sending Valentine treats to everyone
- Pearl Miller orientation meeting

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

Mrs. D'Amico suggested making a motion to vote for State Guidelines regarding quarantines.

Mrs. D'Amico – K-2 education concerns. Mrs. Oluwole, Kiel Principal, reviewed the schedule.

XII. PETITIONS AND HEARINGS OF CITIZENS – NON AGENDA ITEMS

Comments were made regarding:

- Mr. M., Borough Council, trying to set up meetings to have open dialogue as a parent, concerned that the BOE is trying to disqualify a Board Member.
- Mrs. D., parent, can health commissioner decide on 3 feet away issue. K-2 grade issues.
- Mrs. L., parent, apologized for before. To all, I belong to a union, many co-workers got sick, but we need to know if our kids are going back to school.
- Mrs. L., parent, contract transparency. The legal proceedings cost time and money. Primary goal is to get children back to school.
- Mrs. D., parent, Kindergarten issue is still not resolved.
- Mrs. M., Wednesday – how are virtual students doing this?
- Mrs. U., parent, there are many different opinions.
- Mrs. F., parent, Every BOE member has conflicts. What about a survey.
- Mrs. W., parent, thanked the Board for their ethics. Was Mrs. D'Amico allowed to vote on the resolution? Has serious concerns about her ethics.
- Mrs. T., parent, Back in 2019 we lost a good teacher
- Mrs. D., parent, thanks for resolution on vaccines and gives Mrs. D'Amico credit for bringing her concerns to the public. Offended about the last comment.
- Mrs. F., parent, our meetings are disgraceful.
- Mrs. C., parent, Is Mrs. D'Amico willing to sign a claim saying she won't sue. Leave replacement Guidance Counselor.
- Ms. B., parent, Special Education – thanked Mrs. D'Amico

Ms. DiGiuseppe, Superintendent, responded to all question/concerns.

XIII. BOARD MEMBER COMMENTS

- Mrs. Donaldson – Thanked all for answering questions. It was Mrs. D'Amico's choice to have the discussion in public. We are in a survival situation.
- Mrs. D'Amico – Will continue to advocate for change and to have best for the children. We need to move forward.
- Mrs. Fischbeck – Long night. I don't want to spend our meetings like this. We need to uphold the Code of Ethics. Shout out to Rutgers students who earned 98 credits. Academic Decathlon – yea!! SOARS program at PRM was great.
- Mr. Gigante – Many kids are out there shoveling snow for the elderly, this is what our community is about. We need to focus on that. Thanks to Jean Donaldson for trying to make senior year memorable.
- Ms. Donus – Thanks to Mrs. Donaldson, thanks to all participants who support us.

- Dr. Hughes – Thanks for shout out to Fayson Lakes kids. Thanks to Mrs. Donaldson regarding the communication e-mail. We are working to get teachers vaccinated.
- Mr. Petruccelli – KPAC session on resilience for kids had Fifty-six attendees. Making kids the priority.

XIV. ADJOURNMENT

MOTION BY DR. HUGHES, SECONDED BY MRS. FISCHBECK TO ADJOURN THE MEETING AT 11:21 P.M. MOTION CARRIED BY VOICE VOTE WITH ALL PRESENT VOTING IN FAVOR.

MEETING ADJOURNED.

Respectfully submitted,

Kerry A. Keane
Board Secretary