

EXTRACT OF THE MINUTES OF A MEETING OF
THE BOARD OF EDUCATION OF
THE BOROUGH OF HASBROUCK HEIGHTS
COUNTY OF BERGEN, NEW JERSEY
AS RECORDED IN THE OFFICIAL MINUTE BOOK

The Board of Education of the Borough of Hasbrouck Heights, in the County of Bergen, New Jersey, convened in Special Session on November 12, 2015 6:01 p.m.

The following resolution was moved by J. Samperi, seconded by C. Doheny:

**RESOLUTION OF THE HASBROUCK HEIGHTS BOARD OF EDUCATION
COUNTY OF BERGEN
STATE OF NEW JERSEY
INVOKING THE DOCTRINE OF NECESSITY**

WHEREAS, the School Ethics Act, N.J.S.A. 18A:12-21 *et seq.* was enacted by the New Jersey State Legislature to ensure and preserve public confidence in school board members and school administrators, and to provide specific ethical standards to guide their conduct; and

WHEREAS, questions arose regarding how a Board should invoke the Doctrine of Necessity when a quorum of a Board of Education has conflicts of interest on a matter required to be voted upon; and

WHEREAS, the School Ethics Commission (“Commission”) provided guidance in Public Advisory Opinion A03-9 (April 1, 1998); and

WHEREAS, the opinion set forth that, when it is necessary for a Board to invoke the Doctrine of Necessity, the Board should state publicly that it is doing so, the reason that such action is necessary, and the specific nature of the conflicts of interest; and

WHEREAS, the School Ethics Commission, by resolution dated February 25, 2003, clarified and required a Board of Education invoking the Doctrine of Necessity to adopt a resolution setting forth that they are invoking the Doctrine, the reason for doing so, and the specific nature of the conflicts of interest; and

WHEREAS, the School Ethics Commission further directed Boards of Education that invoke the Doctrine to read the resolution at a regularly scheduled public meeting, post it where it posts public notices for thirty (30) days, and provide the Commission with a copy; and

WHEREAS, the Hasbrouck Heights (“Board”) needs to discuss and vote on whether to enter into a Collective Bargaining Agreement with the Hasbrouck Heights Education Association for the period of July 1, 2015 through June 30, 2018; and

WHEREAS, the Board Attorney, Jessika Kleen, Esq., has reviewed the advisory decisions of the Commission and determined board member conflicts would otherwise prohibit five (5) of the nine (9) members of the Board from voting on said agreement; and

WHEREAS, board President Robert Salerno has a relative employed in the District, who is part of the collective bargaining unit; and

WHEREAS, board Vice President Joseph Samperi’s spouse is an educator in a neighboring district and member of the NJEA; and

WHEREAS, board member Lillian Romano is an educator in a neighboring district and is a member of the NJEA; and

WHEREAS, board member Robert LaMorte is educator in a neighboring district and is a member of the NJEA; and

WHEREAS, board member Debra Bruno is an educator in a neighboring district and member of NJEA; and

WHEREAS, the inability of the above five (5) board members to participate in this process results in the lack of a quorum; and

WHEREAS, in order to discuss and vote on whether to enter into a collective bargaining agreement with the Hasbrouck Heights Education Association from the period between July 1, 2015 and June 30, 2018, as required by law and contract, the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Hasbrouck Heights Board of Education, County of Bergen, State of New Jersey, as follows:

1. That the five (5) board members, as noted above, are in conflict by virtue of the reasons set forth above, the Board therefore invokes the Doctrine of Necessity in order to discuss and vote on the Collective Bargaining Agreement with the Hasbrouck Heights Education Association.

2. That this resolution shall be read at the public meeting of November 12, 2015 and shall be posted where it posts public notices for thirty (30) days.

3. That a copy of this resolution shall be forwarded to the School Ethics Commission by the Board Attorney.

Roll Call:

Ayes: Ms. Bruno, Mrs. Caruso, Mrs. Doheny,
Mrs. Romano, Mr. Salerno, Mr. Samperi, Mr. Stefanelli

Abstain: Mr. Rinke Nays: None

Absent: Mr. LaMorte

Resolution Approved

STATE OF NEW JERSEY- COUNTY OF BERGEN

I, Dina Messery, Board Secretary of the Borough of Hasbrouck Heights Board of Education in the County of Bergen, State of New Jersey, hereby, certify that the foregoing extract from the minutes of the meeting of the Board of Education of said district duly called and held on November 12, 2015, has been compared by me with the original minutes as officially recorded in my Office in the Minute Book of said Borough of Hasbrouck Heights Board of Education, and is a true, complete copy thereof and of the whole of said original minutes so far as the same relate to the subject matter referred to in said extract. In witness I have hereunto set my hand and affixed the corporate seal of said Board of Education this 17th day of November.

Dina Messery
Board Secretary