

ATLANTIC CITY BOARD OF EDUCATION
Special Meeting
June 24, 2020 – 5:00pm

Call To Order The special meeting of the Atlantic City Board of Education was called to order by Mr. Devlin at 5:05pm.

Roll Call At the call of the roll, members present included Mrs. Bailey, Mrs. Byard, Mr. Chowdhury, Mr. Devlin, Mr. Herbert, Mr. Hossain, Mr. Islam, Mr. Steele and Mr. Thomas.

Also present Monitor Mr. Fisher (via Zoom), Superintendent Mr. Caldwell, Assistant Superintendent Mrs. Yahn, Business Administrator Mrs. Ricketts (via Zoom), General Counsel Mrs. Riley, Director Ms. Saunders (via Zoom and Board Secretary Mrs. Brown.

Statement of Notice

A notice of the special meeting was published in the Press of Atlantic City, mailed to the City Clerk and posted on the bulletin board of the CitiCenter Building at 1300 Atlantic Avenue, Atlantic City, New Jersey 08401 on June 22, 2020.

Flag Salute: Mr. Devlin led those assembled in the flag salute.

Vision: The Atlantic City District recognizes the urgency to provide resources to improve instruction through exemplary and diverse practices which are monitored and analyzed through student achievement data. The District has the expectation that all students will achieve the New Jersey Student Learning Standards at all grade levels.

Mission: In order to meet the needs of all students, the District is committed to increasing student learning and improving teaching in the core academic subjects by using instructional strategies aligned with the New Jersey Core Curriculum Content Standards and based on Scientifically Based Research. Parents will be active partners and key stakeholders with the Atlantic City School District to support their student's intellectual, emotional, physical and social growth.

Superintendents Report – No Report

Public Discussion – None

Closed Session

On a motion made by Mrs. Bailey and seconded by Mr. Devlin, the Atlantic City Board of Education voted unanimously to go into closed session for approximately 2 to 3 hours.

BOARD OF EDUCATION OF THE CITY OF ATLANTIC CITY
RESOLUTION AUTHORIZING AN EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and
WHEREAS, the Board of Education of the City of Atlantic City has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and
WHEREAS, the regular meeting of this Board of Education will reconvene at the conclusion of closed session, at approximately 2 – 3 hours.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the City of Atlantic City will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon:);

Any matter in which the release of information would impair a right to receive funds from the federal government;

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Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

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;

Any matter involving the purpose, 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;

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; 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: **DONALDSON HEARINGS, JOHN TOLAND**

(If contract negotiation the nature of the contract and interested party is) (Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the District's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

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*, 124 N.J. 478, the employee(s) nature of discussions are employment requirements/modifications.

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;

BE IT FURTHER RESOLVED that the Board of Education hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Board Attorney advises the Board of Education that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the School District or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Board of Education, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Board Secretary to take the appropriate action to effectuate the terms of this resolution.

I, Angela Brown, Board Secretary do hereby certify the above to be a true and correct copy of a resolution adopted by the Board of Education of the City of Atlantic City at their meeting held on June 24, 2020.

RETURN TO OPEN SESSION

On a motion made by Mrs. Bailey and seconded by Mr. Devlin, the Atlantic City Board of Education voted unanimously to return to open session at 10:04pm.

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BUILDINGS & GROUNDS #1

Mr. Herbert – Chairperson

On a motion made by Mr. Herbert and seconded by Mr. Hossain, the Atlantic City Board of Education voted to approve Buildings & Grounds resolution #1 to award a professional services contract to Alaimo Group, 200 High Street, Mt. Holly, NJ 08060 for the provision of engineering and architectural services, effective July 1, 2020 through June 30, 2021. The award is pursuant to N.J.S.A. 18A:18A-5 as such services are exempt from public advertising for bids and bidding and the contract period is pursuant to N.J.S.A. 18A:18A-42; services will be as needed and charged to account numbers 11-000-230-334-xx-xxx-xxx or 12-000-400-334-xx-xxx-xxx. Fee schedule is as follows: At the call of the roll the vote was as follows: Mrs. Bailey-yes; Mrs. Byard-yes; Mr. Chowdhury-yes; Mr. Devlin-abstain; Mr. Herbert-no; Mr. Hossain-no; Mr. Islam-no; Mr. Steele-yes; Mr. Thomas-yes. Of nine members present, four voted in the affirmative, four voted in the negative and one abstained. The motion failed to carry.

Failed ACBOE – Over ruled State Monitor.

Professional Category	Hourly Rate
Principal	\$235
Senior Associate	\$230
Associate	\$225
Architect	\$225
Senior Project Engineer	\$205
Project Engineer	\$195
Senior Project Manager	\$205
Project Manager	\$195
Resident Manager	\$185
Designer CAD	\$175
Surveying-Supervisor	\$185
Surveying-Chief	\$185
Surveying- Fieldman	\$175
Resident Representative- Chief	\$180
Resident Representative- Coordinator	\$180
Resident Representative- Representative	\$170
Technical/Word Processor	\$105

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Mileage charges are based upon IRS approved rates for the current year.

Prints, copies and other out-of-pocket expenses billed at direct cost.

AutoCad billed at \$20 per hour.

Robotic Total Station billed at \$40 per hour.

Global Positioning System billed at \$60 per hour.

On July 2, 2020, State Monitor Ronald Fisher addressed a letter to President Mr. Devlin advising Title 18A:7A-55 b (1) states “...the state monitor shall oversee the fiscal management and expenditures of school district funds...” and Title 18A-7Ab (4) states “... the state monitor shall oversee all district staffing, including the ability to hire promote and terminate employees...”. Therefore, I am exercising my authority under Title 18A:7A-55 b and over ruling the actions of the ACBOE with regards to all 8 failed agenda items noted in the first paragraph. The administration is hereby authorized to act in accordance with this reversal on agenda item #1. (attached and considered part of the permanent record).

GOODS & SERVICES

Mr. Herbert – Chairperson

1. Extend the current Healthcare and Dependent Care Flexible Spending Account (FSA) claims incurrence deadline from June 30, 2020 to December 31, 2020 due the COVID-19 National Emergency.

2. Approve the following:

WHEREAS, Celeste Ricketts, School Business Administrator possesses a Qualified Purchasing Agent (QPA) certificate;

WHEREAS, the State Treasurer, in consultation with the Governor and pursuant to N.J.S.A. 52:34-7, and N.J.S.A. 18A:18A-3 (b), has increased the bid threshold amount for school districts with a Qualified Purchasing Agent , from \$40,000 to **\$44,000**, effective July 1, 2020;

NOW, THEREFORE BE IT RESOLVED that the Atlantic City Board of Education pursuant to N.J.S.A. 18A:18A-3 (a) and N.J.A.C. 5:34-5.4, establishes and sets the bid threshold amount of **\$44,000** for the Board of Education, and further authorizes Celeste Ricketts, the Qualified Purchasing Agent, to award contracts, in full accordance with N.J.S.A. 18A:18A-3 (a), for those purchases that do not exceed in the aggregate of the newly established bid threshold amount. **MOTION FAILED**

3. Approve the Business Administrator to join/renew the New Jersey Schools Insurance Group, with other school districts in organizing and becoming members of the New Jersey Schools Insurance Group for the purpose of forming self-insurance pools from July 1, 2020 - June 30, 2021 and further approve the Indemnity and Trust Agreement renewal with New Jersey School Insurance Group, **per Exhibit A.**

4. Approve the Report of Payments for the period 6/17/2020 – 6/24/2020, in the amount of \$474,500.31, **per Exhibit B.**

5. Approve the Open Purchase Order Report for the period 6/17/2020 – 6/24/2020, in the amount of \$627,453.86, **per Exhibit C.**

