

# LITTLE EGG HARBOR TOWNSHIP SCHOOL DISTRICT

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## Certification

I certify that these are the true and exact minutes of Little Egg Harbor Board of Education Board Regular Meeting held on May 25, 2018.

**Doctrine of Necessity:** Motion by J. Bellone. Seconded by M. Maleski.

***BE IT HEREBY RESOLVED BY THE LITTLE EGG HARBOR BOARD OF EDUCATION***  
at the Special Board of Education meeting held on May 25, 2018 accept the following doctrine of necessity resolution:

***WHEREAS***, the Township of Little Egg Harbor Board of Education (the “Board” or “District”) is a body politic and corporate in the State of New Jersey, legally designated as a local educational agency, and charged with the responsibility of operating the public schools in the Township of Little Egg Harbor and providing a thorough and efficient education for students of the Township of Little Egg Harbor; and

***WHEREAS***, the Board, in discharging its obligations, and pursuant to Title 18A of the New Jersey Statutes is authorized by New Jersey law, New Jersey Department of Education rules and regulations and Board policy, rules, and regulations to enter into Shared Services Agreements for a Shared Superintendent (“SSA”) and approve a Shared Superintendent of Schools (the “Shared Superintendent”); and

***WHEREAS***, the Board received approval from the Commissioner of Education to enter into the SSA for a Shared Superintendent with Pinelands Regional School District (“PRSD”); and

***WHEREAS***, as a result of the various conflicts of interest, a quorum of the Board would be prohibited under the School Ethics Act to consider or otherwise vote on the these matters; and

***WHEREAS***, in accordance with School Ethics Commission (the “Commission”) Advisory Opinions, the School Ethics Act N.J.S.A. § 18A:12-21, et seq., and the School District Fiscal Accountability Regulations N.J.A.C. § 6A:23A-1.1, et seq., a board member who has an immediate family member, relative, spouse, or “other” employed within the school district in which they are on the board is otherwise precluded from discussing or voting on matters that affects or may affect their employment including matters regarding the employment of

individuals who supervise or evaluate them or who may supervise or evaluate them such as the SSA and the Shared Superintendent and in accordance with the Advisory Opinions, Laws and Regulations listed above and in accordance with but not limited to N.J.S.A. § 18A:12-24 (c) if a board member or a member of his immediate family is employed by PRSD or has some type of personal involvement that creates a benefit to the board member from PRSD the board member would be precluded from discussing or voting on matters that affects or may affect their own personal involvement and employment with PRSD including but not limited to matters regarding the employment of individuals who supervise or evaluate them or who may supervise or evaluate them such as the SSA and Shared Superintendent; and

**WHEREAS**, as a result of various conflicts of interest, a quorum of the Board would be prohibited under the School Ethics Act to consider or otherwise vote on these matters; and

**WHEREAS**, specifically, the following conflicts of interest exist:

- Mr. Matthew Maleski: is employed as an Assistant Principal at the Pinelands Regional School District, is supervised by the Superintendent, and as such could be perceived as a direct or indirect beneficiary from the appointment of the Prospective Shared Superintendent and the Shared Services Agreement for Shared Superintendent between Little Egg Harbor School District and Pinelands Regional School District, Michelle Maleski, Wife, is employed as a Teacher at the Pinelands Regional School District, and is supervised by the Superintendent, and as such could be perceived as a direct or indirect beneficiary from the appointment of the Prospective Shared Superintendent and the Shared Services Agreement for Shared Superintendent between Little Egg Harbor School District and Pinelands Regional School District.
- Mr. James Becker: is employed as a Teacher at the Pinelands Regional School District, is supervised by the Superintendent, and as such could be perceived as a direct or indirect beneficiary from the appointment of the Prospective Shared Superintendent and the Shared Services Agreement for Shared Superintendent between Little Egg Harbor School District and Pinelands Regional School District
- Mrs. Martha “June” Palan: Trina Reigelman, Daughter is employed as a Para Professional (Aide) and Energy Education Specialist in the Little Egg Harbor School District, is supervised by the Superintendent, and as such could be perceived as a direct or indirect beneficiary from the appointment of the Prospective Shared Superintendent and the Shared Services Agreement for Shared Superintendent between Little Egg Harbor School District and Pinelands Regional School District
- Mr. John Bellone: was hired as the new Facilities Manager for the Pinelands Regional School District during the April 18, 2018 Pinelands Regional Board of Education Meeting, the Facilities Manager is ultimately supervised by the Superintendent, and as such could be perceived as a direct or indirect beneficiary from the appointment of the Prospective Shared Superintendent and the Shared Services Agreement for Shared Superintendent between Little Egg Harbor School District and Pinelands Regional School District.

**WHEREAS**, with a quorum of the Board prevented from reviewing and discussing the Board's Prospective Shared Superintendent and SSA the Board would not be able to take formal action thereon; and

**WHEREAS**, the SEC beginning with Advisory Opinion A03-98 (April 1, 1998) and continuing with its Resolution of February 25, 2003, has advised school boards facing similar circumstances with respect to invoking the Doctrine of Necessity so as to allow formal action to be taken by the Board, any conflicts of interest notwithstanding; and


**WHEREAS**, the Board determines in this instance that it is appropriate to invoke the Doctrine of Necessity so as to allow the Board to review and take formal action as appropriate to approve the SSA and Shared Superintendent; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the Township of Little Egg Harbor, County of Ocean and State of New Jersey that, in light of the conflicts of interest recited herein, the Board invokes the Doctrine of Necessity in accordance with the guidance provided by the SEC so as to allow all Board Members to: (1) review and take formal action to approve the SSA and Shared Superintendent. This Resolution shall be read at a regularly scheduled public meeting of the Board, and shall be posted by the Board Secretary in a location where other public notices are posted for a period of no less than thirty (30) days. A certified copy of this Resolution shall be filed by the Board Secretary and with the SEC forthwith.

Roll Call:

Mr. Becker	- Yes	Mr. Moncrief	- Yes
Mr. Bellone	- Yes	Mrs. Palan	- Yes
Dr. Gross	- Abstained	Mr. Daleo	- Yes
Mr. Maleski	- Yes		

The Board Secretary stated the motion carried.

  
Mr. Nicholas Brown  
School Business Administrator