

**GARFIELD BOARD OF EDUCATION - Regular Meeting - September 29, 2014**

**09-178-14** 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 Garfield Board of Education desires to evaluate, take personnel action and discuss pending litigation regarding Superintendent Nicholas Perrapato, and,

WHEREAS, the Board Attorney, in consultation with the New Jersey School Boards Association, has reviewed the advisory decisions of the Commission and determined board member conflicts prohibit all nine (9) members of the Board from fully evaluating the Superintendent, from taking personnel action against the Superintendent, and discussing the pending litigation; and

WHEREAS, the nine (9) board member conflicts are as follows:

1. Dr. Kenneth Conte - Cousin - Superintendent of Schools
2. Anthony Barckett - Brother Principal
3. Jeff Stewart - Wife - Early Childhood Principal
4. Salvatore Benanti - Daughter - Principal
5. Richard Giacomarro - Nephew - Assistant Director of Athletics
6. Charles Nucifora - Sister-in-Law - Teacher
7. Elizabeth Gray - Son - Dean of Students
8. Richard Derrig - Wife PCA & Brother - Custodian
9. Jack Mazzola - Brother - Custodian

WHEREAS, the inability of the above nine (9) board members to participate in this

process results in the lack of a quorum; and

**WHEREAS**, in order to evaluate or take personnel action against the Superintendent, or discuss pending litigation the Board must have a quorum; and

**WHEREAS**, the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission in order to evaluate and/or take other personnel action and discuss litigation regarding the Superintendent.

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

1. That the nine (9) board members, as noted above, are prohibited from evaluating, taking action, discussing litigation or otherwise discussing the performance of the Superintendent, and the Board therefore invokes the Doctrine of Necessity in order to evaluate, and take personnel action and discuss litigation regarding Superintendent Nicholas Perrapato.
2. That this resolution shall be read at a scheduled public meeting of the Board and be posted on the Board's website for 30 days.
3. That a copy of this resolution shall be forwarded to the School Ethics Commission.

Consent Agenda: Personnel 156-179

MOTION: Mr. Barckett		SECOND: Ms. Gray		
	YES	NO	ABSTAIN	ABSENT
Mr. Mazzola (Jack)	X		09-165-14 # 2	
Mr. Derrig (Richard)	X			
Ms. Gray (Elizabeth)	X			
Mr. Stewart (Jeff)	X			
Mr. Benanti (Salvatore)				Excused
Mr. Nucifora (Charles)	X		09-176-14	
Dr. Conte (Kenneth)	X		09-159-14 # 1	
Mr. Barckett (Anthony)	X			
Mr. Giacomarro (Richard)	X			

I, Dr. Edward F. Izbicki Sr., Secretary of the Garfield Board of Education, hereby certify that the foregoing is a true copy of a motion duly adopted by said Board at a Regular Meeting held on September 29, 2014.

IN WITNESS WHEREOF, I have set my hand and the seal of the Garfield Board of Education, September 30, 2014.

  
Dr. Edward F. Izbicki, Sr. - Board Secretary  
Garfield Board of Education