



***East Brunswick Board of Education
Board Meeting Minutes
April 4, 2024***

CALL TO ORDER AND ROLL CALL AT 5:04 PM

Board Member	Present	Absent	Late
Mrs. Vicki Becker	X		
Mr. Timothy Cummings	X		
Ms. Heather Guas, Vice President			X
Mrs. Laurie Herrick	X		
Mr. Liwu Hong			X
Mrs. Barbara Reiss	X		
Mrs. Laurie Lachs, President	X		
Totals	5		2

With a quorum of five Board members being present, the meeting proceeded with Mrs. Lachs presiding.

Mrs. Guas arrived at 5:05 PM.

Others Present
Dr. Victor P. Valeski Superintendent of Schools
Mr. Bernardo Giuliana, SFO, QPA Assistant Superintendent for Business and Support Operations/Board Secretary
Mr. Joseph Crotchfelt, CPA Director of Financial Services
Ms. Frances Febres, Esq. Board Attorney

PLEDGE OF ALLEGIANCE

PRESIDENT'S ANNOUNCEMENT

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 interests is discussed and acted upon. In accordance with the provisions of this Act, the East Brunswick Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted at the Board of Education offices, located at 760 Route 18, East Brunswick, New Jersey. Written notice was also provided to the Sentinel, The Newark Star Ledger, The Home News Tribune, The Alternative Press of East Brunswick, and the Municipal Clerk of East Brunswick.

All Board of Education meetings, with the exception of executive session discussions, are videotaped for later broadcast. It is the policy of the Board of Education that videotaped meetings are not edited for any purpose. Individuals who speak at the Board's public meetings should be aware of these videotaping rules.

FOR THE GOOD OF THE CAUSE FOR THE PUBLIC

Public Comment Rules

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest. To protect the privacy of all students and staff, concerns regarding individual students and staff members should generally be addressed by first meeting with the appropriate administrative staff.

In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public comment at every meeting of the Board.

Public participation shall be permitted only as indicated on the order of business in Board Bylaw No. 0164.

Public participation shall be extended to residents of this district, persons having a legitimate interest in the actions of this Board, persons representing groups in the community or school district, representatives of firms eligible to bid on materials or services solicited by the Board, and employees and pupils of this district, except when the issue addressed by the participant is subject to remediation by an alternate method provided for in policies or contracts of the Board.

Public participation is not an opportunity to engage in a dialogue with the Board and shall be governed by the following rules:

1. A participant must be recognized by the presiding officer and must preface comments by an announcement of his/her name, place of residence, and group affiliation, if appropriate;
2. A participant is limited to three (3) minutes' duration; elapsed time will be determined through the use of a timing device operated by the Board Secretary;
3. No participant may speak more than once and there shall be no yielding of time among speakers;
4. All statements shall be directed to the presiding officer; no participant may address or question Board members individually;
5. There shall be no cross dialogue between the participant and the Board and/or Administration;

6. Upon conclusion of a participant's remarks, the presiding officer will acknowledge the individual's remarks and may respond and/or direct a member of the Administration to respond to an inquiry following the participant's remarks or at the conclusion of the public participation session;

The presiding officer may:

- a. Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, abusive, obscene, or irrelevant;
- b. Request any individual to leave the meeting when that person does not observe reasonable decorum;
- c. Request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
- d. Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action; and
- e. Waive these rules when necessary for the protection of privacy or the efficient administration of the Board's business.

N.J.S.A. 2C:33-8

N.J.S.A. 10:4-12

Mr. Aryan Rayana proposed a new club, Politics for Teens, at East Brunswick High School.

FINANCIAL SERVICES

1. Shared Services Agreement Between The Township Of East Brunswick And The Board Of Education Of The Township Of East Brunswick - 2024-2029 Financing (Roll Call)

A new Shared Services Agreement is required to finance capital construction and renovations, and the acquisition of instructional and non-instructional items and equipment as described in the resolution.

The planned payments take into consideration the debt expiring in FY2025. Overall, a level- debt structure will be maintained. Similar financing has been utilized in past years and resulted in substantial interest cost savings to East Brunswick's taxpayers.

It is recommended that the Board approve financing through a Shared Services Agreement with the Township of East Brunswick and for which the Township has committed to enabling the financing. The Township Council is anticipated to approve the Agreement at an upcoming meeting.

Recommendation: That a Shared Services Agreement with the Township of East Brunswick is approved as attached, subject to legal review, for a term commencing April 4, 2024 and ending on August 31, 2029 with a repayment term not to exceed five years as reflected in the attachment.

Board Member	Moved	Second	Aye	Nay	Abstention	Did Not Vote
Mrs. Becker	X		X			
Mr. Cummings		X	X			
Ms. Guas			X			

Mrs. Herrick			X			
Mr. Hong						Absent
Mrs. Reiss			X			
Mrs. Lachs			X			
Totals			6	0		

The above action was unanimously approved by a roll-call vote.

COMMITTEE REPORTS, INFORMATION ITEMS AND FOR THE GOOD OF THE CAUSE FOR THE BOARD

CLOSED SESSION

Closed Session Resolution

Recommendation: WHEREAS, the Board of Education must discuss matters which are not appropriate for discussion in a public meeting; and

WHEREAS, these subjects are within the exceptions to the Open Public Meetings Act and are permitted to be discussed in Closed Session pursuant to N.J.S.A. 10:4-12b; and

WHEREAS, the Board of Education intends to discuss matters as follows:

- Pursuant to N.J.S.A. 10:4-12b(4), “any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.” The collective bargaining contract(s) discussed are between the Board and: East Brunswick Education Association; East Brunswick Principals and Supervisors Association.
- Pursuant to N.J.S.A. 10:4-12b(7), “any pending or anticipated litigation or contract negotiation other than in subsection b. (4)” of N.J.S.A. 10:4-12 “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.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is: Legal advice.
- Pursuant to N.J.S.A. 10:4-12b(8), “any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or discipline 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.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is: Employee Nos. 23648, 25950, 23074, 20905, 21408, 25768, 20657, 14054, 26094, 11631, 24118, 20394, 26518, 26115, 23196, 22428, 12349, 23645, 22437, 22714, 21015, 10729, 24677,

21101, 21456, 24611, 12818, 20698, 22691, 13324, 24386, 25729, 26500, 21090, 14177, 12025, 22754, 25941, 14553, 21064, 13408, 13205, 11855, 13528, 24335, 21386, 23669, 23165, 21427, 20094, 14456, 25474, 23609; Board of Education Member vacancies.

WHEREAS, the length of the Closed Session is estimated to be **three hours** after which the public meeting of the Board shall reconvene and action **WILL NOT BE** taken.

NOW, THEREFORE, BE IT RESOLVED that the East Brunswick Board of Education will recess into Closed Session for only the aforesaid subject(s); and

BE IT FURTHER RESOLVED that the East Brunswick Board of Education hereby declares that its discussion of the aforesaid subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure in accordance with the Open Public Meetings Act.

Board Member	Moved	Second	Aye	Nay	Abstention	Did Not Vote
Mrs. Becker	X					
Mr. Cummings		X				
Ms. Guas						
Ms. Herrick						
Mr. Hong						Absent
Mrs. Reiss						
Mrs. Lachs						
Totals			6	0		

The above action was unanimously approved by voice vote.

The meeting recessed into closed session at 5:11 PM and the meeting reconvened into open session at 8:28 PM.

Mr. Hong arrived at 6:02 PM during the closed session.

ADJOURNMENT

1. Adjournment

Recommendation: That the meeting be adjourned.

Board Member	Moved	Second	Aye	Nay	Abstention	Did Not Vote
Mrs. Becker						
Mr. Cummings						
Ms. Guas	X					
Mrs. Herrick		X				
Mr. Hong						

Mrs. Reiss						
Mrs. Lachs						
Totals			7	0		

The above action was unanimously approved by voice vote.

The meeting was adjourned at 8:28 PM.

Respectfully submitted,

Bernardo Giuliana, SFO, QPA
Assistant Superintendent for Business
And Support Operations/Board Secretary



**EAST BRUNSWICK PUBLIC
SCHOOLS**

FINANCIAL SERVICES
Agenda Item: 1.

Date Prepared: 3/10/2024

Meeting Date: 4/4/2024

TO: Members, Board of Education

FROM: Bernardo Giuliana, SFO, QPA, Assistant Superintendent for Business & Support Operations/Board Sec'y

SUBJECT: Shared Services Agreement Between The Township Of East Brunswick And The Board Of Education Of The Township Of East Brunswick - 2024-2029 Financing (Roll Call)

Summary:

A new Shared Services Agreement is required to finance capital construction and renovations, and the acquisition of instructional and non-instructional items and equipment as described in the resolution.

The planned payments take into consideration the debt expiring in FY2025. Overall, a level-debt structure will be maintained. Similar financing has been utilized in past years and resulted in substantial interest cost savings to East Brunswick's taxpayers.

It is recommended that the Board approve financing through a Shared Services Agreement with the Township of East Brunswick and for which the Township has committed to enabling the financing. The Township Council is anticipated to approve the Agreement at an upcoming meeting.

Recommendation:

Recommendation: That a Shared Services Agreement with the Township of East Brunswick is approved as attached, subject to legal review, for a term commencing April 4, 2024 and ending on August 31, 2029 with a repayment term not to exceed five years as reflected in the attachment.

Board Member	Moved	Second	Aye	Nay	Abstention	Did Not Vote
Mrs. Becker						
Mr. Cummings						
Mrs. Guas						
Mrs. Herrick						
Mr. Hong						
Mrs. Reiss						
Mrs. Lachs						
Totals						

ATTACHMENTS:

Description	Upload Date	Type
Shared Services Agreement	3/21/2024	Backup Material

2024 to 2029 SHARED SERVICES AGREEMENT
BETWEEN THE TOWNSHIP OF EAST BRUNSWICK
AND
THE EAST BRUNSWICK BOARD OF EDUCATION

This Shared Services Agreement (“Agreement”) between the Township of East Brunswick, in the County of Middlesex, State of New Jersey (the “Township”) and The East Brunswick Board of Education, (the “Board of Education”) dated as of _____, 2024.

WHEREAS, the Township and the Board whenever possible seek to work cooperatively to provide services to the citizens of the Township. The school district is seeking the most cost-effective way to fund capital needs and state policy encourages such cooperation; and

WHEREAS, it is the most cost effective and in the best interests of both the Township and Board to implement this Agreement for transaction of benefits to the community.

NOW THEREFORE, IT IS HEREBY AGREED by and between the Township as follows:

1. In order for the Board of Education to take advantage of the Township's favorable financing capital market arrangements via a shared service agreement the Township will provide capital funding for Board approved projects listed in Schedule “A” attached hereto as requested by the East Brunswick Board of Education on April 4, 2024. The proposed improvements will be mutually beneficial to the Township and Board. The Board of Education’s Shared Services will permit use of its facilities for recreational programs by the Township as follows:

- A. Use of school facilities to support the Township's year-round recreation programs and summer day camp programs;
- B. Use of school facilities to support Township police department training exercises;
- C. Use of school facilities and school buses to support Township emergency management protocols and emergency shelters.

The uses outlined in this section shall not interfere with the normal use of the school facilities by the Board. A schedule for such uses shall be provided by the Township.

- 2. Authorization. The Township and the Board of Education shall pass resolutions approving a "Shared Service Agreement" whereby the Board of Education will repay the Township the financed sum over five (5) years in accordance with Schedule "B" annexed hereto and pay all interest on the outstanding notes and costs.
- 3. Initial Payment. The East Brunswick Board of Education will provide the first payment on July 15, 2025.
- 4. Use of Funds. The Board of Education acknowledges that any funds provided by the Township hereunder are to be used for purposes permitted under this Agreement and comply with the applicable provision of the Local Bond Law. Should any of the Township funds be utilized for any other purposes, then the Board of Education shall be required to return the full amount for outstanding bond anticipation note. The funds shall be made available to the Board of Education immediately after the "Note" issued has closed.

5. Term. The term of this Agreement shall commence on April 4, 2024 and end on August 31, 2029, unless terminated in writing by both the Township and Board of Education.
6. Indemnification; Hold Harmless. The Board of Education shall to the extent permitted by law indemnify, defend and hold harmless the Township, its officers, directors, employees, agents, or servants from (1) any and all claims arising from the conduct, negligence or otherwise act or omission of the Board of Education, its employees, agents or servants; (2) any and all claims arising from the proposed improvements and acquisitions set forth in schedule "A"; and (3) all costs, expenses, attorney fees and liabilities incurred on or in connection with any such claim or action or proceeding brought herein.
7. Compliance with Laws and Regulations. The Board of Education shall, at its sole cost and expense, comply with all requirements of County, State and Federal rules and regulations and statutes now in force.
8. Bond Authorization. The Township will approve a Bond Authorization to permit bonds or notes of \$6,100,000 to be issued for use by the Board of Education. The Board will provide the required five percent (5%) down payment of \$305,000, which amount can be refunded if the note proceeds are not made available to the Board of Education. The Bond Ordinance shall include an amount of \$6,100,000 with bond or notes of \$5,795,000.
9. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of New Jersey.
10. Validity of Agreement. The terms, conditions, covenants and provisions of this agreement shall be deemed to be severable. If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court

of competent jurisdiction or by operation of any applicable law, it shall not affect the validity of any other clause or provision herein, but such other clauses or provisions shall remain in full force and effect.

11. Entire Contract. This Agreement contains the entire Shared Services contract between the parties. No representatives, agent or employee of any Party has been authorized to make any representations or promises with reference to the within letting or to vary, alter or modify the terms hereof. No additions, changes or modifications, renewals or extensions hereof, shall be binding unless reduced to writing and signed by all parties as set forth in Section 13 herein.

12. Amendments. This Agreement may be amended at any time by mutual agreement of the parties, provided that before any amendment shall be operative or valid it shall have been reduced to writing and signed by all parties. This Agreement may not be modified unless the same has been approved by the East Brunswick Township Council and by the Board of Education.

[The Remainder of this page has been left intentionally blank.]

ATTEST:

TOWNSHIP OF EAST BRUNSWICK

Tamar Lawful
Municipal Clerk

By _____
Brad Cohen
Mayor

EAST BRUNSWICK BOARD OF EDUCATION

Bernardo Giuliana, SFO, QPA
Assistant Superintendent for Business
And Support Operations/Board Secretary

By _____
Laurie Lachs
Board President

SCHEDULE "A"

DESCRIPTION	ESTIMATED USEFUL LIFE IN YEARS	ESTIMATED COST	FUNDS NEEDED
Capital Improvements			
HVAC Systems, Roofing, and Capital Improvements (District-wide)	30	\$ 4,643,158	\$ 4,411,000
Pupil Transportation and Security			
(5) 54-passenger school buses, and camera system upgrades	10	\$ 1,056,842	\$ 1,004,000
Athletics& Facilities Equipment			
Sports field goals, snow removal and storage	10	\$ 89,474	\$ 85,000
Classroom Furnishings			
Desks, chairs, cabinets, etc.	10	\$ 315,789	\$ 300,000
TOTAL FUNDS REQUIRED		\$ 6,105,263	\$ 5,800,000
PRINCIPAL AMOUNT FINANCED		\$ 5,795,000	

SCHEDULE "B"
PAYMENT SCHEDULE
SPECIAL SERVICES AGREEMENT

PAYMENT SCHEDULE:

TOWNSHIP OF EAST BRUNSWICK TO EAST BRUNSWICK BOARD OF
EDUCATION

\$5,795,000 June __, 2024

REPAYMENT SCHEDULE:

EAST BRUNSWICK BOARD OF EDUCATION PRINCIPAL AND INTEREST
PAYMENT TO THE TOWNSHIP OF EAST BRUNSWICK:

Date	Principal	Interest*	Cost
July 15, 2025	\$1,159,000	\$	\$
July 15, 2026	\$1,159,000		
July 15, 2027	\$1,159,000		
July 15, 2028	\$1,159,000		
July 15, 2028	<u>\$1,159,000</u>		
	\$5,795,000		

*Market NIC

STATE OF NEW JERSEY)
SS:
COUNTY OF MIDDLESEX)

BE IT REMEMBERED that on _____ before me, the subscriber, a Notary Public of New Jersey, personally appeared Bernardo Giuliana who, being by me duly sworn on his oath, deposes and makes proof to my satisfaction that he is the Assistant Superintendent for Business and Support Operations/Board Secretary of the East Brunswick Board of Education, the governing body named in the within Instrument, that Laurie Lachs is the Board President of said governing body; that the execution as well as the making of this Instrument has been duly authorized by a proper resolution of the governing body of said board of education; that the deponent well knows the seal of said corporation and that the seal affixed and said Instrument signed and delivered by said Board President as and for the voluntary act and deed of the governing body, in the presence of deponent who, thereupon subscribed his name thereto as attesting witness.

Signature

A Notary Public of New Jersey

STATE OF NEW JERSEY)
SS:
COUNTY OF MIDDLESEX)

BE IT REMEMBERED that on_____ before me, the subscriber, a Notary Public of New Jersey, personally appeared Tamar Lawful, who, being by me duly sworn on his oath, deposes and makes proof to my satisfaction that she is the Clerk of the Township of East Brunswick, the governing body named in the within Instrument, that Brad Cohen, Mayor of said governing body; that the execution as well as the making of this Instrument has been duly authorized by a proper resolution of the governing body of said municipality; that deponent well knows the seal of said corporation and that the seal affixed and said Instrument signed and delivered by said Mayor as and for the voluntary act and deed of the corporation, in the presence of deponent who, thereupon subscribed her name thereto as attesting witness.

Signature

A Notary Public of New Jersey