

THE NUTLEY PUBLIC SCHOOLS

Administrative Office

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RESOLUTION

RESOLUTION ON 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, the School Ethics Commission has provided guidance in Public Advisory Opinion A03-98, 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 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 Nutley Board of Education and the Education Association of Nutley have engaged in collective bargaining negotiations and have reached a Tentative Memorandum of Agreement for a new Contract to commence July 1, 2009 and end June 30, 2012, and

WHEREAS, the Education Association of Nutley has ratified the Tentative Memorandum of Agreement for the new teachers' contract and the Board of Education must now vote on whether or not to approve said Contract; and

WHEREAS, five (5) of the Board of Education members which constitutes a quorum of the board have conflicts that would prevent them from voting on the contract, specifically, Board Member, Angelo Frannicola has a dependent daughter employed as a teacher in the District, Board Member, Walter Sautter has a spouse employed as a teacher in the District, Board Member, Vincent Moscaritola has a spouse employed as a teacher in the District, Board Member, Kenneth Reilly has a spouse employed as a teacher in the District, and Board Member, Deborah Russo has a sister-in-law who is the sibling of her spouse employed as a teacher's aid in the District.

AND WHEREAS, these conflicts result in a quorum of the Board of Education being unable to vote on the teachers' contract unless the Board of Education invokes the Doctrine of Necessity,

NOW THEREFORE, BE IT RESOLVED, that the Nutley Board of Education hereby invokes the Doctrine of Necessity so as to enable all board members to vote on the issue of the teachers' contract, and

BE IT FURTHER RESOLVED, that this Resolution be read into the record of this public meeting of the Board of Education and that a copy of this Resolution be posted where the Board posts public notices for 30 days and the School Ethics Commission be provided with a copy of same.

I hereby certify that the above resolution is a true copy taken from the Board Minutes of September 3, 2009.

Sincerely,



Michael DeVita
Business Administrator
Board Secretary

Nutley, New Jersey
September 4, 2009