



Township Public Schools

50 Nellis Drive, Wayne, New Jersey 07470

Daisy Ayala
School Business Administrator/Board Secretary
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EXTRACT FROM THE MINUTES OF A MEETING OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF WAYNE, PASSAIC COUNTY, NEW JERSEY, AS RECORDED IN THE OFFICIAL MINUTE BOOK.

The Board of Education of the Township of Wayne in the County of Passaic, New Jersey, convened in a Regular Meeting on November 16, 2017 in the Wayne Township Municipal Building, 475 Valley Road, Wayne, New Jersey 07470. This meeting was scheduled to begin at 7:30 p.m. pursuant to the terms of the Sunshine Law.

The following members of the Wayne Board of Education were present: Eileen Albanese, Mitch Badiner, Cathy Kazan, Gail Okun, Donald Pavlak, Jr., Suzanne Pudup, Stacey Scher, and Christian Smith.

ABSENT: Michael Bubba

A-2018-3 Approval of the Doctrine of Necessity

RECOMMENDED ACTION:

RESOLVED, that the Board approve the Doctrine of Necessity, as follows:

November 16, 2017

**RESOLUTION OF THE WAYNE TOWNSHIP BOARD OF EDUCATION
COUNTY OF PASSAIC
STATE OF NEW JERSEY
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, 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 A03-98 (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 Wayne Township Board of Education ("Board") desires to settle a Grievance brought on behalf of the Wayne Education Association ("WEA"); and

WHEREAS, the School Ethics Commission has issued an advisory opinion in this matter (A10-17) identifying various conflicts as previously detailed in the Resolution Invoking the Doctrine of Necessity August 3, 2017;

WHEREAS, there are five (5) Board members, namely President Donald Pavlak, Vice President Mitchell Badiner, Michael Bubba, Suzanne Pudup, and Stacey Scher, with apparent conflicts as set forth in prior Resolutions; and

WHEREAS, the inability of the above five (5) Board members to participate in this process results in the lack of a quorum; and

WHEREAS, in order to enter into a final agreement with the WEA, 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, to consider entering into a grievance settlement agreement with the WEA.

NOW, THEREFORE, BE IT RESOLVED, by the Wayne Township Board of Education, County of Passaic, State of New Jersey, as follows:


1. That the five (5) Board members, as noted above, are in conflict by nature of their endorsements, receipt of contributions, employment, and relatives' employment and the Board therefore invokes the Doctrine of Necessity to consider and act upon the settlement agreement with the WEA.
2. That this resolution shall be read at the public meeting of November 16, 2017 and shall be posted where the Board posts public notices for thirty (30) days.
3. That a copy of this resolution shall be forwarded to the School Ethics Commission by the Board Attorney.

MOTION: G. OKUN
SECOND: S. SCHER
VOTE: 8-0-0

STATE OF NEW JERSEY)
COUNTY OF PASSAIC) ss:

I, Daisy Ayala, Business Administrator/Board Secretary, Wayne Board of Education of the Township of Wayne, in the County of Passaic, State of New Jersey, hereby verify that the foregoing extract from the minutes of the meeting of the Wayne Board of Education, duly called and held on November 16, 2017, has been compared by me with the original minutes as officially recorded in my office in the minute book of said Wayne Board of Education and is a true, complete copy thereof and of the whole of said original minutes so far as the same relate to the subject matter referred to in said extract. In witness, I have hereunto set my hand and affixed the corporate seal of the Wayne Board of Education this 17th day of November 2017.

SEAL



 Daisy Ayala, MBA, CNAP
 Business Administrator/Board Secretary