

MILLBURN TOWNSHIP PUBLIC SCHOOLS  
Millburn, New Jersey  
\* \* A G E N D A \* \*

**REGULAR MEETING**

Millburn Township Board of Education  
Monday, March 26, 2018  
7:45 PM – EDUCATION CENTER

- A. CALL TO ORDER
- B. SILENT COUNT OF BOARD MEMBERS PRESENT
- C. ANNOUNCEMENT OF MEETING NOTICE

On May 26, 2017, a notice of this meeting was transmitted to the Board of Education and a copy of the notice was posted at the Education Center bulletin board. Copies were also transmitted to the Millburn-Short Hills Item, the Star-Ledger, the Millburn-Short Hills Independent Press, TAP-Millburn Short Hills, TV-36, the Township Clerk and members of the Township Committee, the Presidents of the PTO and Civic Associations, and the Public Library.

- D. MINUTES
  - 1. Minutes of the Regular Public Meeting of March 12, 2018
  - 2. Closed Minutes of Meeting of March 12, 2018

- E. PRESENTATION
  - 1. Referendum Project Updates – Parette Somjen Architects
  - 2. 2018-19 Budget

- F. BOARD PRESIDENT’S REPORT

- G. BOARD COMMITTEE REPORTS

- 1. Transportation
- 2. Negotiations
- 3. Finance
- 4. Board – Staff
- 5. Personnel

- H. SUPERINTENDENT’S REPORT

- I. ASSISTANT SUPERINTENDENT’S REPORT

- J. SCHOOL BUSINESS ADMINISTRATOR’S REPORT

- K. DISCUSSION

**L. PUBLIC COMMENTS**

For members of the Millburn School District community who may be joining a Meeting for the first time or would like to provide comments tonight, we're sharing the Board Policy pertaining to public comments. Thanks in advance for sharing your thoughts as per the District's Policy!

**0167 - Public Participation in Board Meetings**

*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. In order to permit the fair and orderly expression of such comment, the Board shall provide for two periods of public comments at every regularly scheduled meeting of the Board, the length of each period to be determined by the Board. Public participation 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 or her name, place of residence, and group affiliation, if appropriate.*
2. *Each statement made by a participant shall be limited to a reasonable time as determined by the presiding officer.*
3. *No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard.*
4. *All statements shall be directed to the presiding officer; no participant may address or question Board members individually.*
5. *The presiding officer may (a) Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant to the district; (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 waive these rules when necessary for the protection of privacy or the efficient administration of the Board's business.*

**M. BOARD ACTION ITEMS (Roll Call Votes)**

**1. Instruction Agenda Items**

- a. Resolve to approve Professional Development Requests / Teacher Conferences as per policies 3440 and 4440 requiring prior approval of travel reimbursement expenses.

**2. Personnel Agenda Items**

Resolve to approve the Personnel Report dated, March 26, 2018.

**Board Action Items continued:**

**3. Business Agenda Items**

- a. Resolve to approve the Budget Transfers of February, 2018
- b. Resolve to approve the Report of the Treasurer of February 28, 2018.
- c. Resolve Board Secretary's Report of February 28, 2018.
- d. Resolve Bill Schedule #10 in the amount \$7,442,809.32 dated March 26, 2018.
- e. Resolve to approve a settlement agreement for student #12904 for educational costs for the 2017-2018 and 2018-2019SY.
- f. Resolve to approve participation in Joint Transportation Agreement with Sussex County Regional Cooperative for the SY 2018/2019. This authorizes the Millburn Township Board of Education to utilize their services in the procurement of busing services.
- g. Resolve to approve the Preliminary SY 2018-2019 budget for submission to the County Superintendent:

WHEREAS, the Millburn Township Board of Education must submit a FY 2018-2019 school district budget to the Essex County Office of the Department of Education for review;

WHEREAS, it is necessary for the Board to increase the General Fund tax levy for the 2018-2019 school year above the 2% cap imposed by the state in order for it to meet the Thorough and Efficient Education requirements to reflect increased health care costs of \$725,000; and;

BE IT RESOLVED, that the Board approves and authorizes the application to the Commissioner of Education to increase the General Fund tax levy for the 2018- 2019 school year by \$725,000 for increased health care costs; and;

BE IT FURTHER RESOLVED, that the Board approves and authorizes the transfer of \$250,000 from Emergency Reserve to the General Fund for school security improvements.

**Business Agenda Item M.3.g. continued:**

THEREFORE BE IT RESOLVED to approve a FY 2018-2019 school district budget for submission to the Essex County Office of the Department of Education for review:

	<u><b>Budget</b></u>	<u><b>Local Tax Levy</b></u>
General Fund	<u>\$ 90,417,206</u>	<u>\$ 84,264,875</u>
Special Revenue Fund	<u>\$ 1,491,985</u>	
Debt Service Fund	<u>\$ 5,702,039</u>	<u>\$ 5,114,771</u>
<b>Total Base Budget</b>	<u><b>\$ 97,611,230</b></u>	<u><b>\$ 89,379,646</b></u>

And,

WHEREAS, N.J.A.C. 6A:23A-7.3 requires districts to establish in the annual school budget a maximum expenditure that be allotted for travel; and

THEREFORE, BE IT RESOLVED, that the Millburn Township Board of Education hereby establishes the maximum expenditure that may be allotted for travel supported by state, federal and local funds for the 2018-2019 school year shall not exceed \$90,000; and

BE IT FURTHER RESOLVED, that the School Business Administrator shall track and record these costs to insure that the maximum amount is not exceeded.

BE IT FURTHER RESOLVED that the Millburn Township Board of Education hereby establishes the maximum amount budgeted for the 2018-2019 school year for each professional service.

- h. Resolve to approve to bind the Millburn School District to purchase Electric Generation Services through the Alliance for Competitive Energy Services (“ACES”) Bid Cooperative Pricing System ID#E8801-ACESCPS:

WHEREAS, the Alliance For Competitive Energy Services (hereinafter referred to as “ACES”), an alliance composed of the New Jersey School Boards Association (hereinafter referred to as “NJSBA”), the New Jersey Association of School Administrators, and the New Jersey Association of School Business Officials, will from time to time during the Effective

**Business Agenda Item M.3.h. continued:**

Period as defined below solicit bids from electric power suppliers for electric generation services through an energy aggregation program in which NJSBA will act as Lead Agency of the ACES Cooperative Pricing System #E8801-ACESCPS in accordance with the “Public School Contracts Law”, N.J.S.A. 18A:18A-1 *et seq.*, and the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 *et seq.* (“EDECA”) and the regulations promulgated thereunder; and

WHEREAS, the Millburn School District is a Participating member of the ACES Cooperative Pricing System and is eligible thereby to obtain electric generation services for its own use through one or more contracts to be awarded to electric power suppliers following said bids for electric generation services pursuant to the aggregation program; and

WHEREAS, the Lead Agency will from time to time during the Effective Period (from date of adoption through May, 2023 hereinafter referred to as “Effective Period”) issue one or more Requests for Bids for electric generation services on behalf of the ACES Cooperative Pricing System pursuant to the Public School Contracts Law and EDECA; and

WHEREAS, due to significant volatility and the potential for price increases in the wholesale electric market, Participating Members will preauthorize the Lead Agency to award contracts for Electric Generation Service in each service territory to one or more electric power suppliers that submit bids which are reasonably forecasted to provide estimated savings to the Participating Member based upon its previous electric usage and utility provided Basic Generation Service rates; and

WHEREAS, the Lead Agency will only award contracts for said electric generation services to electric power suppliers that submit bids with pricing reasonably estimated to be lower than the utility-provided basic generation service; and

WHEREAS, the District agrees to purchase all electric power needed for its own use (exclusive of on-site electric generation sources) during the Effective Period through any electric power supplier(s) awarded a contract, it being understood that the term of any one contract shall be subject to the provisions of Public School Contracts Law;

WHEREAS, the Lead Agency will notify the Department of Community Affairs’ Division of Local Government Services by mail prior to the issuance a Request for Bids for electric generation services, with the understanding that if the Division of Local Government Services does not respond within 10 business days, it will be deemed to have approved the issuance of the Request for Bids or the Request for Rebids.

**Business Agenda Item M.3.h. continued:**

NOW, THEREFORE, BE IT RESOLVED that the District binds itself to the ACES Cooperative Pricing System ##E8801-ACESCPS to purchase all electric power needed for its own use (exclusive of on-site electric generation sources) during the Effective Period from the electric power supplier or suppliers awarded a contract for electric generation services by the Lead Agency; and,

BE IT FURTHER RESOLVED that the Lead Agency of the ACES Cooperative Pricing System is hereby authorized to execute a master performance agreement that obligates the district to purchase electricity at the terms and conditions stated therein with a third-party supplier or suppliers who have been awarded the contract or contracts by the Lead Agency on behalf of the participating members of the ACES Cooperative Pricing System #E8801-ACESCPS (or any CPS number to be assigned in the future), and provided further that all such contracts shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to the Districts relative to the price charged for basic generation service by the electric public utility that would otherwise provide such service; and,

BE IT FURTHER RESOLVED that ACES is authorized to continue to bid to obtain electric generation services at any time during the Effective Period on behalf of the ACES Cooperative Pricing System including, for example, a rebid if energy market conditions do not initially lead to a successful bid, on additional dates to be determined by the Lead Agency; and

FURTHER RESOLVED that this Resolution shall take effect immediately upon passage. The authorization provided to the NJSBA pursuant to the Local Public Contracts Laws (N.J.S.A. 40A:11-11(5)), and the Local Public and Public School Contracts Laws Administrative Code (N.J.A.C. 5:34-7.1 et seq.) shall be valid until May, 2023 (the Effective Period) at which time the Cooperative Pricing System will be subject to renewal. Any rescission or expiration of this resolution shall not affect any Agreements entered into prior to such rescission or expiration.

- i. Resolve to approve to bind the Millburn School District to purchase Natural Gas Services through the Alliance for Competitive Energy Services (“ACES”) Bid Cooperative Pricing System ID#E8801-ACESCPS:

WHEREAS, the Alliance For Competitive Energy Services (hereinafter referred to as “ACES”), an alliance composed of the New Jersey School Boards Association (hereinafter referred to as “NJSBA”), the New Jersey Association of School Administrators, and the New Jersey Association of School Business Officials, will from time to time during the Effective Period as defined below solicit bids from natural gas suppliers for retail

**Business Agenda Item M.3.i. continued:**

natural gas supply services including interstate transportation to the local natural gas distribution utility company (Natural Gas Supply Services) through an energy aggregation program in which NJSBA will act as Lead Agency of the ACES Cooperative Pricing System #E8801-ACESCPS in accordance with the “Public School Contracts Law”, N.J.S.A. 18A:18A-1 *et seq.*, and the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 *et seq.* (“EDECA”) and the regulations promulgated thereunder; and

WHEREAS, the Millburn School District is a Participating member of the ACES Cooperative Pricing System and is eligible thereby to obtain natural gas services for its own use through one or more contracts to be awarded to natural gas suppliers following said bids for natural gas services pursuant to the aggregation program; and

WHEREAS, the Lead Agency will from time to time during the Effective Period (from date of adoption through May, 2023, hereinafter referred to as “Effective Period”) issue one or more Requests for Bids for natural gas services on behalf of the ACES Cooperative Pricing System pursuant to the Public School Contracts Law and EDECA; and

WHEREAS, due to significant volatility and the potential for price increases in the wholesale natural gas market, Participating Members will preauthorize the Lead Agency to award contracts for Natural Gas Supply Service in each service territory to one or more natural gas suppliers that submits bids which are reasonably forecasted to provide estimated savings to the Participating Member based upon its previous natural gas usage and utility provided Basic Gas Supply Service rates; and

WHEREAS, the Lead Agency will only award contracts for said Natural Gas Supply Services to natural gas suppliers that submit bids with pricing reasonably estimated to be lower than the utility-provided basic gas supply service; and

WHEREAS, the District agrees to purchase all Natural Gas Supply Services for its own use during the Effective Period through any natural gas supplier(s) awarded a contract, it being understood that the term of any one contract shall be subject to the provisions of Public School Contracts Law; and

WHEREAS, the Lead Agency will notify the Department of Community Affairs’ Division of Local Government Services by mail prior to the issuance a Request for Bids for natural gas supply services, with the understanding that if the Division of Local Government Services does not

**Business Agenda Item M.3.i. continued:**

respond within 10 business days, it will be deemed to have approved the issuance of the Request for Bids or the Request for Rebids.

NOW, THEREFORE, BE IT RESOLVED that the District binds itself to the ACES Cooperative Pricing System ##E8801-ACESCPS to purchase all natural gas supply services needed for its own use during the Effective Period from the natural gas supplier or suppliers awarded a contract for natural Gas supply services by the Lead Agency; and,

BE IT FURTHER RESOLVED that the Lead Agency of the ACES Cooperative Pricing System is hereby authorized to execute a master performance agreement that obligates the district to purchase natural gas at the terms and conditions stated therein with a third-party supplier or suppliers who have been awarded the contract or contracts by the Lead Agency on behalf of the participating members of the ACES Cooperative Pricing System #E8801-ACESCPS (or any CPS number to be assigned in the future), and provided further that all such contracts shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to the districts relative to the price charged for basic gas supply service by the natural gas public utility that would otherwise provide such service; and,

BE IT FURTHER RESOLVED that ACES is authorized to continue to bid to obtain natural gas services at any time during the Effective Period on behalf of the ACES Cooperative Pricing System including, for example, a rebid if energy market conditions do not initially lead to a successful bid, on additional dates to be determined by the Lead Agency; and

FURTHER RESOLVED that this Resolution shall take effect immediately upon passage. The authorization provided to the NJSBA pursuant to the Local Public Contracts Laws (N.J.S.A. 40A:11-11(5)), and the Local Public and Public School Contracts Laws Administrative Code (N.J.A.C. 5:34-7.1 et seq.) shall be valid until May, 2023 (the Effective Period) at which time the Cooperative Pricing System will be subject to renewal. Any rescission of this resolution shall not affect any Agreements entered into prior to such rescission or expiration.

- j. Resolve to approve the removal and disposition of the surplus property no longer required for the maintenance of the educational program or efficient management of the school district included on the attached list.



**Business Agenda Items continued:**

- k. Resolve to approve an agreement with Jackson Lewis, P.C. as a Third Party Attorney Investigator at a rate not to exceed \$250.00 per hour for all attorney investigation services and \$120.00 per hour for all paralegal services.
- l. Resolve to approve the tuition rates for regular education Pre-School students for the 2018-2019 and 2019-2020 school years for the part-time program at \$3,750.00 per year (\$375.00 per month).
- m. RESOLUTION AUTHORIZING APPLICATIONS TO BE MADE TO THE COMMISSIONER OF EDUCATION FOR APPROVAL OF EDUCATIONAL PLANS, SCHEMATIC PLANS AND SCHOOL FACILITIES PROJECTS, ANY REQUIRED AMENDMENT TO THE LONG RANGE FACILITIES PLAN AND OTHER RELATED ACTIONS IN ACCORDANCE WITH THE EDUCATIONAL FACILITIES CONSTRUCTION AND FINANCING ACT.

BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX, NEW JERSEY as follows:

1. The Board President, the Superintendent of Schools, the Business Administrator/Board Secretary, the Project Architect, Bond Counsel and other appropriate representatives of the Board (the “Board Representatives”) are hereby authorized to submit the educational plans and the schematic plans for the school facilities projects:

13-3190-050-18-2000 MHS Dust Collector  
13-3190-050-18-3000 MHS Parking Lot

(the “Projects”) hereby approved in forms prepared by Parette Somjen Architects, LLC (the “Project Architect”), together with such other information as may be required, to the State Department of Education for approval and to make application to the Commissioner of Education for approval of the educational plans, the schematic plans and the Projects and, if necessary, any required amendment to the long-range facilities plan, in accordance with the requirements of the Educational Facilities Construction and Financing Act, Agenda - July 24, 2017 8 Business Agenda Item M.3.n. continued: N.J.S.A.18A:7G-1 et seq.(P.L.2000, Ch. 72, effective July 18, 2000, as amended and supplemented (the “Act”)) and N.J.A.C. 6A:26-2.1(f),6A:26- 2.3, 6A:26-3.1 and 6A:26-3.2.

**Business Action Item M.3.m. continued:**

2. The Board Representatives are hereby further authorized and directed to submit the schematic plans and any other required information to the Planning Board and, if necessary, to the New Jersey Department of Environmental Protection and to any other appropriate agency for review and comment.

3. Parette Somjen Architects, LLC, the School District’s appointed architect for the Project, has heretofore been authorized and delegated the responsibility to prepare the plans and specifications for the Project in consultation with and under the supervision of the Business Administrator/Board Secretary, who has heretofore been delegated the responsibility to work with the architect for this purpose on behalf of the Board, and such authorizations and delegations are hereby reconfirmed and ratified, all in accordance with the requirements of N.J.S.A. 18A:18A-16.

**4. Policy Agenda Items**

Second Reading - Regulations

- a. R 5300 Automated External Defibrillators (AEDS) (M)
- b. R 5330.01 Administration of Medical Marijuana (M)
- c. R 5519 Dating Violence at School (M)
- d. R 5561 Use of Physical Restraint
- e. R 5612 Assaults on District Board of Education Members or Employees (M)
- f. R 5613 Removal of Students for Assaults with Weapons Offenses (M)
- g. R 6471 School District Travel Procedures (M)
- h. R 7422 School Integrated Pest management Plan (M)

**N. OLD BUSINESS**

**O. NEW BUSINESS**

**P. PUBLIC COMMENTS**

**Q. BOARD MEMBER COMMENTS**

**R. EXECUTIVE SESSION**

BE IT RESOLVED by the Millburn Board of Education that on March 26, 2018, during the regular public meeting on that date, this body shall meet at the Education Center, 434 Millburn Avenue, Millburn, New Jersey, for a discussion pursuant to Section 7b of the Open Public Meetings Act. A general description of the matters to be discussed is as follows:

1. Legal Matter
2. Personnel Matter

The discussion on these topics will be disclosed to the public at the next public meeting of the Board or as soon thereafter as the circumstances and nature of the subjects permit.

**S. ADJOURNMENT**