

**BOARD OF EDUCATION**

Runnemede, N.J.

**EXECUTIVE SESSION****MINUTES**

May 10, 2011

Start time: 8:10 p.m.

End time: 9:19 p.m.

**PRESENT:** Mrs. Beebe, Mrs. Davidson, Mrs. Farry, Mrs. Kurth, Mrs. Panzarella at 8:16 pm until 8:57 pm, Mrs. Smith, Mrs. Spaulding, Mrs. Torrillo, Mr. Wark

**ABSENT:** None

**ALSO PRESENT:** Dr. Nancy Ward, Superintendent of Schools; Valerie Carmody, Interim Business Administrator/Board Secretary; Board Solicitor Philip Stern

Mr. Stern provided review of the case of Board of Education (plaintiff) v. Alessi on roof issue. Mr. Stern noted the legal fees in this matter approximate \$11,000 to date. The Board of Education aims to receive a six figure settlement. Mr. Hill, former business administrator, will be deposed. If Mr. Hill is brought into the suit by Alessi suing Mr. Hill, it will be the Board's responsibility to defend Mr. Hill and pay attorney fees and damages. The question will be if any deliberate and fraudulent actions occurred. If this is the determination, there may be no obligation to defend Mr. Hill. If the matter is determined as negligence, the Board will be responsible to defend Mr. Hill.

Mr. Stern advised on OPRA requests, addressing the volume and nature has been expanding and interferes with the ability to administer the district. Mr. Stern reviewed the reasons for the separation agreement wherein paid leave was agreed through April 15, 2011, and noting that litigation might have been much more costly. In sum there was a disagreement with the Business Administrator and the parties agreed to disagree with an amicable parting of the ways.

Mr. Stern addressed concerns, specifically being raised by Dan Conard, that some fraud or unethical events occurred and thus the use of OPRA to seek public documents in an effort to find some information to support that suspicion. Mr. Stern noted that the issue has gained a state-level interest by a group that focuses on OPRA and public entities. Mr. John Paff and Mr. John P. Schmidt have been pursuing documents under OPRA.

Mr. Stern added that Dan Conard has filed a complaint with the Government Records Council and the matter remains undecided.

Samantha Spaulding noted that she has received telephone calls from Mr. Schmidt on her private cellphone wherein Mr. Schmidt has complained about the responses to the OPRA requests and the form of the redactions. Mr. Schmidt expressed that there must be some effort to conceal a truth and that OPRA inquiries are not properly handled. Samantha received a second call on May 10 from Mr. Schmidt indicating that he will attend the May 25 board meeting to see if action is being taken on the OPRA inquiry regarding Executive Session minutes and threatening court action if not addressed. Mr. Schmidt indicated a belief that there is a guilt that created a resulting separation agreement and that a public apology should be given. Mr. Schmidt also stated that other sources for OPRA records are not making redactions that Runnemedede School District has made.

Mr. Stern advised the Board not to engage in further dialog with John Schmidt or Dan Conard regarding these OPRA matters.

Mr. Stern noted that his role is to advise the administration and Board. It is Mr. Stern's advice to provide what is required under the law.

Members asked what might be expected based on the letters/inquiries from John Paff and John Schmidt regarding Executive Session actions and minutes.

Mr. Stern advised that Mr. Schmidt may make complaint to the Government Records Council under OPRA or superior court under common law.

Mr. Stern advised the Board to limit responses to public comments on these matters "Thank you for your comment. We will take it under advisement."

Mr. Stern will contact Mr. Schmidt and Mr. Paff requesting that they cease and desist under possible charges of harassment.

Mr. Stern departed the Executive Session at 9:18 pm.

Adjourned to public session at 9:19 p.m. on a motion by Mr. Wark, seconded by Mrs. Kurth.

Respectfully Submitted,

Valerie J. Carmody  
Board Secretary