

FIRST COUNT

4. Plaintiff repeats the allegations stated above as if set forth at length herein.

5. According to the minutes of the Board's public meetings held on February 27, 2012, March 26, 2012 and March 29, 2012, the relevant pages of which are attached as exhibits to this complaint, the Board passed resolutions, purportedly intended to comply with N.J.S.A. 10:4-13, each of which contained four detailed paragraphs numbered "a" through "d."

6. Yet, the audio clips of those three meetings, which are available for download at the following Internet links, reveal that the Board president simply called for a "motion to go into executive session" or, in the case of the February 27, 2012 meeting "a motion to adjourn." Those motions were seconded and unanimously passed without discussion or debate by a voice vote of the Board.

LINKS TO AUDIO CLIPS

[February 27, 2012](#)

[March 26, 2012](#)

[March 29, 2012](#)

7. The Open Public Meetings Act does not permit a public body to pass a simple, oral motion to go into closed or executive session (or to adjourn) and then later record, in the public meeting minutes, a resolution that contains much more detail than the motion that was orally offered and passed.

WHEREFORE, Plaintiff demands judgment:

A. Declaring that the Board's practice of passing a simple closed session or adjournment motion in public session and then later changing and augmenting that

motion in the public meeting minutes violates New Jersey law, including but not limited to N.J.S.A. 10:4-13.

B. Enjoining the Board, prior to excluding the public from any future meetings, from failing to publicly announce, or from having publicly available in writing, the full text of the resolution that will be recorded in the minutes of that public meeting.

C. Awarding Plaintiff his costs.

D. Such other relief as the Court deems equitable and just.

Second Count

8. Plaintiff repeats the allegations stated above as if set forth at length herein.

9. The written resolutions set forth in the February 27, 2012, March 26, 2012 and March 29, 2012 public meeting minutes state the topics to be discussed in closed session in such vague language that the public is deprived of being meaningfully informed of what matters are going to be privately discussed.

WHEREFORE, Plaintiff demands judgment:

D. Declaring that descriptions such as “matters of personnel and legal rendered confidential” (see the March 26, 2012 public minutes, attached) are impermissibly vague and violative of N.J.S.A. 10:4-13 as construed by McGovern v. Rutgers, 418 N.J. Super. 458, 469-70 (App. Div. 2011).

E. Enjoining the Board from passing resolutions for future closed session that do not contains all the elements required by N.J.S.A. 10:4-13(a) and (b) set forth with the maximum amount of detail that can be disclosed without undermining a legitimate governmental or privacy interest.

E. Awarding Plaintiff his costs.

F. Such other relief as the Court deems equitable and just.

Certification Of No Other Actions

Pursuant to R.4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

Certification Pursuant to R.1:38-7(b)

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future

Dated: May _____, 2012

John Paff
Plaintiff

COMMUNICATIONS:

Maria Grant, Chair - Jim Dincuff, Michelle Sullivan & Rachel McLaughlin

Ms. Grant distributed a copy of the final results from the community survey on moving the election to November. The public was informed about the survey through several sources including the district web site, NJ. Com, press releases and letters to parents and staff.

OLD BUSINESS

No Old Business was discussed.

NEW BUSINESS

Board members raised questions about the Race to the top program, the new State teacher evaluation program and upcoming timelines for the School Choice program.

SECOND RECOGNITION OF THE PUBLIC

The meeting was opened to public comment at 9:50 p.m.

The public asked questions about the School Choice Committee and the number of periods that staff is required to teach.

The public comment session was closed at 9:54 p.m.

EXECUTIVE SESSION:

Resolved by the Board of Education of Clinton Township as per Chapter 231, P. L. 1975:

- a. That it is hereby determined that it is necessary to meet in Executive Session on Monday, February 27, 2012 to discuss matters rendered legally confidential and the Superintendent search.*
- b. The matter discussed will be made public if and when confidentiality is no longer required and action pursuant to said discussion shall take place only at a public meeting.*
- c. The length of the meeting is thought to be approximately thirty minutes.*
- d. Action will not be taken upon return.*

Motion by K.Maloy; seconded by R. McLaughlin. The motion on the resolution was ADOPTED by the full membership of the Board.

X
EXECUTIVE SESSION:

Resolved by the Board of Education of Clinton Township as per Chapter 231, P. L. 1975:

- a. That it is hereby determined that it is necessary to meet in Executive Session on Monday, March 26, 2012 to discuss matters of personnel and legal rendered confidential.*
- b. The matter discussed will be made public if and when confidentiality is no longer required and action pursuant to said discussion shall take place only at a public meeting.*
- c. The length of the meeting is thought to be approximately thirty (30) minutes.*
- d. Action will not be taken upon return.*

*Motion by M. Kaplan, seconded by R. McLaughlin. The resolution was **ADOPTED** by the full membership of the Board at 10:16 p.m.*

ADJOURNMENT

Action 12-AJ-026:

***BE IT RESOLVED** that the Board of Education adjourns this meeting at 10:40 pm. Motion by M. Sullivan, seconded by R. McLaughlin. The resolution was **ADOPTED** by the full membership of the Board.*

Respectfully Submitted,

Anthony Del Sordi
Interim Business Administrator/Board Secretary

Minutes Prepared: 3/30/12

Board of Education Approved:

Frank "Jim" Dincuff
Board President

Date

President Dincuff read a statement in public raising concerns over Board member confidentiality. He indicated that there have been instances when issues discussed in Executive Session have appeared online. The statement also indicated that Board members may have been acting independently of the Board and in collusion with an unelected member of the community to obtain assistance from the Department of Education in budget preparation.

X
EXECUTIVE SESSION:

Resolved by the Board of Education of Clinton Township as per Chapter 231, P.L.1975:

- a. That it is hereby determined that it is necessary to meet in Executive Session to discuss matters legally rendered confidential.*
- b. The matter discussed will be made public if and when confidentiality is no longer required and action pursuant to said discussion shall take place only at a public meeting.*
- c. The length of the meeting is thought to be approximately forty-five (45) minutes.*
- d. Action will not be taken upon return.*

*Motion by M. Kaplan; seconded by K. Sturges. The motion on the resolution was **ADOPTED** by the full membership of the Board at 10:12 p.m.*

ADJOURNMENT

Action 12-AJ-027:

***BE IT RESOLVED** that the Board of Education adjourns this meeting at 10:45 pm. Motion by R. McLaughlin; seconded by K. Maloy. The resolution was **ADOPTED** by the full membership of the Board.*

Respectfully Submitted,

Anthony Del Sordi
Interim Business Administrator/Board Secretary

Minutes Prepared: 4/10/12

Board of Education Approved:

Frank "Jim" Dincuff
Board President

Date