

John Paff

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July 16, 2007

Telephone – 732-873-1251

Fax 908-325-0129

Sayreville Board of Education
c/o Emidio D'Andrea, Board Secretary
(via email PDF attachment to emideo.d'andrea@sayrevillek12.net)

Dear Mr. D'Andrea:

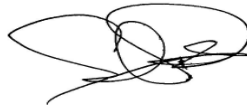
I am an open government advocate acting both individually and on behalf of the New Jersey Libertarian Party. Enclosed is a draft civil complaint against the Sayreville Board of Education. I request the Board to consider this letter and enclosed draft complaint as "anticipated litigation . . . in which the [Board] may become a party" and discuss it, in accordance with N.J.S.A. 10:4-12(b)(7), during a closed session at its next meeting

While I stand ready to file the complaint in the Superior Court if necessary, neither the Libertarian Party nor I wish to impose litigation costs upon Sayreville taxpayers. We would rather amicably resolve the concerns set forth in the enclosed complaint.

So that I know that my position is being taken seriously, I ask that you or your attorney relate the Board's position on this matter to me by fax to 908-325-0129 within three business days after the Board's next meeting. If I don't hear from you, I will assume that you are not willing to attempt to amicably resolve this matter and will file the complaint without further notice.

Thank you for your attention to this matter.

Sincerely,



John Paff

cc. Jonathan M. Busch, Esq., Board Attorney,
(via email PDF attachment to jbusch@wilentz.com)

John Paff
P.O. Box 5424
Somerset, NJ 08875-5424
Tel. 732-873-1251
Email: paff@pobox.com
Plaintiff

JOHN PAFF,	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION, CIVIL PART
	:	MIDDLESEX COUNTY
vs.	:	DOCKET NO.
	:	
	:	Civil Action
SAYREVILLE BOARD OF EDUCATION	:	
Defendants	:	COMPLAINT
	:	

Plaintiff John Paff, by way of complaint against the Defendant Sayreville Board of Education (hereafter “Defendant Board”) states as follows:

1. Plaintiff John Paff is an individual who resides in Franklin Township, Somerset County, New Jersey.
2. Defendant Board is a public body as that term is defined by N.J.S.A. 10:4-8(a).
3. Attached to this Complaint are true copies of the following records:

Exhibit 1: Page from Defendant Board’s April 10, 2007 public meeting minutes containing a resolution authorizing, in accordance with N.J.S.A. 10:4-13, a nonpublic (i.e. closed or executive session) meeting held on that date.

Exhibit 2: Minutes of Defendant Board’s April 10, 2007 nonpublic meeting.

Exhibits 3 & 4: Pages from Defendant Board’s May 15, 2007 public meeting minutes containing a resolution authorizing, in accordance with N.J.S.A. 10:4-13, a nonpublic meeting held on that date.

Exhibits 5 & 6: Minutes of Defendant Board’s May 15 2007 nonpublic meeting.

Exhibits 7 & 8: Pages from Defendant Board’s June 5, 2007 public meeting minutes containing resolutions authorizing, in accordance with N.J.S.A. 10:4-13, two nonpublic meetings held on that date.

Exhibits 9 & 10: Minutes of Defendant Board’s two June 6, 2007 nonpublic meetings.

4. The attached minutes are not “reasonably comprehensible” as required by the Senator Byron M. Baer Open Public Meetings Act, specifically N.J.S.A. 10:4-14.

5. On July 16, 2007, Plaintiff sent a cover letter and draft copy of this complaint to Defendant Board and asked it to amend its procedure, going forward, so that its nonpublic meeting minutes would meet the requirements set forth in N.J.S.A. 10:4-14.

6. *[Defendant Board has refused to change its procedure as requested by Plaintiff, thus necessitating this suit.]*

WHEREFORE, Plaintiff demands judgment:

A. Declaring that the minutes of Defendant Board’s April 10, 2007, May 15, 2007 and June 5, 2007 nonpublic meetings are not “reasonably comprehensible” and thus violate N.J.S.A. 10:4-14.

B. Compelling Defendant Board, going forward, to record its nonpublic meeting minutes so that they are “reasonably comprehensible” as required by N.J.S.A. 10:4-14.

C. Awarding Plaintiff his costs of suit.

D. 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.

Dated: July ____, 2007

John Paff, Plaintiff

Sayreville, New Jersey
 April 10, 2007
 5:30 P.M.

Pursuant to notice posted at the Board Offices and given to each Board member, one local newspaper, and the Borough Clerk as required by Chapter 231, Public Law 1975, the Board of Education of the Borough of Sayreville held a Combined Agenda/Regular Meeting in the Dr. Marie Parnell Library/Media Center at Sayreville War Memorial High School on April 10, 2007. An Executive Session took place at 5:30 P.M. followed by the Regular Meeting at 7:30 P.M.

Members present were: Mr. Biesiada, Mr. Ciak, Mr. Lembo, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. Mr. Barone arrived at 5:46 P.M., Mrs. Batko at 5:34 P.M., and Mr. Clark at 5:52 P.M., respectively.

Also present were: Superintendent Alfano, Assistant Superintendent Sutherland, Business Administrator/Board Secretary D'Andrea, and Board Attorney Busch of the Wilentz, Goldman and Spitzer law firm.

President Macagnone called the meeting to order at 5:30 P.M.

Motion by Mr. Lembo, second by Mr. Ciak. Roll call vote. Six yes votes recorded. Motion carried. Yes votes recorded by Mr. Biesiada, Mr. Ciak, Mr. Lembo, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. The Board closed the meeting to the public in accordance with the following Resolution at 5:31 P.M.

It must be noted that Mr. Barone arrived at 5:46 P.M., Mrs. Batko at 5:34 P.M. and Mr. Clark at 5:52 P.M., respectively.

RESOLUTION

WHEREAS Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a) ATTORNEY-CLIENT PRIVILEGE
 - SWMHS Referendum
 - Settlement – SEA
 - b) NEGOTIATIONS
 - Superintendent Evaluation
 - c) PERSONNEL
 - Director
 - Certification Process
3. It is anticipated at this time that the above-stated subject matter shall be made public at such time as the need for non-disclosure no longer exists.
4. This Resolution shall take effect immediately.

It must be noted that Mr. Clark left the meeting at 7:20 P.M.

Mr. Macagnone called the regular meeting to order at 7:33 P.M.

Members present were: Mr. Barone, Mrs. Batko, Mr. Biesiada, Mr. Ciak, Mr. Clark, Mr. Lembo, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone.

EXECUTIVE SESSION

April 10, 2007

Start: 5:32 P.M.
Enc: 7:24 P.M.

Members present were: Mr. Biesiada, Mr. Ciak, Mr. Lembo, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. Mr. Barone arrived at 5:46 P.M.; Mrs. Batko at 5:34 P.M.; and Mr. Clark at 5:52 P.M., respectively.

Also present were: Superintendent Alfano, Assistant Superintendent Sutherland, Business Administrator/Board Secretary D'Andrea, and Board Attorney Busch of the Wilentz, Goldman and Spitzer law firm.

ATTORNEY-CLIENT PRIVILEGE

- a) SWMHS Referendum
- b) Settlement – SEA

NEGOTIATIONS


- a) Superintendent's Evaluation

PERSONNEL

- a) Director
- b) Certification Process

It must be noted that Mr. Clark left the meeting at 7:20 P.M.

Respectfully submitted,



Emidio D'Andrea
Business Administrator/Board Secretary

Sayreville, New Jersey
 May 15, 2007
 5:30 P.M.

Pursuant to notice posted at the Board Offices and given to each Board member, one local newspaper, and the Borough Clerk as required by Chapter 231, Public Law 1975, the Board of Education of the Borough of Sayreville held a Combined Agenda/Regular Meeting in the Dr. Marie Parnell Library/Media Center at Sayreville War Memorial High School on May 15, 2007. An Executive Session took place at 5:30 P.M. followed by the Regular Meeting at 7:30 P.M.

Members present were: Mrs. Batko, Mr. Biesiada, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. Mr. Ciak arrived at 5:43 P.M. and Mr. Clark at 5:45 P.M., respectively.

Also present were: Superintendent Alfano, Assistant Superintendent Sutherland, Business Administrator/Board Secretary D'Andrea and Board Attorney Busch of the Wilentz, Goldman and Spitzer law firm.

Motion by Mr. Lembo, second by Mr. Zaleski. Roll call. Seven yes votes recorded. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. The Board closed the meeting to the public at 5:36 P.M. in accordance with the following resolution.

RESOLUTION

WHEREAS Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

NEGOTIATIONS

- ADMINISTRATION
- SEA
- BUDGET DEFEAT PROCESS

ATTORNEY-CLIENT PRIVILEGE

- SWMHS REFERENDUM

PERSONNEL

- TENURE CHARGES
- TEAMSTER GRIEVANCE
- AGENDA ITEMS

3. It is anticipated at this time that the above-stated subject matter shall be made public at such time as the need for non-disclosure no longer exists.
4. This Resolution shall take effect immediately.

It must be noted that Mr. Ciak arrived at 5:43 P.M. and Mr. Clark, at 5:45 P.M., respectively.

Motion by Mr. Lembo, second by Mr. Zaleski. Roll call vote. Nine yes votes recorded. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr.

Combined Agenda/Regular Meeting

May 15, 2007

Ciak, Mr. Clark, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. The Board closed the executive session at 7:07 P.M.

Mr. Macagnone called the regular meeting to order at 7:30 P.M.

Members present were: Mrs. Batko, Mr. Biesiada, Mr. Ciak, Mr. Clark, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone.

Also present were: Superintendent Alfano, Assistant Superintendent Sutherland, Business Administrator/Board Secretary D'Andrea, Board Attorney Busch of the

Wilentz, Goldman and Spitzer law firm, Curriculum Director Baumann, and Pupil Personnel Services Director Bell.

PRESENTATION

- Sensory Processing Disorder and Sensory Integration – T. Byrne
- Construction Update

CORRESPONDENCE

- Monthly Technology Work-Order Report
- Monthly Maintenance Work-Order Reports
- Weekly Director of Facilities Report.

APPROVAL OF MINUTES

Motion by Mr. Ciak, second by Mr. Clark. Roll call vote. Nine yes votes recorded. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr. Ciak, Mr. Clark, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. The Board approved the minutes of the following meetings:

- Combined Agenda/Regular Meeting held on April 10, 2007
- Reorganization Meeting held on April 24, 2007

STUDENT COUNCIL REPRESENTATIVE'S REPORT

Krystalyne Christensen

PARENT INVOLVEMENT REPRESENTATIVE'S REPORT

Beth DiPinto

ATTORNEY'S REPORT

DISTRICT HIGHLIGHTS

Mr. Pat Lembo

- Congratulations and a job well done to all the elementary schools in the District for their contribution to M.C.F.O.O.D.S. (Middlesex County Food Organization and Outreach Distribution Services). Our four elementary schools contributed a combined 2.3 tons of food to this worthwhile cause. Arleth Elementary and Wilson Elementary were honored by this organization for contributing 1,000 pounds or more to this cause and were in the top 28 schools that were recognized at the May 3, 2007 Freeholders meeting. Arleth School contributed 2,000 pounds and Wilson School followed with a contribution of 1,000 pounds. This is a testament of how our young Sayreville residents do their share in helping others in need. We are so proud of each and every one of you!

EXECUTIVE SESSION

Start: 5:36 P.M.

End: 7:07 P.M.

Members present were: Mrs. Batko, Mr. Biesiada, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. Mr. Ciak arrived at 5:43 P.M. and Mr. Clark, at 5:45 P.M., respectively.

Also present were: Superintendent Alfano, Assistant Superintendent Sutherland, Business Administrator/Board Secretary D'Andrea, and Board Attorney Busch of the Wilentz, Goldman and Spitzer law firm.

NEGOTIATIONS

- ADMINISTRATION
- SEA
- BUDGET DEFEAT PROCESS

ATTORNEY-CLIENT PRIVILEGE

- SWMHS REFERENDUM

PERSONNEL

- TENURE CHARGES
- TEAMSTER GRIEVANCE
- AGENDA ITEMS

Motion by Mr. Ciak, second by Mr. Lembo. Roll call vote. Nine yes votes recorded. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr. Ciak, Mr. Clark, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. The Board approved the tenure charges as outlined in the following resolution:

RESOLUTION OF THE SAYREVILLE BOARD OF EDUCATION

WHEREAS, pursuant to N.J.A.C.6A:3-5.1 a Statement of Initial Tenure Charges and Statement of Evidence Under Oath with supporting documents have been filed against James Kennedy, a teacher at Sayreville War Memorial High School, by Dr. Frank Alfano, Superintendent of Schools, with the Board Secretary of the Sayreville Board of Education.

NOW THEREFORE BE IT RESOLVED that the Sayreville Board of Education directs the Board Secretary to transmit said Statement of Initial Tenure Charges and Statement of Evidence Under Oath with supporting documents to Mr. Kennedy, his employee representative, and his attorney within three (3) working days.

BE IT FURTHER RESOLVED that the Board further directs the Board Secretary to inform Mr. Kennedy that he has until November 15, 2007 to remedy such inefficiencies and for the period prior to that date, he will be observed by supervisory staff to give him the opportunity to demonstrate that the inefficiencies have been remedied. If, at the expiration of that time, (that is, subsequent to November 15, 2007) it is determined that the inefficiencies are not remedied, then the Board intends to certify the charges of inefficiency to the Commissioner of Education pursuant to N.J.A.C. 6A:3-5.1 et seq.

BE IT FURTHER RESOLVED that there be the implementation of an individual professional improvement plan for Mr. Kennedy to assure that such plan

Combined Agenda/Regular Meeting

May 15, 2007

addresses the specific charges of inefficiency and comports with the timelines established for correction.

BE IT FURTHER RESOLVED that the Superintendent of Schools, the Board Secretary, and the Board Attorney are authorized to take all necessary and appropriate actions to effectuate this Resolution.

Dated: May 15, 2007

Respectfully submitted,



Emidio D. Andrea

Business Administrator/Board Secretary

Sayreville, New Jersey
June 5, 2007
5:00 P.M.

Pursuant to notice posted at the Board Offices and given to each Board member, one local newspaper, and the Borough Clerk as required by Chapter 231, Public Law 1975, the Board of Education of the Borough of Sayreville held a Special Meeting in the Board Conference Room at Selover School on June 5, 2007. An Executive Session took place at 5:00 P.M., followed by the regular meeting at 5:30 P.M.

Members present were: Mrs. Batko, Mr. Biesiada, Mr. Lembo, Mrs. Stratton, Mrs. Trapp and Mr. Macagnone. Mr. Clark arrived at 5:06 P.M. and Mr. Ciak at 5:30 P.M., respectively. Mr. Zaleski was absent.

Also present were: Superintendent Alfano, Assistant Superintendent Sutherland, Business Administrator/Board Secretary D'Andrea, and Board Attorney Busch of the Wilentz, Goldman and Spitzer law firm.

Motion by Mr. Biesiada, second by Mrs. Stratton. Roll call vote. Six yes votes recorded. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, and Mr. Macagnone. The Board went into Executive Session at 5:01 P.M. in accordance with the following Resolution:

REVISIONS PENDING
BOARD APPROVAL
JULY 17, 2007

RESOLUTION

WHEREAS Section 8 of the Open Public Meetings Act, Chapter 231, P.L. a975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

NEGOTIATIONS

- SEA
- Legal Settlement with Employees

PERSONNEL

- Off-Guide Negotiations

3. It is anticipated at this time that the above-stated subject matter shall be made public at such time as the need for non-disclosure no longer exists.
4. This Resolution shall take effect immediately.

It must be noted that Mr. Clark arrived at 5:06 P.M. and Mr. Ciak at respectively.

Motion by Mr. Ciak, second by Mr. Lembo. Roll call vote. Eight yes votes recorded. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr. Ciak, Mr. Clark, Mr. Lembo, Mrs. Stratton, Mrs. Trapp and Mr. Macagnone. The Board reopened the meeting at 5:45 P.M.

President Macagnone called the regular meeting to order at 5:45 P.M.

Members present were: Mrs. Batko, Mr. Biesiada, Mr. Ciak, Mr. Clark, Mr. Lembo, Mrs. Stratton, Mrs. Trapp and Mr. Macagnone. Mr. Zaleski was absent.

Exhibit 7

DISCUSSION

- Board Evaluation
- Election of Mr. Lembo to Middlesex County Association of School Boards Associations
- Sport Athletic Scholarship Awards

PUBLIC PARTICIPATION

Motion by Mr. Clark, second by Mrs. Trapp. Roll call vote. Eight yes votes recorded. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr. Ciak, Mr. Clark, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, and Mr. Macagnone. The Board closed the meeting to the public at 6:12 P.M. in accordance with the following Resolution:

RESOLUTION

WHEREAS Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

PERSONNEL

-Hourly Workers and Substitute Rates

NEGOTIATIONS

-Legal Settlement with Employees

STUDENT DISCIPLINE

-Hearing/Recommendation

3. It is anticipated at this time that the above-stated subject matter shall be made public at such time as the need for non-disclosure no longer exists.

4. This Resolution shall take effect immediately.

Motion by Mr. Clark, second by Mrs. Trapp. Roll call vote. Six yes votes recorded. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr. Clark, Mrs. Stratton, Mrs. Trapp and Mr. Macagnone. The Board reopened the meeting at 6:34 P.M.

It must be noted that Mr. Ciak left the meeting at 6:30 P.M., and Mr. Lembo at 6:32 P.M., respectively.

Motion by Mr. Clark, second by Mr. Biesiada. Five yes votes recorded, one no vote. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr. Clark, Mrs. Stratton and Mrs. Trapp. Mr. Macagnone voted no. The Board approved The request under Finance "K".

Motion by Mrs. Batko, second by Mrs. Stratton. Roll call vote. Six yes votes recorded. Motion carried. Yes votes recorded by Mrs. Batko, Mr. Biesiada, Mr.

Special Meeting

June 5, 2007

EXECUTIVE SESSION

June 5, 2007

Start: 5:01 P.M.

Enc: 5:09 P.M.

Members present were: Mrs. Batko, Mr. Biesiada, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, Mr. Zaleski and Mr. Macagnone. Mr. Clark arrived at 5:06 P.M., and Mr. Ciak at 5:30 P.M., respectively.

Also present were: Superintendent Alfano, Assistant Superintendent Sutherland, Business Administrator/Board Secretary D'Andrea, and Board Attorney Busch of the Wilentz, Goldman and Spitzer law firm.

NEGOTIATIONS

-SEA

-Legal Settlement with Employees

PERSONNEL

-Off-Guide Negotiations

Respectfully submitted,

Emidio D'Andrea
Business Administrator/Board Secretary

EXECUTIVE SESSION

June 5, 2007

Start: 6:13 P.M.

End: 6:34 P.M.

Members present were: Mr. Batko, Mr. Biesiada, Mr. Ciak, Mr. Clark, Mr. Lembo, Mrs. Stratton, Mrs. Trapp, and Mr. Macagnone.

Also present were: Superintendent Alfano, Assistant Superintendent Sutherland, Business Administrator/Board Secretary D'Andrea and Board Attorney Busch of the Wilentz, Goldman and Spitzer law firm.

PERSONNEL

-Hourly Workers and Substitute Rates

NEGOTIATIONS

-Legal Settlement with Employees

STUDENT DISCIPLINE

-Hearing/Recommendation

It must be noted that Mr. Ciak left at 6:30 P.M., and Mr. Lembo at 6:32 P.M., respectively.

Respectfully submitted,

Emidio D'Andrea
Business Administrator/Board Secretary