

## **RESOLUTION**

**WHEREAS**, the Middle Township Board of Education (the “Board” or “District”) is a body politic and corporate in the State of New Jersey, legally designated as a local educational agency, and charged with the responsibility of operating the public schools in the Township of Middle (the “Township”) and providing a thorough and efficient education for students of the Township; and

**WHEREAS**, the Board, in discharging its obligations, and pursuant to Title 18A of the New Jersey Statutes is authorized and required by New Jersey law, New Jersey Department of Education rules and regulations and Board policy, rules, and regulations to appoint a Director of Curriculum (the “Director”); and

**WHEREAS**, pursuant to such authority, and based upon the recommendation of the Board’s Personnel Committee, said Committee made a recommendation to the full Board to hire and appoint Dr. Toni Lehman as Director; and

**WHEREAS**, the full Board now seeks to discuss and approve the Proposed Employment Contract (the “Contract”) of the Director; and

**WHEREAS**, as a result of the alleged various conflicts of interest, and as a result of a present vacancy on the Board, a quorum of the Board would be prohibited under the School Ethics Act to consider or otherwise vote on the ratification of the Contract; and

**WHEREAS**, in accordance with School Ethics Commission (the “Commission”) Advisory Opinions, the School Ethics Act N.J.S.A. § 18A:12-21, et seq., and the School District Fiscal Accountability Regulations N.J.A.C. § 6A:23A-1.1, et seq., a board member who has an immediate family member, relative, spouse, or “other” employed within the school district in which they are on the board is otherwise precluded from discussing or voting on matters that affects or may affect their employment including matters regarding the employment of individuals who supervise or evaluate them or who may supervise or evaluate them; and

**WHEREAS**, as a result of various conflicts of interest, a quorum of the Board would be prohibited under the School Ethics Act to consider or otherwise vote on the within matter; and

**WHEREAS**, specifically, the following conflicts of interest exist:

- Mr. Roberts: Sarah Roberts, Daughter, is employed as a Teacher in the Middle Township School District, and is supervised, may be supervised, is evaluated, or may be evaluated by the Director and

as such could be perceived as a direct or indirect beneficiary from the approval of the Director's Contract.

- Mr. DeLollis: Margery DeLollis, Wife, is employed as a teacher in the Middle Township School District and is supervised, may be supervised, is evaluated, or may be evaluated by the Director, and as such could be perceived as a direct or indirect beneficiary from the approval of the Director's Contract.
- Mr. Bakley: Linda Bakley, Wife, is employed as a teacher in the Middle Township School District and is supervised, may be supervised, is evaluated, or may be evaluated by the Director, and as such could be perceived as a direct or indirect beneficiary from the approval of the Director's Contract.
- Ms. Hodges: Andrea Davis and Christal Holmes, Daughters, are employed as teachers in the Middle Township School District and are supervised, may be supervised, are evaluated, or may be evaluated by the Director and as such could be perceived as direct or indirect beneficiaries from the approval of the Director's Contract.

**WHEREAS**, with a quorum of the Board prevented from discussing the Contract between the Board and the Director, the Board would not be able to take formal action thereon; and

**WHEREAS**, the SEC beginning with Advisory Opinion A03-98 (April 1, 1998) and continuing with its Resolution of February 25, 2003, has advised school boards facing similar circumstances with respect to invoking the Doctrine of Necessity so as to allow formal action to be taken by the Board, any conflicts of interest notwithstanding; and

**WHEREAS**, the Board determines in this instance that it is appropriate to invoke the Doctrine of Necessity so as to allow the Board as a whole to review and take formal action as appropriate on the Contract between the Board and the Director.

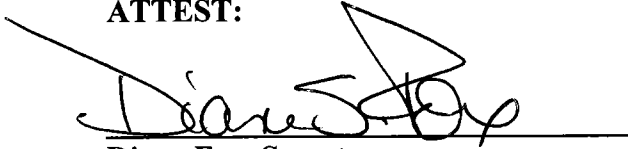
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the Township of Middle, County of Cape May, State of New Jersey that, in light of the conflicts of interest recited herein, the Board invokes the Doctrine of Necessity in accordance with the guidance provided by the SEC so as to allow all Board Members to review and consider the Contract. This Resolution shall be read at a regularly scheduled public meeting of the Board, and shall be posted by the Board Secretary in a location where other public notices are posted for a period of

no less than thirty (30) days. A certified copy of this Resolution shall be filed by the Board Secretary with the SEC forthwith.

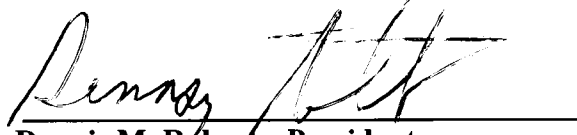
**Adopted:**

**BOARD OF EDUCATION OF THE  
TOWNSHIP OF MIDDLE**

**ATTEST:**



**Diane Fox, Secretary  
Middle Township Board of Education**



**Dennis M. Roberts, President  
Middle Township Board of Education**

**Date:** 9-21-17

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