

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, the Borough of Avalon, the Township of Dennis, the Borough of Stone Harbor, and the Borough of Woodbine; 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 Superintendent of Schools (the “Superintendent”); 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. David Salvo as Superintendent; and

WHEREAS, the full Board now seeks to rescind the prior Employment Contract for the Superintendent for the years 2016 to 2021; and

WHEREAS, the full Board now seeks to discuss and approve a Proposed Employment Contract for the Superintendent for the years 2017 to 2022 which has been previously approved by the Executive County Superintendent; and

WHEREAS, the full Board now seeks to approve the submission of the Superintendent’s Merit Goals for the 2016-2017 School Year as previously approved by the Executive County Superintendent; and

WHEREAS, the Board, in discharging its obligations, and pursuant to Title 18A of the New Jersey Statutes is authorized 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 Superintendent to the full Board to hire and appoint Kathleen McDonald as Director; and

WHEREAS, the full Board now seeks to discuss and approve a Proposed Employment Contract of the Director; and

WHEREAS, the Board Negotiations Committee has been negotiating with the Middle Township Administrators' Association (the "MTAA") Negotiations Committee to enter into a Memorandum of Agreement (the "MOA") for a successor Collective Bargaining Agreement (the "CBA") between: the Board and the MTAA pursuant to applicable New Jersey law, including but not limited to, the adoption of salary schedules pursuant to N.J.S.A. § 18A:29-4.3; and

WHEREAS, as a result of the alleged various conflicts of interest, a quorum of the Board would be prohibited under the School Ethics Act to consider or otherwise vote on the Proposed Superintendent's Contract, the Proposed Director's Contract, and the MOA, including any salary schedule set forth therein; 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 these matters; 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 Superintendent, the Director, and Members of the MTAA, and as such could be perceived as a direct or indirect beneficiary from the approval of the Employment Contracts of the Superintendent and the Director and the MOA.
- 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 Superintendent, the Director, and Members of the MTAA, and as such could be perceived as a direct or indirect beneficiary from the approval of the Employment Contracts of the Superintendent and the Director and the MOA.
- 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 Superintendent, the Director, and Members of the MTAA, and as such could be perceived as a direct or indirect beneficiary from the approval of the Employment Contracts of the Superintendent and the Director and the MOA.

- Mr. Hamer: Donald Hamer, Cousin, is employed as a custodian in the Middle Township School District and is supervised, may be supervised, is evaluated, or may be evaluated by the Superintendent and Members of the MTAA, and as such could be perceived as a direct or indirect beneficiary from the approval of the Employment Contract of the Superintendent and the MOA.
- Ms. Hodges: Andrea Davis, Daughter, and Christal Holmes, Daughter, are employed as teachers in the Middle Township School District and are supervised, may be supervised, are evaluated, or may be evaluated by the Superintendent, the Director, and Members of the MTAA, and as such could be perceived as direct or indirect beneficiaries from the approval of the Employment Contracts of the Superintendent and the Director and the MOA.

WHEREAS, with a quorum of the Board prevented from discussing the Employment Contract between the Board and the Superintendent, the Employment Contract between the Board and the Director, and the MOA, 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 discuss the Employment Contract between the Board and the Superintendent, the Employment Contract between the Board and the Director, and the MOA.

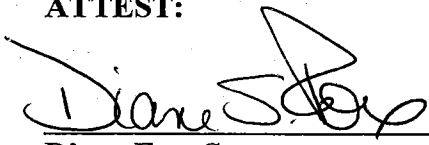
WHEREAS, the Board determines in this instance that it is appropriate to invoke the Doctrine of Necessity so as to allow the Board as a whole to review and take formal action as appropriate on the Employment Contract between the Board and the Superintendent, the Employment Contract between the Board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

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: (1) rescind the prior Employment Contract of the Superintendent for the years 2016 to 2021; (2) review and consider the proposed Superintendent's Employment Contract; (3) approve the submission of the Superintendent's Merit Goals for the 2016-2017 School Year as previously approved by the Executive County Superintendent; (4) review and consider the proposed Director's Employment Contract; and (5) review and approve the MOA. 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 and provided to the MTAA.

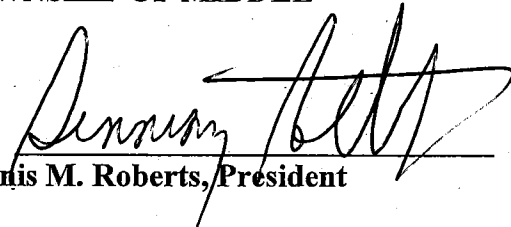
Adopted:

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

ATTEST:



Diane Fox, Secretary

BY: 

Dennis M. Roberts, President