NOTICE OF MEETING

TO ALL BOARD OF EDUCATION MEMBERS

A special meeting of the Board of Education of the Township of Union will be held on Friday, September 28, 2012 at 8 a.m. at the James Caulfield Administration Building, 2369 Morris Avenue, Union, New Jersey 07083

 A special meeting of the Board of Education of the Township of Union was held at the James Caulfield Administration Building, 2369 Morris Avenue, Union, New Jersey on Friday, September 28, 2012 at 8 a.m. pursuant to notice sent to each member.

PRESENT AT ROLL CALL: Mr. David Arminio, Mrs. Susana Cooley, Mrs. Linda Gaglione, Mr. Richard Galante, Mr. Thomas Layden, Mr. Vito Nufrio, Mr. Francis Perkins (President) and Mrs. Judy Salazar

ABSENT AT ROLL CALL: Mrs. Versie McNeil

 Mrs. Salazar led the board and audience members in the Pledge of Allegiance.

 The secretary read the statement required under the “Open Public Meeting Act”, a copy of which is on file in the office of the secretary.

Mr. Damato said that the agenda for this meeting changed a little bit since it was sent home to the board. He asked if all board members had a chance to see the new agenda. Mr. Nufrio said that he did not and asked what had changed. Mr. Damato said that he had received a letter of resignation from Mr. Gervasi and there is no need at this point to go into Executive Session and to vote on the proposed resolutions that were on the prior agenda.

Mr. Damato said that if anyone would still like to have a discussion about this in Executive Session, the board could do that.

Mr. Perkins said that the agenda now contains a letter of resignation submitted by Mr. Gervasi under Communication. He asked if the personnel resolution should be introduced at this time. Mr. Galante stated that he would present the resolution.

COMMUNICATION

LETTER OF RESIGNATION – GERVASI

Robert Gervasi, mathematics teacher at Kawameeh Middle School, submitted a letter of resignation, effective October 1, 2012.

PERSONNEL COMMITTEE

 Moved by Mr. Galante, seconded by Mrs. Salazar that the resolution be adopted:

P-1. ACCEPT LETTER OF RESIGNATION - GERVASI

That the board accept resignation of Robert Gervasi, mathematics teacher at Kawameeh Middle School, effective October 1, 2012.

DISCUSSION:

 Mr. Perkins indicated that one of the letters of resignation was submitted by Mr. Gervasi’s wife by way of power of attorney.

 Mr. Nufrio asked if “without prejudice” could be included in the resolution to grant the acceptance of Mr. Gervasi’s resignation. Mr. Perkins said that the resolution would accept his resignation effective October 1, 2012. Mr. Nufrio asked if it was necessary include the phrase “without prejudice” so that Mr. Gervasi cannot request a reinstatement if something should occur. Mr. Damato said that the law with regard to the acceptance of a letter of resignation is very clear. He said that he can guarantee that when a person submits a letter of resignation and it is accepted by the board, it cannot thereafter be revoked by the employee without the permission of the board.

 Mr. Perkins said that he has asked about the efficacy of doing this by power of attorney. He asked Mr. Damato if he had any comment on that. Mr. Damato said that he made this point to Mr. Gervasi’s lawyer and he had his client write a letter of resignation in addition to the one that Mrs. Gervasi brought to the board office with a power of attorney. Mr. Damato said that the board has Mr. Gervasi’s letter and Mrs. Gervasi’s letter by power of attorney and he thought this was “belt and suspenders”. He said that there was no question about his intention to resign.

 Mr. Arminio asked if this would completely absolve the Board of any further contact or dealings with the situation. Mr. Damato said that the district still has to cooperate with the authorities in any way that they ask. He said that there will be no need to prosecute tenure charges because at this point, it is a costly thing to prosecute and since Mr. Gervasi has resigned, there would be no reason to prosecute the tenure charges. Mr. Damato said that the district could make a case that Mr. Gervasi should reimburse the district for the two week’s pay which he received but the district would have to take Mr. Gervasi to court and sue for that money and it would probably cost the district $10,000 to prosecute a case for the return of $2,000. He said that it was his advise that the board not take this action.

 Mrs. Gaglione asked if the tenure case was submitted to the State. Mr. Damato said that it had not yet been submitted because today was the day that the board would be voting on whether to certify the tenure charges. Mrs. Gaglione asked if the board had to worry about telling anyone in the State about this. Mr. Damato said that the district must submit a letter to the Board of Examiners and they will conduct their own hearing but in this case, he believed that the Board of Examiners will take their lead from what happens in court and once a sentence is imposed the court will say to the “world” that there is a forfeiture of all public employment, past and present. He said that there is a bar from holding public office or public employment of any kind going forward. Mr. Damato said that this will definitely be part of Mr. Gervasi’s sentence. He said that he has already spoken to the Prosecutor’s Office and they are definitely on board with it.

 Mr. Nufrio asked if all benefits and other issues be terminated effectively today. Mr. Damato said that thirty (30) days notice regarding medical benefits must be given under COBRA. He said that Mrs. Gervasi and her children’s benefits will terminate as of November 1st; a COBRA notice will be sent to her this week. Mr. Damato said that Mrs. Gervasi may elect to continue COBRA coverage through the district’s group but it will be entirely up to her and at her expense. He said that Mr. Gervasi is being provided medical coverage through the Department of Corrections.

 Mr. Perkins asked if Mr. Gervasi has pleaded guilty to the charges. Mr. Damato said that Mr. Gervasi is waiting for an offer from the Prosecutor but the Prosecutor will not make an offer until it tracks down every witness.

 Mr. Nufrio asked if Mr. Gervasi has made bail or if he is still incarcerated. Mr. Damato said that Mr. Gervasi has no hope of making bail because additional charges have been added and the amount of his bail has been increased to $600,000. He said that even if he could get a bail bond it would cost $60,000 in cash and he does not have that kind of money. Mr. Damato said that he had a meeting with Mrs. Gervasi yesterday and she is beside herself because she is losing everything and she and her children will be out on the street in a couple of months.

AYE Mr. Arminio, Mrs. Cooley, Mrs. Gaglione, Mr. Galante, Mr. Layden, Mr. Nufrio, Mrs. Salazar and Mr. Perkins

 NAY: None

 ABSTAIN: None MOTION WAS CARRIED

MOTION TO ADJOURN

 There being no further business before the board, it was moved by Mr. Arminio seconded by Mrs. Gaglione that the meeting be adjourned.

AYE Mr. Arminio, Mrs. Cooley, Mrs. Gaglione, Mr. Galante, Mr. Layden, Mr. Nufrio, Mrs. Salazar and Mr. Perkins

 NAY: None

 ABSTAIN: None MOTION WAS CARRIED

 Respectfully submitted,

 JAMES J. DAMATO

 BOARD SECRETARY