

Brick Town, New Jersey
May 25, 1977

Special
Public

The Brick Township Board of Education held a Special Public Meeting on Wednesday, May 25, 1977 at 7:30 p.m. in the Board Office for the purpose of discussing and acting upon a motion with regard to the Board's position with respect to conducting the tenure hearing in the matter of C. Stephen Raciti, Superintendent of Schools.

Present were: William Bell Thomas D'Ambola
Isabel Riley Richard Hancock
Philip Bertrand

Also present: Mr. Raciti, Dr. Aragona, Mr. Anton and Mr. Meyer.
Audience: 2

Mr. Bell announced that the New Jersey Open Public Meetings Law was enacted to insure the right of the public to have advance notice of and to attend the meetings of public bodies at which any business affecting their interests is discussed or acted upon.

N.J. Open
Public Meet-
ings Law
Announcement

In accordance with the provisions of this Act, the Brick Township Board of Education has caused notice of this Emergency Special Meeting to be given to the following by having the date, time and place thereof posted as follows: Board Office Bulletin Board, Asbury Park Press, Observer Courier-Sun, Municipal Cler, WJLK and WOBM by telephone on May 24, 1977.

This Board of Education could not reasonably have foreseen the need for this Emergency Special Meeting at a time adequate notice could have been provided under the 48-hour clause of the New Jersey Open Public Meetings Law.

It was noted that a copy of the proposed resolution to be presented tonight was delivered to all board members earlier today.

Mr. Bell further emphasized the urgency of this Special Emergency Meeting by reading the following information in this regard:

- (1) "Such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest....

On Thursday, May 19, 1977, the Special Board Attorney and the Attorney for the Superintendent were given telephone notice that all arguments would be had on May 23, 1977, and that the hearing set for that day would commence on June 8, 1977 following the decision as to the motion made by the Superintendent's attorney to dismiss the charges.

At the hearing the hearing examiner indicated that he would have a decision within five (5) working days.

At the hearing, the special counsel for the Board argued that the hearing should take place, and that the matter was not moot.

It was noted in both the arguments of the Superintendent's attorney and the attorney for the charging party, James McCabe, that the case of Salakey would have application in the matter. The attorney for the charging party, in particular, noted that in Salakey, the Board of Education took the position that the hearing should be dismissed because it had accepted the resignation of Mr. Salakey.

It is important that the hearing examiner and the Commissioner of Education be advised as to the position of the Board of Education prior to reaching a decision on the motion heard on May 23, 1977 so that the Board's position will be before them prior to a decision being reached.

A decision holding the matter not moot would cause the Board of Education to incur substantial expense for attorneys' fees and substitute teachers for the many teacher witnesses required for the hearing. In addition, a hearing taking place during the final month of school will be disruptive of review and examination of students whose teachers will be taken from the classroom for the hearing.

Finally, it is questionable whether review of the acrimonious affairs of the district which took place half a decade ago will be constructive in relations between the Board of Education, the teachers, students and the parents of the district.

(2) "The meeting is limited to discussion of and acting with respect to such matters of urgency and importance....."

The meeting will be limited to the discussion of and acting with respect to the Board's position with respect to conducting the tenure hearing in the matter of C. Stephen Raciti.

(3) "Notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in Section (3e) '(1) prominently posted in at least one public place reserved for such or similar announcements (2) mailed, telephoned, telegraphed, or hand delivered to at least two newspapers'."

Notices were made as previously listed.

(4) "Either (a) the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (b) although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so."

The need for the meeting could not reasonably have been foreseen as the nature of the oral argument among the attorneys was ascertainable only when the oral argument took place.

Letter-E.Kull Mr. Bell read a letter from Mr. Kull with regard to his absence tonight, as follows:

The death of my wife's mother this afternoon prevents my attending the meeting tonight.

I am sure you will all understand. However, I would like to indicate that my absence in no way detracts from my complete and

total support of the resolution that I am certain will be passed unanimously this evening. Again, my apologies.

Motion was made by Mrs. Riley and seconded by Mr. Hancock to adopt the following Resolution in the matter of the tenure hearing of Mr. Raciti:

Resolution
C.S.Raciti

WHEREAS, C. Stephen Raciti has been Superintendent of the Brick Township Public Schools since 1967, and

WHEREAS, James McCabe has preferred charges of unbecoming conduct against Superintendent Raciti, dated November 1, 1972, at which time the said James McCabe was president-elect of the Brick Township Education Association, and

WHEREAS, the Brick Township Board of Education has certified said charges to the Commissioner of Education on February 12, 1976, pursuant to an order by the Appellate Division of the Superior Court, and

WHEREAS, Mr. Raciti has submitted his resignation as Superintendent of Schools, effective June 30, 1977, and

WHEREAS, the Brick Township Board of Education has accepted said resignation at Public Meeting dated March 2, 1977, and

WHEREAS, Mr. Raciti is giving up his tenure rights under the law, as of June 30, 1977, and

WHEREAS, Mr. Raciti is giving up his title of Superintendent of Schools, as of June 30, 1977, and

WHEREAS, Mr. Raciti is giving up his salary as Superintendent of Schools as of June 30, 1977,

WHEREAS, such a tenure hearing would cause disruption in the district and place an extra burden on the taxpayer,

NOW, THEREFORE BE IT RESOLVED, that the President of the Brick Township Board of Education, William Bell, is instructed to notify the Commissioner of Education, Fred G. Burke, that it is the position of the Brick Township Board of Education that the tenure hearing should be dismissed in the interest of the district and fairness as moot and of no practical educational consequence.

Mr. Anton asked, at this time, that the Board of Education approve a motion to authorize this meeting without the usual 48-hour notification. Mr. Hancock made a motion to authorize this meeting and waive the usual 48-hour notification. Mrs. Riley seconded this motion and it was carried unanimously by roll call vote.

Waiver of
48-hour
Notice

Because of the interruption in sequence of the original motion on the floor to approve resolution in the matter of the tenure hearing of Mr. C. Stephen Raciti, it was agreed it should be redone in its entirety.

Motion was made by Mrs. Riley and seconded by Mr. D'Ambola to adopt the previously read resolution in the matter of the tenure hearing of Mr. C. Stephen Raciti. A roll call vote was taken with the following results: Mrs. Riley - yes; Mr. Bertrand - Pass; Mr. D'Ambola - yes; Mr. Hancock - yes; and Mr. Bell - yes.

Resolution
Tenure Hear.
C.S.Raciti

Mr. Anton was questioned as to the count considering Mr. Bertrand's "Pass" vote. Mr. Anton said it could be considered with the majority. Mr. Bertrand was asked if he objected to tonight's action being called an unanimous vote and he said he did not object.

Adjourn

Motion was made by Mr. Bell, seconded by Mrs. Riley and carried unanimously to adjourn this meeting at 7:55 p.m.

Respectfully submitted,

Josephine Damadio
Josephine Damadio