

**BERNARDS TOWNSHIP BOARD OF EDUCATION
BASKING RIDGE, NEW JERSEY
JANUARY 7, 2013
REORGANIZATION OF BOARD MINUTES INDEX 7:05 P.M.
EXECUTIVE SESSION 7:12 P.M.
REGULAR BOARD AGENDA 7:51 P.M.
WILLIAM ANNIN MIDDLE SCHOOL**

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The meeting was called to order at 7:05 p.m. by Board Secretary Rod McLaughlin.

- I. **Salute to Flag – 7:05 p.m. – William Annin Middle School Auditorium**
- II. **Statement of Public Meeting Notice**

This was a regular Meeting of the Board of Education of Bernards Township. Notice of the time and place of this meeting was provided and copies of that resolution were forwarded to the official newspapers as designated by the Board of Education and to the Township Clerk and a copy of the notice was posted on the bulletin board of the Board of Education Offices in accordance with P.L. 1975 Chapter 231A.

We very much welcome input from the public. There are two times during regular meetings that the public is invited to speak. One time is early in the meeting before the Board votes, and you may speak about any item that is listed on tonight's agenda. Towards the end of the meeting, there is another public forum to address any topic whatsoever.

When you approach the microphone, please state your name and address. We do not have a specific time limit, but we ask that you keep your comments brief. Please understand that our public forums are not structured as question and answer sessions, but rather they are offered as opportunities to share your thoughts with the Board. In instances where the Board feels that there is a misunderstanding or inaccuracy, a member of the Board or Administration will address it in the Board Response portion of the agenda.

There are times when a member of the public makes a comment or asks a question about an employee. New Jersey statute does not permit us to discuss personnel issues in public. Also as a matter of law, a Board of Education may only vote for or against the hiring of an employee upon the recommendation of the superintendent. If the superintendent does not recommend a person, that person's name is not listed on the agenda and there is no vote on that action.

If it is necessary for the Board to go into executive session at the end of the meeting, we will provide an estimated length of time for the session and whether any action is anticipated to be taken upon returning to public session.

III. **Reorganization of Board – 7:06 p.m. – William Annin Middle School Auditorium**

IV. **Statement of Election Results**

November 6, 2012 School Election Results:

For 3 Three Year Terms

Beverly Darvin Cwerner	3,965
Louis D’Autorio	2,290
Robin McKeon	4,386
Audrey Cohen Sherwyn	3,546

Board Secretary Rod McLaughlin thanked the four candidates who ran for office. He noted the results of the election will be included in the Board minutes.

V. **Oath of Office**

Board Secretary Rod McLaughlin administered the Oath of Office to the following newly elected Board members and congratulated each of them.

Beverly Darvin Cwerner, Robin McKeon, Audrey Cohen Sherwyn

VI. **Roll Call of New Board**

PRESENT: Mr. Byrne, Ms. Cwerner, Mr. Koch, Ms. Kusel, Ms. McGowan,
Ms. McKeon, Ms. Shah, Ms. Sherwyn, Ms. Woodridge, Mr. Markarian,
Mr. Siet, Mr. McLaughlin

ABSENT: None

VII. **Election of Board President**

Mr. McLaughlin requested nominations for the position of President of the Board.

Ms. Sherwyn nominated Ms. McGowan.

Ms. Shah seconded the nomination of Ms. McGowan.

Ms. McGowan was elected President of the Board of Education by the following roll call vote:

“Ayes” - Mr. Byrne, Ms. Cwerner, Mr. Koch, Ms. Kusel, Ms. McKeon,
Ms. Shah, Ms. Sherwyn, Ms. Wooldridge, Ms. McGowan

“Noes” - None

“Abstain” - None

VIII. Election of Board Vice President

Board President Susan McGowan requested nominations for the position of Vice President of the Board.

Mr. Koch nominated Ms. Sherwyn.
Ms. McKeon seconded the nomination of Ms. Sherwyn.

Ms. Sherwyn was elected Vice President of the Board of Education by the following roll call vote:

“Ayes” - Mr. Byrne, Ms. Cwerner, Mr. Koch, Ms. Kusel, Ms. McKeon,
Ms. Shah, Ms. Sherwyn, Ms. Wooldridge, Ms. McGowan
“Noes” - None
“Abstain” - None

IX. Executive Session – 7:12 p.m. – William Annin Middle School Conference Room

BE IT RESOLVED that the Bernards Township Board of Education met in closed session to discuss: individual under consideration for employment; confidential student matters; and further

BE IT RESOLVED that the matters discussed in closed session will be disclosed to the public as soon as and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel.

On motion by Mr. Koch, seconded by Ms. Cwerner, and approved by all present, the Board recessed into closed executive session at 7:12 p.m.

On motion by Ms. Sherwyn, seconded by Ms. Wooldridge, and approved by all present, the Board returned to public session at 7:45 p.m.

The Board reconvened the regular meeting in the William Annin Middle School Auditorium at 7:51 p.m.

X. Regular Session Agenda – 7:51 p.m. – William Annin Middle School Auditorium

XI. Approval of 2013 Board of Education Meeting Schedule

BERNARDS TOWNSHIP BOARD OF EDUCATION

*101 Peachtree Road
Basking Ridge, New Jersey 07920
(908) 204-2600*

2013 SCHEDULE OF BOARD OF EDUCATION MEETINGS

**EXECUTIVE SESSION (as necessary)
PUBLIC SESSION 7:00 P.M.**

Meeting Date:

Location:

January 7, 2013*	William Annin Middle School Auditorium
January 28, 2013	William Annin Middle School Auditorium
February 11, 2013	William Annin Middle School Auditorium
February 25, 2013	William Annin Middle School Auditorium
March 11, 2013	Ridge High School PAC
March 25, 2013	Ridge High School PAC - Public Hearing on Budget
April 8, 2013	William Annin Middle School Auditorium
April 29, 2013***	William Annin Middle School Auditorium
May 13, 2013	William Annin Middle School Auditorium
May 20, 2013**	William Annin Middle School Auditorium
June 10, 2013	William Annin Middle School Auditorium
June 24, 2013	William Annin Middle School Auditorium
July 22, 2013	Board of Education Conference Room
August 26, 2013	Board of Education Conference Room
September 9, 2013	William Annin Middle School Auditorium
September 23, 2013	William Annin Middle School Auditorium
October 14, 2013	William Annin Middle School Auditorium
October 28, 2013	William Annin Middle School Auditorium
November 11, 2013	William Annin Middle School Auditorium
November 25, 2013	William Annin Middle School Auditorium
December 16, 2013**	William Annin Middle School Auditorium
January 6, 2014*	William Annin Middle School Auditorium

*1st Monday of month

**3rd Monday of month

***5th Monday of month

On motion by Ms. Wooldridge, seconded by Mr. Koch, the 2013 Board of Education Meeting Schedule was approved by the following roll call vote:

“Ayes” - Mr. Byrne, Ms. Cwerner, Mr. Koch, Ms. Kusel, Ms. McKeon,
 Ms. Shah, Ms. Sherwyn, Ms. Wooldridge, Ms. McGowan
 “Noes” - None
 “Abstain” - None

XII. Distribute Ethics Act & Administer Code of Ethics

Board President Susan McGowan stated each Board member received the appropriate ethics training at the September 10, 2012 Board Retreat meeting. This training was administered by Board Attorney Cherie Adams. The code of ethics was distributed to all Board of Education members again at this meeting.

XIII. Superintendent’s Report

BE IT RESOLVED THAT

1) The Bernards Township Board of Education does hereby approve the following **2013 Ridge High School Forensics** overnight trips for :

<u>Dates:</u>	<u>Tournament:</u>	<u>Itinerary:</u>
2/1-2/2013	Pennsbury HS	Pennsbury, PA
2/8-9/2013	Scarsdale HS	Scarsdale, NY
2/15-18/2013	Harvard University	Cambridge, MA
2/15-17/2013	University of Pennsylvania	Philadelphia, PA
4/26-29/2013	Debate Tournament of Champions	University of Kentucky Lexington, KY
5/24-26/2013	NCFL Grand Nationals	Philadelphia, PA
6/8-15/2013	National Forensic League National Championship	Birmingham, AL

On motion by Ms. Cwerner, seconded by Ms. Kusel, Item #1 was approved by the following roll call vote:

“Ayes” - Mr. Byrne, Ms. Cwerner, Mr. Koch, Ms. Kusel, Ms. McKeon,
 Ms. Shah, Ms. Sherwyn, Ms. Wooldridge, Ms. McGowan
 “Noes” - None
 “Abstain” - None

Mr. Markarian thanked all the Board members for their time and public service to the district. He noted the additional responsibilities held by Ms. Sherwyn and Ms. McGowan.

XIV. Public Comments on Agenda Items

No comments were made.

XV. Committee Reports

FINANCE

BE IT RESOLVED THAT

1) The Bernards Township Board of Education does hereby approve a list of disbursements dated January 7, 2013 consisting of warrants in the amount of \$2,223,855.77.

2) **RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF BERNARDS IN THE COUNTY OF SOMERSET, NEW JERSEY, AUTHORIZING CERTAIN ACTIONS NECESSARY IN CONNECTION WITH THE SALE AND ISSUANCE OF NOT TO EXCEED \$28,300,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING SCHOOL BONDS AND AUTHORIZING THE APPROPRIATE OFFICIALS TO DO ALL ACTS AND THINGS DEEMED NECESSARY AND ADVISABLE IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SAID BONDS**

WHEREAS, the Board of Education of the Township of Bernards in the County of Somerset, New Jersey (the “Board” when referring to the governing body and the “School District” when referring to the territorial boundaries governed by the Board) issued \$44,648,000 aggregate principal amount of tax-exempt school bonds dated December 13, 2005 (the “2005 School Bonds”); and

WHEREAS, the Board had determined that the current tax-exempt interest rate environment may enable it to realize going-forward debt service savings for the School District property taxpayers through the issuance by the Board of not-exceeding \$38,000,000 in Refunding School Bonds, Series 2012 to refund all or a portion of its outstanding 2005 School Bonds in the amount of \$32,825,000 maturing on or after July 15, 2016 (the “Refunded Bonds”); and

WHEREAS, the Board, adopted a refunding school bond ordinance (the “Refunding Bond Ordinance”) on February 27, 2012, authorizing the issuance of the not to exceed \$38,000,000 Refunding School Bonds for the purpose of refunding the Refunded Bonds; and

WHEREAS, pursuant to the Refunding Bond Ordinance and pursuant to a resolution adopted on February 27, 2012, the Board, on May 22, 2012 issued \$9,700,000 Refunding School Bonds, Series 2012 to refund a \$8,440,000 portion of the Refunded Bonds being a \$1,375,000 portion of the bonds maturing on July 15, 2027, the bond maturing on July 15, 2028 and the \$1,865,000 callable portion of the July 15, 2029 sinking fund installment of the term bond maturing on July 15, 2030; and

WHEREAS, the Board now seeks to issue additional refunding bonds (the “Refunding School Bonds”), pursuant to the Refunding Bond Ordinance, to refund the remainder of the Refunded Bonds; and

WHEREAS, the Board now desires to authorize certain actions in connection with the sale and issuance of the Refunding School Bonds.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF BERNARDS IN THE COUNTY OF SOMERSET, NEW JERSEY, AS FOLLOWS:

SECTION 1. The Refunding School Bonds are hereby authorized to be sold to, and the Board hereby appoints (i) RBC Capital Markets, LLC to serve as Underwriter for eighty percent (80%) of the Refunding School Bonds issued, and (ii) PNC Bank to serve as Underwriter for twenty percent (20%) of the Refunding School Bonds issued (collectively, the “Underwriter”), upon the terms set forth herein and set forth in their respective proposals to the Board.

SECTION 2. There is hereby delegated to the Business Administrator/Board Secretary, subject to the limitations contained herein and in consultation with Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Board (“Bond Counsel”) and Phoenix Advisors, Bordentown, New Jersey (the “Financial Advisor”), the power with respect to the Refunding School Bonds to determine and carry out the following:

a) the sale of the Refunding School Bonds at private sale, provided that the purchase price paid by the purchaser thereof shall not be less than ninety-five percent (95%) of the principal amount of the Refunding School Bonds so sold;

b) the principal amount of Refunding School Bonds to be issued, provided that (i) such amount shall not exceed \$28,300,000, and (ii) such amount shall not exceed the amount necessary to pay the costs of issuance associated with the Refunding School Bonds and to fund the deposit to the escrow fund as set forth in the Escrow Deposit Agreement (as defined herein) in an amount that, when invested, will be sufficient to provide for the timely payments required for the Refunded Bonds;

c) the maturity dates and the principal amount of each maturity of the Refunding School Bonds, provided that no Refunding School Bonds refunding the Refunded Bonds shall mature later than July 15, 2030.

d) the interest payment dates and the interest rates on the Refunding School Bonds, provided that the true interest cost on the Refunding School Bonds shall produce a present value debt service savings of at least three percent (3%) of the principal amount of the Refunded Bonds;

e) the denomination or denominations of and the manner of numbering and lettering the Refunding School Bonds, provided that all Refunding School Bonds of like maturity shall be identical in all respects, except as to denominations, amounts, numbers and letters;

f) provisions for the sale or exchange of the Refunding School Bonds and for the delivery thereof;

g) the form of the Refunding School Bonds shall be substantially in the form set forth in Exhibit A attached hereto, with such additions, deletions and omissions as may be necessary for the Board to market the Refunding School Bonds in accordance with the requirements of The Depository Trust Company, New York, New York, (“DTC”) and the Purchase Contract (as defined herein);

h) the direction for the application and investment of the proceeds of the Refunding School Bonds; and

i) any other provisions deemed advisable by the Business Administrator/Board Secretary not in conflict with the provisions hereof.

The Business Administrator/Board Secretary shall execute a certificate evidencing the determinations or other actions taken pursuant to the authority granted hereunder, and any such certificate shall be conclusive evidence of the actions or determinations of the Business Administrator/Board Secretary as to the matters stated therein.

SECTION 3. The President and/or Vice-President of the Board are hereby authorized and directed to execute by manual or facsimile signature the Refunding School Bonds in the name of the Board and the corporate seal (or facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. The Business Administrator/Board Secretary is hereby authorized and directed to attest to such signature and to the affixing of said seal to the Refunding School Bonds.

SECTION 4. The Business Administrator/Board Secretary, in consultation with Bond Counsel and the Financial Advisor, is hereby authorized and directed to approve the Bond Purchase Contract (the “Purchase Contract”) for the Refunding School Bonds, to be dated the date of sale of such Refunding School Bonds and to be executed by the Underwriter. The President, Vice-President and Business Administrator/Board Secretary are hereby authorized and directed on behalf of the Board to execute and deliver said Purchase Contract.

SECTION 5. The Business Administrator/Board Secretary, in consultation with Bond Counsel and the Financial Advisor, is hereby authorized and directed to apply and qualify for the issuance of any policy of municipal bond insurance and to approve a Commitment for Municipal Bond Insurance (the “Commitment”) setting forth the terms and conditions (including premium charges) upon which a bond insurer proposes to issue its

bond insurance policy covering the Refunding School Bonds. The Business Administrator/Board Secretary is hereby authorized and directed on behalf of the Board to execute and deliver said Commitment.

SECTION 6. The Business Administrator/Board Secretary, in consultation with Bond Counsel and the Financial Advisor, is hereby authorized and directed to approve the Escrow Deposit Agreement (the “Escrow Deposit Agreement”) with an escrow agent (the “Escrow Agent”) to be selected by the Business Administrator/Board Secretary, in consultation with Bond Counsel, with respect to the Refunded Bonds, to be dated the date of the closing on the Refunding School Bonds. The President and Vice-President of the Board are hereby authorized and directed to execute and deliver the Escrow Deposit Agreement in the name of the Board and the corporate seal (or facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. The Business Administrator/Board Secretary is hereby authorized and directed to attest to such signature and to the affixing of said seal to the Escrow Deposit Agreement. The Underwriter and the Financial Advisor are each hereby authorized to act as the agent and representative of the Board for the purpose of subscribing for the purchase of United States Treasury Securities – State and Local Government Series to be held by the Escrow Agent.

SECTION 7. The Business Administrator/Board Secretary is hereby authorized and directed to select a verification agent (the “Verification Agent”), if required, in consultation with Bond Counsel and the Financial Advisor, with respect to the Refunded Bonds. The Verification Agent shall prepare the verification report required to verify the sufficiency of the escrowed monies to refund the Refunded Bonds.

SECTION 8. It is hereby delegated to the Business Administrator/Board Secretary the authority to “deem final” (as defined under the Rule (as hereinafter defined)) a Preliminary Official Statement (the “Preliminary Official Statement”) and such official is hereby authorized and directed to execute and deliver a certificate to the Underwriter evidencing the same. The preparation and distribution by the Board, in consultation with Bond Counsel and counsel to the Underwriter, of a Preliminary Official Statement for the Refunding School Bonds to be used in connection with the marketing of such Refunding School Bonds, is hereby approved and any previous actions undertaken by various representatives and officers of the Board with respect thereto are hereby ratified and confirmed. Upon the sale of the Refunding School Bonds to the Underwriter, the Preliminary Official Statement shall be so modified by the Business Administrator/Board Secretary, in consultation with Bond Counsel, to reflect the effect of the pricing of the Refunding School Bonds and the Purchase Contract and any other revision not inconsistent with the substance thereof deemed necessary or advisable by Bond Counsel, and said Preliminary Official Statement as so modified shall constitute the final Official Statement (the “Official Statement”). The Business Administrator/Board Secretary is authorized and directed on behalf of the Board to execute and deliver said Official Statement.

SECTION 9. The Board hereby covenants and agrees that it will comply with and carry out all of the provisions of a Continuing Disclosure Certificate (the “Certificate”) which will set forth the obligation of the Board to file budgetary, financial and operating

data on an annual basis and notices of certain enumerated events deemed material in accordance with the provision of the Rule. The Business Administrator/Board Secretary is hereby authorized and directed to execute and deliver this Certificate evidencing the Board's undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Board to comply with the Certificate shall not be considered a default on the Refunding School Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance to cause the Board to comply with its obligations hereunder.

SECTION 10. The President, Vice-President and Business Administrator/Board Secretary or any other appropriate officer or representative of the Board, are hereby authorized and directed to execute and deliver any and all documents and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this resolution, the Purchase Contract, the Certificate, the Escrow Deposit Agreement and the Commitment, and for the authorization, sale and issuance of the Refunding School Bonds. The execution by such officials and officers of any such documents, with changes, insertions or omissions approved by the Business Administrator/Board Secretary, in consultation with Bond Counsel, as hereinabove provided, shall be conclusive and no further ratification or other action by the Board shall be required with respect thereto.

SECTION 11. The Board hereby covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on the Refunding School Bonds.

SECTION 12. All other resolutions adopted in connection with the Refunding School Bonds and inconsistent herewith are hereby rescinded to the extent of such inconsistency.

SECTION 13. This resolution shall take effect immediately.

3) The Bernards Township Board of Education does hereby approve professional development expenses in accordance with P.L. 2007 An Act Concerning School District Accountability and annual Board resolution for the 2012-13 school year:

<u>Name:</u>	<u>Name of Conference:</u>	<u>Cost:</u>	<u>Date(s):</u>
J. Kaltenbach	ANJEE Conference	\$255	1/25/2012 – 1/26/2012

On motion by Mr. Koch, seconded by Ms. Kusel, Items #1 through 3 were approved by the following roll call vote:

“Ayes” - Mr. Byrne, Ms. Cwerner, Mr. Koch, Ms. Kusel, Ms. McKeon,
Ms. Shah, Ms. Sherwyn, Ms. Wooldridge, Ms. McGowan
 “Noes” - None
 “Abstain” - None

Board Counsel Lisa Gorab responded to questions from the Board regarding refunding of district bonds.

PERSONNEL

BE IT RESOLVED THAT

1) The Bernards Township Board of Education does hereby appoint **Brian Heineman** Assistant Principal William Annin Middle School at a salary of \$130,837 effective February 4, 2013 through June 30, 2013. Salary to be prorated to reflect start date.

On motion by Ms. Cwerner, seconded by Ms. McKeon, Item #1 was approved by the following roll call vote:

“Ayes” - Mr. Byrne, Ms. Cwerner, Mr. Koch, Ms. Kusel, Ms. McKeon,
Ms. Shah, Ms. Sherwyn, Ms. Wooldridge, Ms. McGowan
“Noes” - None
“Abstain” - None

Mr. Siet commented on Dr. Heineman’s nine years in the district. Most notably his focus on technology initiatives and intertwining technology into the district’s curriculum. Mr. Heineman has worked extensively providing staff with the training necessary to meet the needs of the students.

POLICY

1) Progress Report Strauss Esmay

Mr. Markarian updated the Board on the progress Strauss Esmay has made in its wellness check of the district’s policies. In the next three to four weeks, he and other members of the staff will meet with representatives from Strauss Esmay to make certain policy language meets state statute.

Chairperson Bev Cwerner stated the committee continues to work on the concerns regarding the length of the school year as well as modifications being made to the calendar survey. Input from the survey will be included as the district prepares future school year calendars.

CURRICULUM

Chairperson Robin McKeon updated the Board on its December meeting including Algebra I & II, a summary of the high school American Lit course, new courses to be included in the 2013-14 Program of Studies (addition of AP Art History and, the Concurrent Enrollment Program at Raritan Valley Community College), the future of Option II (academic courses), and the Student Stressors Report. The committee is scheduled to meet on Friday, January 11.

COMMUNITY RELATIONS

Chairperson Audrey Sherwyn updated the Board on the recent PTO Advisory Board meeting where security questions and concerns were discussed. She noted the Mount Prospect School PTO meeting has been changed to February 13.

LIASION REPORTS

Mr. Koch stated the Task Force had its initial open forum meeting. The committee has continued to meet once a week at Town Hall since early December to discuss possible solutions to the traffic situation at the high school.

XVI. Public Comments on Other Than Agenda Items

Comments were made regarding the re-election of Board members, consolidating the school calendar, consideration to floating religious holidays, the Ridge Sports Foundation, mid-term exams, and inclusion of Diwali in the school calendar. Additional comments were made regarding Algebra II, summer review by students, and the status of the review packet being placed on the website.

XVII. Board Forum

Ms. McGowan noted a representative from the Ridge Sports Foundation met with the Finance Committee. The committee is looking into possible joint projects. Options will be discussed at the next Finance Committee meeting.

Mr. Siet stated that quarterly exams at the high school will only cover one marking period and he will make certain the Algebra study guide is placed on the website.

XVIII. Adjournment

On motion by Mr. Koch, seconded by Ms. Kusel, and approved by all present, the meeting was adjourned at 8:45 p.m.

Respectfully,

Rod McLaughlin
Board Secretary