

MONTCLAIR PUBLIC SCHOOLS



PUBLIC BOARD MEETING HELD ON

**MONDAY, SEPTEMBER 21, 2020 AT 5:30 PM
VIRTUAL MEETING
MONTCLAIR, NEW JERSEY**

AGENDA FOR THE PUBLIC BOARD MEETING
HELD MONDAY, SEPTEMBER 21, 2020 AT 5:30 PM
VIRTUAL MEETING

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A. ROLL CALL	
B. ADMINISTER OATH OF OFFICE – TOWNSHIP CLERK	
C. RESOLUTION FOR EXECUTIVE SESSION	
D. RETURN TO OPEN SESSION – ROLL CALL	
E. THE PLEDGE OF ALLEGIANCE	
F. STATEMENTS	
1. Meeting Notice	
G. PRESENTATION	
1. Energy Savings Improvement Plan	
H. SUPERINTENDENT’S REPORT	
I. STUDENT REPRESENTATIVE	
J. COMMENTS FROM THE PUBLIC	
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2. Public/Executive Session held on September 2, 2020	
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P. PERSONNEL	
1. Personnel Report (Provided within Addendum)	
Q. BOARD COMMENTS	
R. ANNOUNCEMENT OF FUTURE MEETING DATES	
The next public meeting of the Montclair Board of Education will be held virtually on Wednesday, October 7, 2020 at 6:30pm. The meeting will go into closed session until approximately 7:30 pm when it will re-open to the public.	
S. ADJOURNMENT	

THE PUBLIC SCHOOLS
Montclair, New Jersey

CONFERENCE AND TRAVEL REQUESTS

WHEREAS, New Jersey Administrative Code N.J.A.C. 23B and Board of Education policy require approval of the Board of Education prior to expending Board of Education funds for travel and related expenses, and

WHEREAS, the travel must be directly related to the employee's or Board member's current responsibilities,

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Superintendent to the Montclair Board of Education that the following Board members and employees are approved for travel-related reimbursements for an amount up to the estimated cost indicated:

CONFERENCE AND TRAVEL EXPENSES						
<u>CONFERENCE</u>	<u>DATE</u>	<u>BOARD MEMBER/ EMPLOYEE</u>	<u>SCHOOL DEPT.</u>	<u>ESTIMATED COST</u>	<u>EDUCATIONAL PURPOSE</u>	<u>LOCATION</u>
ACTFL ANNUAL CONFERENCE	11/20/2020 – 11/22/2020	FRANK SEDITA	E.C.& I.	\$245.00	THE ANNUAL ACTFL CONFERENCE WILL FOCUS ON BEST PRACTICES IN THE AREAS OF COMMUNICATIVE LANGUAGE TEACHING AND SECOND LANGUAGE ACQUISITION	VIRTUAL
NJSBA VIRTUAL WORKSHOP CONFERENCE 2020 REGISTRATION	10/20/2020- 10/22/2020	BOE MEMBERS, DR. JONATHAN PONDS, DR. KALISHA MORGAN, EMIDIO D'ANDREA, CO STAFF MEMBERS	CENTRAL OFFICE	\$900.00 – GROUP RATE	THIS WORKSHOP PROVIDES KNOWLEDGE, STRATEGIES, AND SOLUTIONS TO HELP BOARD MEMBERS AND ADMINISTRATORS.	VIRTUAL
2020 INTERNATIONAL VIRTUAL ADVANCED PLACEMENT WORKSHOP	10/3/2020 – 10/4/2020	SILVIA JANKOWSKI	MHS	\$350.00	BY ATTENDING THIS WORKSHOP, I WILL GAIN DEEPER INSIGHT IN PLANNING MY STRATEGIES AND GAIN ADDITIONAL STRENGTH TO HELP MY STUDENTS TO DEVELOP A MASTERY OF THE COURSE.	VIRTUAL

BE IT FINALLY RESOLVED that reimbursement will be made for expenses that are in accordance with Board of Education policy and for which original receipts are submitted to the Business Office.

Montclair, New Jersey

SERVICES UNDER CHAPTERS 192/193, P.L. 1977- SCHOOL YEAR 2020-2021

WHEREAS, the Montclair Board of Education has authorized the renewal of this service contract pursuant to Chapters 192 and 193, Laws of 1977, and

WHEREAS, the Commission Direct Services Project will provide these services through a means of delivery identical to that provided by the Commission in the past,

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education intends to effect a contractual agreement with the Board of Directors of the Essex Regional Educational Services Commission for the purpose of authorizing the Board of Directors of ERES to provide auxiliary services as listed on the agreement from September 1, 2020, to June 30, 2021, to students who attend non-public schools in Montclair, New Jersey, in accordance with N.J.S.A. 18A:46A-1 et seq, (Public Laws of 1977, Chapters 192 and 193) and the rules and regulations governing the provision of auxiliary services to students in non-public schools. The total allocation for these services shall not exceed the dollar amount allotted under Chapters 192 and 193.

THE PUBLIC SCHOOLS
Montclair, New Jersey

**PLACEMENTS AND ACCEPTANCE OF TUITION FOR IN-DISTRICT DEVELOPMENTAL LEARNING CENTER
STUDENTS 2020-2021 SCHOOL YEAR**

WHEREAS, the Superintendent recommends that the Board approves the actions contained in the placements listed below to the Developmental Learning Center for the 2020-2021 school year:

ID #	Details	Annual Cost	Start Date
989041	DLC	\$5,000.00	9/8/20
988606	DLC	\$5,000.00	9/8/20

WHEREAS, the parent will be required to pay for tuition,

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves these placements.

THE PUBLIC SCHOOLS
Montclair, New Jersey

PLACEMENTS AND ACCEPTANCE OF TUITION FOR NON-RESIDENT STUDENTS 2020-2021 SCHOOL YEAR

WHEREAS, the Superintendent recommends that the Board approves the Acceptance of the Non-Resident Students listed below:

ID #	Details	Grade	Annual Cost	Start Date
984006	Renaissance	7	\$15,436.00	9/8/20

WHEREAS, the parent will be required to pay for tuition,

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the acceptance of the Non-Resident Students.

THE PUBLIC SCHOOLS
Montclair, New Jersey

SETTLEMENT AGREEMENT WITH RESPECT TO STUDENT #985910 EDUCATIONAL PROGRAM

RESOLVED that upon the recommendation of the Superintendent, the Montclair Board of Education approves the settlement agreement with respect to student #985910, as discussed in Executive Session.

THE PUBLIC SCHOOLS
Montclair, New Jersey

RENEWAL OF CONTRACT FOR ELECTRICAL SYSTEM REPAIRS FOR THE 2020-2021 SCHOOL YEAR

WHEREAS, supplies, equipment and services anticipated to be in excess of \$44,000 are subject to the bidding requirements of New Jersey Statutes 18A:18A-4 or are to be purchased under a State of New Jersey contract through the provisions of N.J.S. 18A:18A-10, and

WHEREAS, in accordance with Public School Contract Law, specifications were prepared, advertised, and sealed bids received on May 18, 2017, for Electrical System Repairs for the 2017-2018 school year. A contract was awarded to Sal Electric Company, Inc., 83 Fleet Street, Jersey City, New Jersey, 07306, and they have offered to renew their contract for the 2020-2021 school year at the current prevailing wages,

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the renewal of contract to Sal Electric Company, Inc., for Electrical System Repairs for the 2020-2021 school year at the terms and conditions stated in their letter of September 11, 2020, which is on file in the Business Office.

THE PUBLIC SCHOOLS
Montclair, New Jersey

CONTINGENCY USAGE AND CHANGE ORDER #1 FOR SITE MASONRY RESTORATION

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the use of the contingency allowances and change order #1 for the Site Masonry Restoration as follows:

• *Edgemont Additional Asphalt Replacement (9/23/19) PCO 01	\$16,087.75*
• Edgemont Door Pad Replacement (9/23/19) PCO 02	\$ 3,400.00
• Glenfield Concrete Curb Repair (9/23/19) PCO 03	<u>\$ 1,400.00</u>
Total Contingency Allowance Used	\$20,887.75
Total Contingency Allowance Remaining	\$29,112.25
• *Edgemont Additional Asphalt Replacement (9/23/19) PCO 01 (NEVER DONE)+\$16,087.75*	
• Remove & Reconstruct Concrete & Brick Walls HI Parking Lot PCO 04R	\$18,500.00
• Hillside & Buzz Elastomeric Coating PCO 05	\$ 2,580.00
• Pre-K Flex Coat PCO 07b	\$ 700.00
• Glenfield Flex Coat PCO 08b	\$ 700.00
• Glenfield Ramp Flex Coat PCO 09b	<u>\$ 1,200.00</u>
Total Contingency Allowance Used	\$28,480.00
Total Contingency Allowance Remaining	\$21,520.00
Original Contract Sum	\$421,000.00
• Change Order #1 – Credit Return of Contingency	<u>\$21,520.00</u>
New Contract Sum	\$399,480.00

On 7/15/19 the bid was awarded to Alimi Builders, Inc. in the total amount of \$421,000.00 which included the contingency allowance.

THE PUBLIC SCHOOLS
Montclair, New Jersey

**APPROVAL TO RESCIND CONTRACT FOR FIRE DETECTION AND ALARM SYSTEM MAINTENANCE
FOR THE 2020-2021 SCHOOL YEAR**

BE IT RESOLVED that upon the recommendation of the Superintendent that the Montclair Board of Education, we rescind the award of Fire Detection and Alarm System Maintenance for the 2020-2021 School Year to Fast Fire and Security Technologies which was awarded on August 17, 2020 because they were in non-compliance with the bid specifications.

THE PUBLIC SCHOOLS
Montclair, New Jersey

**AWARD OF CONTRACT FOR FIRE DETECTION AND ALARM SYSTEM MAINTENANCE FOR THE
2020-2021 SCHOOL YEAR**

WHEREAS, supplies, equipment and services anticipated to be in excess of \$44,000 are subject to the bidding requirements of New Jersey Statutes 18A:18A-4 or are to be purchased under a State of New Jersey contract through the provisions of N.J.S. 18A:18A-10, and

WHEREAS, in accordance with Public School Contract Law, specifications were prepared, advertised, and sealed bids received on August 13, 2020, for Fire Detection and Alarm Maintenance for the 2020-2021 school year. Eleven (11) companies received copies of the bid and four (4) bids were received as follows:

Fast Fire and Security Technologies	\$51,650.00
Haig Service Corporation	\$84,250.00
Sal Electric	\$62,650.00
Absolute Protective Systems, Inc.	\$63,525.00

WHEREAS, on August 17, 2020 the contract was awarded to the lowest bidder, Fast Fire and Security Technologies; however, the bid was protested, a defect was found, and the award was rescinded,

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education awards a contract to the second-lowest bidder, Sal Electric for an estimated total of \$62,650.00 based upon the unit pricing included in the bid specifications.

THE PUBLIC SCHOOLS
Montclair, New Jersey

AWARD OF CONTRACT FOR PROFESSIONAL SERVICES – VARIOUS SERVICES FOR THE 2020-2021 SCHOOL YEAR

WHEREAS, N.J.S.A. 18A:18A-5(a)(1) states in part “Any purchase, contract or agreement... may be made, negotiated or awarded by the Board of Education by resolution at a public meeting without advertising for bids..., and

WHEREAS, The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Public School Contract Law, N.J.S.A. 18A:18A-5(a)(1), because it is for services performed by persons authorized by law to practice a recognized profession, and

WHEREAS, The Montclair Board of Education is in need of professional services for the following providers:

<u>Vendor Name</u>	<u>Professional Service</u>	<u>Rate</u>
Vinati Pachchigar	Speech Services	\$350/case; \$80/hour for Extended School Year

WHEREAS, Funds are or will be available for this purpose,

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves these providers’ proposals which are on file in the Business Office.

THE PUBLIC SCHOOLS
Montclair, New Jersey

**ACCEPTANCE OF GRANT AWARD AND APPROVAL OF SUBMISSION OF THE DIGITAL DIVIDE
GRANT APPLICATION FOR FISCAL YEAR 2021**

WHEREAS, the State Department of Education requires Boards of Educations to accept and/or refuse the grant allocations and approve the submission of the Digital Divide grant application;

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education accepts the Digital Divide grant allocations as noted below and approves the submission of the Digital Divide grant application for fiscal year 2021.

Function / Object	
100	Instruction
100-600	\$52,555
Total Budgeted	\$52,555
Total Available	\$52,555
Amount Remaining	\$52,555

THE PUBLIC SCHOOLS
Montclair, New Jersey

TRANSFER REPORT

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the attached Transfer Report for July 2020.

THE PUBLIC SCHOOLS
Montclair, New Jersey

S1701 TRANSFER REPORT

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the attached S1701 Transfer Report for July 2020.

THE PUBLIC SCHOOLS
Montclair, New Jersey

BOARD SECRETARY REPORT

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the attached Board Secretary Report for July 2020.

THE PUBLIC SCHOOLS
Montclair, New Jersey

TREASURER OF SCHOOL MONIES REPORT

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the attached Treasurer of School Monies Report for July 2020.

THE PUBLIC SCHOOLS
Montclair, New Jersey

BILLS LIST REPORT

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the attached Bills List Reports for Summer Bills List #3 in the amount of \$2,502,182.14 and September 2020 in the amount of \$2,586,063.75.

THE PUBLIC SCHOOLS
Montclair, New Jersey

MONTHLY PAYROLL

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the monthly payroll amounts paid from the payroll accounts for July 2020 and August 2020 as noted below:

July 2020	\$ 1,525,724.19
August 2020	\$ 1,591,916.63

THE PUBLIC SCHOOLS
Montclair, New Jersey

FINANCE APPROPRIATIONS, ENCUMBRANCES, EXPENDITURES REPORT

WHEREAS, N.J.A.C. 6A:23A-16.10(4) requires monthly certifications by Boards of Education that major account/fund balances have not been over-expended and that sufficient funds are available to meet the district's financial obligations for the 2020-2021 fiscal year; and

WHEREAS, the Board Secretary has certified that no major account has been over-expended for the month ending July 2020 and that sufficient funds are available for the remainder of the fiscal year; and

WHEREAS, ALL Board members have been provided with expenditure summaries;

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education collectively certifies the expenditures of the district for the month ending July 31, 2020 to be within the guidelines established under N.J.A.C. 6A:23-2.11(a), with General Operating Fund expenditures as follows:

July 2020

Budgeted Appropriations:	\$ 132,744,127.00
Encumbrances (open purchase orders):	\$ 112,855,479.07
Expenditures (cash disbursements):	\$ 3,326,300.33

AND BE IT FURTHER RESOLVED that a copy shall be appended to and made a part of these minutes.

THE PUBLIC SCHOOLS
Montclair, New Jersey

TAX LEVY REQUEST

BE IT RESOLVED that the Montclair Board of Education does hereby approve the request for tax levy from the Township of Montclair in the amount of \$10,950,000.00 for the month of September 2020.

THE PUBLIC SCHOOLS
Montclair, New Jersey

RESOLUTION APPROVING ENERGY SAVINGS PLAN

WHEREAS The Board of Education of the Township of Montclair in the County of Essex, New Jersey (the “Board of Education” or the “School District”) had energy audits of its school facilities conducted in accordance with the Board of Public Utilities Local Government Energy Audit Grant Program and thereafter determined to consider the adoption and implementation of an energy savings improvement program pursuant to N.J.S.A. 18A:18A-4.6 and to seek the assistance of an energy services company through competitive contracting pursuant to N.J.S.A. 18A:18A-4.6(b)(1) and N.J.S.A. 18A:18A-4.1 et seq. for assistance with the development and implementation of an energy savings plan; and

WHEREAS this Board of Education advertised on March 21, 2019 for receipt proposals by May 10, 2019 through competitive contracting in accordance with N.J.S.A. 18A:18A-4.1 et seq. to select an Energy Services Company to help prepare an energy savings plan with the intent to later enter into a contract to implement energy conservation measures selected by the Board of Education and described in the plan; and

WHEREAS, after receipt and review of proposals, this Board of Education selected Honeywell International, Inc. (“Honeywell”) as its Energy Services Company to assist the Board of Education with its energy savings program in accordance with the requirements of the competitive contracting process set forth in N.J.S.A. 18A:18A-4.1 et seq.; and

WHEREAS Honeywell has worked with the representatives of the Board of Education to develop an energy savings plan and has presented the proposed plan to this Board of Education; and

WHEREAS this Board of Education hired DLB Associates, a qualified independent third party (the “Verification Agent”), to verify that the projected energy savings to be realized from the proposed program has been calculated as required by law, the Verification Agent has issued its report to this effect, the report and proposed plan have been submitted to the Board of Public Utilities for review and the Board of Public Utilities approved the proposed plan on August 7, 2020; and

WHEREAS, after reviewing the proposed plan, this Board of Education has determined that the energy savings generated from reduced energy use from the Energy Conservation Measures set forth in the Energy Savings Plan will be sufficient to cover the cost of the program’s Energy Conservation Measures and that it is in the best interest of the School District to approve, adopt and implement the Energy Savings Plan for the School District pursuant to N.J.S.A. 18A:18A-4.6; now therefore,

BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF MONTCLAIR IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:

- Section 1. The Energy Savings Plan submitted by Honeywell and developed with the professional staff of this Board of Education, to be dated the date of adoption of this resolution or as otherwise determined by the Business Administrator/Board Secretary of this Board of Education (the "Energy Savings Plan"), is hereby approved and adopted as the Energy Savings Plan of this School District.
- Section 2. The Business Administrator/Board Secretary is hereby directed to arrange to have the Energy Savings Plan submitted to the Board of Public Utilities for posting on its web site and shall post the Energy Savings Plan on this School District's Website in accordance with N.J.S.A. 18A:18A-4.6(c)(3). Additional action of this Board of Education will be required for approval of a contract with Honeywell for implementation of the Energy Savings Plan or parts of it and the energy conservation measures to be undertaken and approval of a guaranty offered by Honeywell.
- Section 3. This resolution shall take effect immediately.

THE PUBLIC SCHOOLS
Montclair, New Jersey

APPROVE HONEYWELL CONTRACT IN A FORM ACCEPTABLE TO COUNSEL

WHEREAS The Board of Education hereby approves a contract with Honeywell International, Inc. for a price not to exceed \$11,000,000 to provide and install the Energy Conservation Measures described in the School District's Energy Savings Plan approved September 21, 2020, in a form approved by Counsel, subject to availability of funding and with the provision that the amount will decrease and ECMs adjust if the Board cannot provide for the electrical upgrade project; the Board President, Superintendent and/or the Business Administrator/Board Secretary are authorized to execute such contract on behalf of the Board of Education; and the signature or signatures thereon are conclusive proof of the required review and approval of the contract.

THE PUBLIC SCHOOLS
Montclair, New Jersey

APPROVE ESCO GUARANTY

WHEREAS The Board of Education hereby approves the energy savings guaranty offered by Honeywell International, Inc. for measurement and verification costs only for the contract amount of \$65,000 for each year the Board indicates the guaranty will continue, and the contract with Honeywell International, Inc. approved by this Board of Education for the implementation of the Energy Savings Plan will include provisions for the guaranty.

THE PUBLIC SCHOOLS
Montclair, New Jersey

APPROVE PROFESSIONAL SERVICES CONTRACT FOR ARCHITECT

WHEREAS The Board of Education hereby determines that Parette Somjen Architects LLC, being a professional design architect firm with an excellent reputation in the field and having familiarity with the School District's facilities in their capacity as the School District's Architect of Record, is authorized and delegated the responsibility to prepare the required plans and specifications as Project Architect for the Energy Conservation Measures to be undertaken with Honeywell International Inc. for the implementation of the School District's Energy Savings Plan, in consultation with and under the supervision of the Business Administrator/Board Secretary, who is hereby delegated the responsibility to work with the Project Architect for this purpose on behalf of the Board, all in accordance with the requirements of N.J.S.A. 18A:18A-16, at a cost not to exceed \$800,000; that a contract therefore for professional services in a form approved by the School District's counsel is hereby awarded pursuant to N.J.S.A. 18A:18A-5(a)(1) to be executed on behalf of the Board of Education by the Board President or the Business Administrator/Board Secretary; and that the Business Administrator/Board Secretary shall publish a Notice of Contract Awarded as required by law.

THE PUBLIC SCHOOLS
Montclair, New Jersey

AUTHORIZE APPLICATIONS FOR LRFP PLAN AMENDMENT AND PROJECT APPROVALS

WHEREAS The Board President, the Superintendent of Schools, the Business Administrator/Board Secretary, Parette Somjen Architects Inc. as the Project Architect, Honeywell International, Inc. as the Energy Services Company or ESCO, McManimon, Scotland & Baumann, LLC as Special Counsel and other appropriate representatives of the Board (the "Board Representatives") are hereby authorized to submit any required educational plans and the schematic plans for the Energy Conservation Measures to be installed in the School District's facilities and undertaken in accordance with the School District's Energy Savings Plan, together with such other information as may be required, to the New Jersey Department of Education for approval and to make application to the Commissioner of Education on behalf of the Board for approval of any required educational plans, the schematic plans and the Energy Savings Project and, if necessary, any required amendment to the long-range facilities plan, in accordance with the requirements of N.J.A.C. 6A:26-2.3, 2.1(f), 3.1 and 3.11. The Board Representatives are hereby further authorized and directed to submit the schematic plans and any other required information to the Planning Board and the New Jersey Department of Environmental Protection for review and comment, if necessary.

THE PUBLIC SCHOOLS
Montclair, New Jersey

**AUTHORIZE HONEYWELL TO MAKE APPLICATION FOR CONSTRUCTION CODE APPROVALS AND
BID ITS SUBCONTRACTORS**

WHEREAS This Board of Education Further authorizes Honeywell International, Inc. to obtain any necessary construction approvals for the Energy Conservation Measures and to bid its subcontractors for the project in accordance with the Public School Contracts Law as required by the Energy Savings Improvement Law.

THE PUBLIC SCHOOLS
Montclair, New Jersey

RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF MONTCLAIR IN THE COUNTY OF ESSEX, NEW JERSEY DETERMINING TO ACQUIRE AND TO FINANCE CERTAIN ENERGY CONSERVATION MEASURES AND EQUIPMENT BY MEANS OF A LEASE PURCHASE FINANCING IN AN AMOUNT NOT EXCEEDING \$11,000,000, AUTHORIZING THE ADVERTISEMENT FOR BIDS TO FINANCE THE ENERGY CONSERVATION MEASURES AND EQUIPMENT, DELEGATING THE AUTHORITY TO AWARD THE BID, AUTHORIZING THE EXECUTION OF THE LEASE PURCHASE AGREEMENT AND RELATED DOCUMENTS AND AUTHORIZING OTHER ACTIONS NECESSARY TO COMPLETE THE TRANSACTION

WHEREAS, The Board of Education of the Township of Montclair in the County of Essex, New Jersey (the "School District") is a political subdivision created by law, and the Board of Education (the "Board of Education") of the School District is charged by law with the responsibility of providing a system of public education within the School District over which it has jurisdiction and has the authority to provide Energy Conservation Measures and Equipment for the School District and financing for it in accordance with the Energy Savings Improvement Program Law, N.J.S.A. 18A:18A-4.6, and as otherwise permitted and authorized by law; and

WHEREAS this Board of Education had energy audits of its school facilities conducted in accordance with the Board of Public Utilities Local Government Energy Audit Grant Program and thereafter determined to consider the adoption and implementation of an energy savings improvement program pursuant to N.J.S.A. 18A:18A-4.6 and to seek the assistance of an energy services company through competitive contracting pursuant to N.J.S.A. 18A:18A-4.6(b)(1) and N.J.S.A. 18A:18A-4.1 et seq. for assistance with the development and implementation of an energy savings plan; and

WHEREAS this Board of Education advertised on March 21, 2019 for receipt of proposals by May 10, 2019 through competitive contracting in accordance with N.J.S.A. 18A:18A-4.1 et seq. to select an Energy Services Company in order to prepare an energy savings plan with the intent to later enter into a contract to implement Energy Conservation Measures selected by the Board of Education and described in the plan; and

WHEREAS after receipt and review of proposals this Board of Education selected Honeywell International, Inc. ("Honeywell") as the Energy Services Company to assist the Board of Education with its energy savings program in accordance with the requirements of the competitive contracting process set forth in N.J.S.A. 18A:18A-4.1 et seq.; and

WHEREAS Honeywell has worked with the representatives of the Board of Education to develop an energy savings plan and has presented the proposed plan to this Board of Education; and

WHEREAS this Board of Education hired DLB Associates, a qualified independent third party (the "Verification Agent"), to verify that the projected energy savings to be realized from the

proposed energy savings plan has been calculated as required by law, the Verification Agent has issued its report to this effect, the report and proposed plan have been submitted to the Board of Public Utilities for review, and the Board of Public Utilities has approved the proposed plan on August 7, 2020; and

WHEREAS, after reviewing the proposed plan, this Board of Education determined that it is in the best interest of the School District to approve and adopt the Energy Savings Plan for the School District and adopted the proposed plan; and

WHEREAS the Energy Savings Plan has been or will be posted on the Board of Education's website and submitted to the Board of Public Utilities for posting on its website; and

WHEREAS the Board of Education has determined to finance the program through a lease purchase agreement pursuant N.J.S.A. 18A:18A-4.6(c); and

WHEREAS, the Board has selected McManimon, Scotland & Baumann, LLC as special counsel (the "Special Counsel") and will select a Financial Advisor (the "Financial Advisor") for the purpose of advising and assisting with the proposed lease purchase financing of the Energy Conservation Measures and Equipment; and

WHEREAS, in accordance with the procedures set forth in N.J.S.A 18A:18A-1 et seq. (the "Public School Contracts Law") and the regulations promulgated thereunder, the Business Administrator/Board Secretary with the assistance of the Financial Advisor and Special Counsel will develop bid specifications (the "Request for Bids") for the financing and will publish a notice of the bid as required by law, and bids will be scheduled to be returned to the Business Administrator, who, with the assistance of the Special Counsel and the Financial Advisor, will determine the lowest responsive and responsible bidder to purchase the lease purchase agreement from the Board of Education (hereinafter referred to as the "Purchaser"); and

WHEREAS, the Board desires to authorize the delegation of the award of the bid to the Business Administrator and further authorizes the Board President, the Superintendent and/or the Business Administrator, with the assistance of the Financial Advisor and Special Counsel, to prepare and to execute on behalf of the School District a lease purchase agreement and certain other documents and agreements necessary or incidental to the transactions contemplated hereby; and

WHEREAS, the Board of Education will enter into the lease purchase agreement (the "Lease") and other related documents with the Purchaser in an amount not to exceed \$11,000,000 to finance the Energy Conservation Measures and Equipment, including financing and incidental costs; now therefore

BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF MONTCLAIR IN THE COUNTY OF ESSEX, NEW JERSEY as follows:

Section 1. The Board of Education hereby determines to finance the Energy Conservation Measures and Equipment, including financing and incidental costs, by means of a lease purchase financing in the principal amount not to exceed \$11,000,000 pursuant to and in accordance with the requirements of N.J.S.A. 18A:4.6(c) and the Public School Contracts Law. The Superintendent,

- the Business Administrator/Board Secretary, the Special Counsel, the Financial Advisor and other appropriate representatives of the Board of Education (the "Professionals") are hereby authorized to prepare the necessary timetables, Request for Bids, notices and other related documents and to take other steps necessary to prepare for and to implement the proposed financing, and any such steps taken prior hereto are hereby ratified.
- Section 2. The Board of Education hereby authorizes, approves and/or ratifies, as the case may be, the publication of the notice of the Request for Bids in accordance with the requirements of the Public School Contracts Law in order to prepare for the proposed transaction.
- Section 3. The Business Administrator/Board Secretary is authorized to award the bid and the Lease to the lowest bidder in accordance with the Request for Bids and the bid proposals submitted to the Business Administrator/Board Secretary, which winning bid proposal will be retained on file in the Business Administrator/Board Secretary's office. The Purchaser's interest rate will be held fixed for a period of thirty (30) days or such other time frame recommended by the Financial Advisor from the date of the bid. If the closing does not occur within the fixed time frame from the date of the bid, the interest rate will be calculated in accordance with an index rate established by the Financial Advisor and set forth in the Request for Bids.
- Section 4. The Board President, the Superintendent and/or the Business Administrator/Board Secretary are hereby authorized to negotiate, execute and deliver, subject to the review of Special Counsel, the Lease, an agent or an escrow agreement, an assignment agreement, if necessary, and such other documents as may be necessary to consummate the transaction. The Board of Education authorizes the Business Administrator/Board Secretary to establish an escrow account for the deposit of the lease proceeds and to direct the deposit and investment of the lease proceeds in the escrow account for the construction period in accordance with the requirements of law. The Business Administrator/Board Secretary is also authorized to pay any agreed upon fees of the escrow agent and others necessary for the financing. The Board President and/or the Business Administrator/Board Secretary are also authorized and directed to take on behalf of the Board of Education such other actions as shall be necessary and appropriate to accomplish the lease purchase financing for the Energy Conservation Measures and Equipment in accordance with the terms of the Lease and this resolution and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Board of Education in respect thereto. The signatures of such officers on documents shall be deemed to create a conclusive presumption of the review of the form thereof by Special Counsel and the authorization to act on behalf of this Board of Education with respect thereto.
- Section 5. The payment of rent or other monies due under the Lease shall be made only from the General Fund of the Board of Education. The obligations of the Board of Education shall not constitute indebtedness of the Board of Education, the Township of Montclair or of any department, agency or political subdivision thereof. The Lease shall set forth the term of the Lease, the rental payments to be paid by the Board of Education in respect thereof, the dates on which such rent shall be due and payable and all other terms and conditions thereof. The Board of Education is obligated to appropriate funds to pay rent under the Lease, and such rent will not be subject to appropriation as permitted by the Energy Savings Improvement Program Law.
- Section 6. The Board of Education hereby covenants that it will comply with any conditions subsequent

imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of the interest portion of rent paid under the Lease, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease, if applicable. The Board of Education hereby authorizes the Business Administrator/Board Secretary to determine on behalf of the Board of Education whether the Board of Education expects to issue more than \$10,000,000 of tax-exempt obligations in the calendar year in which the lease will be issued that will count towards the limitation imposed by Section 265 of the Internal Revenue Code of 1986, as amended (the "Code") and hereby authorizes the Business Administrator/Board Secretary to act on behalf of the Board of Education to designate the lease purchase financing a "qualified tax exempt obligation" for purposes of Section 265(b)(3) of the Code, if appropriate, based on the advice of Special Counsel. The Board of Education hereby further declares its intent to issue the Lease in the expected maximum principal amount set forth herein and to use the proceeds of the Lease to pay or reimburse expenditures for the costs of the purpose for which the Lease is authorized herein. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations Section 1.150-2 or any successor provisions of federal income tax law.

- Section 7. The Board of Education hereby reaffirms and ratifies its determination that the energy savings generated from reduced energy use from the Energy Conservation Measures set for in the Energy Savings Plan will be sufficient to cover the cost of the program's Energy Conservation Measures and that it is in the best interest of the School District to implement the Energy Savings plan pursuant to N.J.S.A. 18A:18A-4.6, reaffirms and ratifies its approval of the Energy Savings Plan in the form submitted to and approved by the Board of Public Utilities and, subject to availability of funding, reaffirms and ratifies its approval of the contract with Honeywell for implementation of energy conservation measures under the Energy Savings Plan.
- Section 8. The reference to officers of this School District herein and in actions taken by this Board of Education includes any interim, acting or successor officers holding those positions. Actions taken by an Assistant Business Administrator at the direction of the Business Administrator shall be deemed actions of the Business Administrator/Board Secretary.
- Section 9. This resolution shall take effect immediately.

THE PUBLIC SCHOOLS
Montclair, New Jersey

APPROVAL OF OUT-OF-DISTRICT PLACEMENTS

WHEREAS, the Superintendent recommends that the Board approves the actions contained in the out-of-district placements for the students listed below:

Student ID	School	Tuition	Effective Date
987574	Rutgers Day School	\$85,620.00	07/06/2020
028511	Bergen County Special Services	\$34,350.00 (One to One Interpreter)	07/01/2020
019117	New Alliance Academy	\$91,665.00	08/26/2020
982511	Banyan School	\$56,565.00	09/02/2020
982487	Garden Academy	\$105,424.00	09/08/2020
982624	Banyan School	\$90,765.00	09/02/2020
022629	Bancroft	\$125,991.60	07/01/2020
987756	St. Joseph's School for the Blind	\$92,908.20	07/01/2020
026706	Fed Cap School	\$88,349.95	07/06/2020
985724	Chancellor Academy	\$46,893.00 (one to one aide)	07/01/2020
056717	Chapel Hill Academy	\$107,520.00	07/01/2020
986624	The Deron School of NJ	\$32,550.00 (one to one aide)	07/01/2020

983428	The Deron School of NJ	\$32,550.00 (one to one aide)	07/01/2020
011559	The Community School	\$54,088.20	09/08/2020
040332	The Community School	\$54,088.20	09/08/2020
987597	The Community School	\$54,088.20	09/08/2020
039452	The Community School	\$54,088.20	09/08/2020
983967	The Community School	\$45,300.60	09/08/2020
014189	Academy 360	\$115,603.60	07/01/2020
047115	Academy 360	\$117,040.65	07/01/2020
025529	Academy 360	\$115,603.60	07/01/2020
025530	Academy 360	\$115,603.60	07/01/2020
033600	HoHoKus School	\$10,065.00	09/08/2020
986358	HoHoKus School	\$10,065.00	09/08/2020
052122	HoHoKus School	\$10,065.00	09/08/2020
046655	Newmark High School	\$64,216.09	07/01/2020

BE IT RESOLVED that upon the recommendation of the Superintendent, the Board of Education approves the placement of these students.

THE PUBLIC SCHOOLS
Montclair, New Jersey

REVISED SCHOOL CALENDAR FOR 2020-2021 SCHOOL YEAR

BE IT RESOLVED that upon the recommendation of the Superintendent, the Montclair Board of Education approves the attached revised School Calendar for 2020-2021 school year.

REVISIONS: Juneteenth

THE PUBLIC SCHOOLS
Montclair, New Jersey

APPROVAL OF INCLUSION TO BE ADDED TO THE SCHOOL DISTRICT CALENDAR FOR 2020-2021 SCHOOL YEAR

BE IT RESOLVED that upon the recommendation of the Superintendent, the Montclair Board of Education approves, **the inclusion of the following on the school district calendar** for the 2020-2021 school year:

1. **October 12, 2020:** Indigenous Peoples Day
2. **February 1 -5, 2021:** Black Lives Matter and In-School Week of Action
3. **June 19, 2021:** Juneteenth, celebrating Emancipation of Enslaved People in the US. Governor Murphy just signed legislation making Juneteenth a public holiday in NJ but on the third Friday of each June.

THE PUBLIC SCHOOLS
Montclair, New Jersey

SECOND READING OF THE FOLLOWING POLICIES

BE IT RESOLVED that upon the recommendation of the Superintendent, the Montclair Board of Education approves the second reading of the following Policies;

- A. P 1648 – Restart and Recovery Plan (M)
- B. P 1648.02 – Remote Learning Options for Families (M)
- C. P 1648.03 – Restart and Recovery Plan Full-time (M)