



bh communitywatch <bhcommunitywatch1@gmail.com>

Fwd: BOE - You have the power and responsibility

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Begin forwarded message:

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Date: January 26, 2023 at 1:20:36 PM EST
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Subject: BOE - You have the power and responsibility

BOE Members,

You are likely aware of an existing settlement agreement regarding the nepotism ethics complaint filed against the administration. If you recall, this all goes back to the BOE meeting on 6/24/2021 where Dr. Varley stated, "I did reach out to our attorney, and he gave me the advice that if temporary...is fine...A temporary minimum wage position is perfectly acceptable."

An ethics complaint was filed on 8/18/2021. On 2/11/22, Dr. Varley responded to the charges denying "that the hiring of her child for a summer internship position violates N.J.S.A 18A:12-24(b)" and that she "consulted with Board counsel, and in an abundance of caution, decided to remove her child from the position."

On November 29, 2022, the Superintendent signed an affidavit as part of a settlement acknowledging the violation of N.J.S.A 18A:12-24(b). In the affidavit, Dr. Varley states that she did not consult the policy before the hiring and only reached out to counsel after a community member raised this at a board meeting.

Many might say – what's the big deal?? It was only \$260 earned before her daughter was removed from the position, and it was only a minimum wage job. But here's what's important:

1. This is another example of Dr. Varley taking shortcuts, and then doubling down on the mistakes. Did Dr. Varley lie about consulting the attorney prior to hiring her daughter, or did she receive bad legal advice? If she lied, who is responsible for the legal fees that accumulated for over a year? And since this clearly violated policy, why did counsel continue to pursue a defense in this matter? Was it really for the benefit of Berkeley Heights or for the benefit of one individual?
2. This is also another example of questionable legal advice. Remember, counsel allowed the board to initiate ethics charges on behalf of a member, which the SEC agreed was improper. And more recently – counsel suggested the vote can be had on a new position which Dr. Foregger pointed out was not approved by the board and therefore, would violate BOE's own policies.

BOE members – this should make you very concerned given you are part of the community. Is this the leadership you want representing Berkeley Heights education? Is this the type of leadership you want to support? YOU have the power to hold the administration accountable, and it is your responsibility.

With respect to the board attorney... what are the rules surrounding the attorney's attendance at the public meeting? I think counsel is there to advise the board on legal matters IF asked and not to scold community members. The outburst by the attorney at the Jan 17th meeting was ridiculous. The board may not like what the public is saying, but it is NOT the place of the board attorney to address the public as if counsel is a board member. Not to mention, the rude manner in which the attorney (Frances) addressed the speaker.

BOE members - you have the power to set the tone!

Finally, with respect to the 3 minute rule... by extending the allotted time to 5 minutes, you would gain so much goodwill with the public with minimal cost. Even if 5 people speak, that is an extra 10 minutes. I can understand if public attendance is high, you may want to cut down on the allotted time to allow everyone to speak. But that's usually not the case.

If you won't increase the time, allow people to come up more than once. This will improve the decorum, show respect to the people you represent, and minimize the interruptions by the attorney. When I attended the NJSBA information session in September of 2022, the NJSBA said, "Public comments are an asset to the board." Please remember that.

Thank you,
Natasha Joly