

Fwd: Berkeley Heights Board of Education Meetings - Adherence to OPMA

Please redact my email.

----- Forwarded message -----

From: **Matthew**

Date: Tue, Feb 20, 2024 at 12:59 PM

Subject: Re: Berkeley Heights Board of Education Meetings - Adherence to OPMA

To: Stanley, Pamela <pstanley@bhpsnj.org>, Gale Bradford <gbradford@bhpsnj.org>

Cc: Dr. Melissa Varley <mvarley@bhpsnj.org>, Juskiewicz, Anthony <ajuskiewicz@bhpsnj.org>, Giordano, Anthony <agiordano@bhpsnj.org>, Palmieri, Daryl <daryl.palmieri@doe.nj.gov>, <njoly@bhpsnj.org>, <ucpo@ucpo.org>, <tforegger@bhpsnj.org>, <jhyman@bhpsnj.org>, <dkhanna@bhpsnj.org>, <apenna@bhpsnj.org>, <sbhargavi@bhpsnj.org>

Thank you, Ms. Stanley for your response. Are you speaking on behalf of the board?

I would have appreciated an answer to my simple questions on when the BOE meeting calendar and the unedited version of the January 18, 2024 meeting on YouTube will be available.

Per my understanding, all government entities have to abide by the Open Public Meetings Act when they livestream or publish their meetings. The basic premise is that people attending the meeting in person and online are seeing the same thing.

Can you explain why you are calling out only 4 board members to be held to OPMA standards? Why not yourself, Gale, Angela, and Jordan?

In your opinion, what role does the superintendent and board administrator play to keep BOE meetings compliant with state statutes?

Ms. Stanley, can you please explain what you mean by -

"Though I do personally feel this will happen again as we continue to see board members who do not want to follow proper procedures which is the reason for the break in the first place."

Are you making conduct allegations against your fellow board members?

"Unfortunately the schedule is still not clear as Miss Khanna had made a motion to add a meeting although we had not reached out to the presenters for their availability. This meeting is still trying to be scheduled. Once it is clear, there will be no issue putting up the entire schedule for the year. However opma has been followed since each meeting has been announced appropriately and timely. "

This proclamation makes no sense because the Board voted on a meeting schedule and adopted it. That's all that matters and the schedule on the website needs to be updated.

If the board meeting dates need to change, then the dates published on the district website should be modified at that time. It's as simple as that.

Regarding legal fees - I would like to see all board members try to limit legal expenses to maximize taxpayer dollars to go towards our schools.

Ms. Bradford - Do you approve the response that Ms. Stanley sent to me copying the county superintendent?

Thanks,
Matt

On Tue, Feb 20, 2024 at 9:18 AM Stanley, Pamela <pstanley@bhpsnj.org> wrote:

Thank you for reaching out.

It seems you have some misinformation about OPMA and certain requirements about the board of education.

So the administration is not held to OPMA. It is a requirement of the entire board of education and individual board members. That means Tom Foregger, Dipti Khanna, Natasha Joly, and Sai Akiri are held to OPMA and any violations, not the administrators Anthony Jushiewicz, Melissa Varley or Anthony Giordano.

I did not respond to your first email because neither situation you mentioned is an opma violation. There is no requirement that meetings are live streamed or recorded. I do believe we can come up with a better solution in the future than kicking people off zoom. I'm sure this happened because our tech team had not come upon this situation before since we do not usually take a break during a meeting. Though I do personally feel this will happen again as we continue to see board members who do not want to follow proper procedures which is the reason for the break in the first place. Also the meeting was still open to the public. Members of the public were still in the room. I was even conversing with some of them.

Unfortunately the schedule is still not clear as Miss Khanna had made a motion to add a meeting although we had not reached out to the presenters for their availability. This meeting is still trying to be scheduled. Once it is clear, there will be no issue putting up the entire schedule for the year. However opma has been followed since each meeting has been announced appropriately and timely.

I hope this addresses your concerns.

I do hope you will try to work with the administration next time instead of making accusations that could cause the district legal fees.

Thank you,
Pamela Stanley

On Tue, Feb 20, 2024, 8:34 AM Matthew

wrote:

Good Morning Ms. Bradford,

I saw your recent press release in Tapinto after being appointed board president, it had all the bells and whistles but you failed to acknowledge this email and most importantly ensure the district complies with the Open Public Meetings Act. So is this what we are to expect from your leadership? How do you plan to hold the administration accountable or will it be another year of shutting down residents and board members who ask for accountability?

It has been eleven days since I brought these probable OPMA violations to the attention of the district business administrator Mr. Juskiewicz and the Superintendent Ms. Varley. I am curious, given the size of the central office and assistants to the business administrator and superintendent, a simple task of uploading the meeting calendar for the Board of Education/Updating Youtube videos is yet to be done.

To the rest of the board members - I would like to remind you all that you have taken an oath to abide by the state laws and the constitution.

Let me know when the BOE meeting calendar and the unedited version of the January 18, 2024 meeting on Youtube will be available.

Thanks,
Matt

On Fri, Feb 9, 2024 at 11:46 AM Matthew

wrote:

Good Afternoon Mr. Juskiewicz, Ms. Varley, and Mr. Giordano,

I wanted to inform you that the Zoom meeting session on January 18, 2024, was shut down during the five-minute recess. Participants accessing the meeting remotely were kicked out and had to log back in and wait to be admitted.

Board meetings for BOE are governed by OPMA. Once a public entity starts the live telecast via Zoom or YouTube, it cannot shut it down when it goes into a private executive session or a short recess. While live streaming, a message is usually displayed that a recess or exec session is in progress and the board will return at a particular time. You can check with Mr. Hyman, your Mountainside representative, who must know this as they follow this procedure when they leave for the executive session.

I request an unedited version of the January 18, 2024, board meeting be uploaded to the

YouTube channel for the district. The current version of the Berkeley Heights Public Schools channel is edited <https://youtu.be/-5aM0NLJl2A?feature=shared>

I would also request that, in the future, the camera, zoom session, and paid technical crew NOT shut down the meeting during any short recess or executive sessions.

Another concern is the camera location; it should be set up at an angle where all board members are seen at all times instead of zooming in or cutting off a few. The best option might be to have it set behind the podium, facing the entire table.

Lastly, the board meeting calendar for this year is yet to be uploaded to the district website. This is another probable violation of Open Public Meetings Act OPMA.
<https://www.bhpsnj.org/page/meeting-schedule-agendas>

Let me know when the BOE meeting calendar and the unedited version of the January 18, 2024 meeting will be available.

Thanks,
Matt