

MINUTES

Date of Meeting: May 16, 2012

Type of Meeting: Special Meeting – Election Results

Place of Meeting: Long Beach Middle School Cafeteria

Members Present: President Dennis Ryan
Vice President Roy Lester
Board Member Patrick E. Gallagher
Board Member Gina Guma
Board Member Darlene Tangney

Members Absent: None

Others Present: Mr. David Weiss, Superintendent
Dr. Randie Berger, Deputy Superintendent
Dr. Vincent Butera, Assistant Superintendent – Curriculum
and Instruction
Mr. Michael DeVito, Chief Operating Officer
Mr. Neil Block, Ingerman Smith, LLP arrived at 5:57 PM
Ms. Carole Butler, District Clerk

I. Call to Order/Pledge/Opening Remarks – President Ryan

Call to Order

President Ryan called the meeting to order at 5:34 PM, and led the community in the Pledge of Allegiance.

II. Superintendent's Report – Mr. Weiss

Superintendent's Report
Election Results

Dr. Ryan discussed the arduous process of counting and recounting the ballots and announced: Pursuant to Education Law, the District Clerk recommends that:

A. The Board declares and congratulates candidate Stewart Mininsky having received the greatest number of votes for the position of Trustee of the Board of Education of the City School District of the City of Long Beach, as elected Trustee of the Board of Education of the City School District of the City of Long Beach for a term of three (3) years, beginning July 1, 2012.

Mr. Mininsky is
declared Board
of Education
Trustee

President Ryan called for a motion:

Motion by: Board Member Gallagher
Seconded by: Vice President Lester
Approved: 5-0

B. The Board accepts the vote on the School District budget as approval of the proposed 2012-2013 school district budget for the City School District of the City of Long Beach.

**School District
Budget is approved
by voters**

President Ryan called for a motion:

Motion by: Board Member Tangney
Seconded by: Board Member Guma
Approved: 5-0

C. The Board declares candidate Warren E. Vegh having received the greatest number of votes for the position of Trustee of the Long Beach Public Library, as re-elected Trustee of the Long Beach Public Library, for a term of five (5) years, beginning on July 1, 2012

**Mr. Vegh re-elected
as Library Board
Trustee**

President Ryan called for a motion:

Motion by: Board Member Gallagher
Seconded by: Board Member Guma
Approved: 5-0

D. The Board accepts the vote on the Library budget as approval of the proposed 2012-2013 library budget for the Long Beach Public Library.

**Library Budget is
approved by voters**

President Ryan called for a motion:

Motion by: Board Member Guma
Seconded by: Board Member Tangney
Approved: 5-0

President Ryan calls for a motion for the Board of Education to declare a tie vote between Darlene Tangney and Gina Guma.

Motion by: Board Member Gallagher and
Seconded by: President Ryan,

**TABLED – vote to
declare a tie**

Voting stops after Mrs. Tangney announces that she is contesting one ballot, thereby voting against the tie.

Discussion regarding voting process proceeds. Run off election is likely due to the tie vote at 1,618, if the ballot is counted it is a tie.

Discussion continues regarding costs for new election, specifics of consolidation of polling places for run-off election, determination of valid ballot, role of Commissioner of Education, Election Law, Education Law, the unlikelihood of a tie, consideration of consolidation of polling places in the future. When Neil Block, election counsel for the Board of Education arrived, he tried to clarify the situation.

- Neil Block explained that Education law requires a run-off election between only those 2 candidates within 45 days.
- Vice President Lester questioned the necessity to certify an election if one of the candidates is contesting a ballot and asked if it the Commission determines the validity of the ballot; he also disputed the possibility of a write-in candidate.
- Mr. Block noted that it is mandated to certify an election within 24 hours. The District Clerk makes the determination of the validity of the ballot.
- Board Member Gallagher asked specific questions regarding the effects of the determination of a tie, the pending decision of the Commissioner if necessary, the ramifications of each scenario, timeline for decision and plan by the District Clerk.
- President Ryan asked about the need for a resolution regarding the new run-off election.
- Mr. Block noted that it is required that both candidates participate in the run-off election. However, a candidate may withdraw and no other candidate may run; no write-ins should be allowed according to election law.
- Vice President Lester disputed the possibility of a write-in candidate.
- Mr. DeVito suggested that an election might be avoided with a withdrawal of a candidate but Mr. Block disputed that possibility because no winner was determined by the voters.
- Board Member Guma posed a situation where both candidates withdrew.
- Mr. Block stated that the Board could appoint someone for one year and no run-off election would be required but a special election could be held.

At the request of Vice President Lester, President Ryan called for a motion to enter into executive session at 6:38 PM.

Motion by: Vice President Lester
Seconded by: Board Member Gallagher
Approved: 5-0

Executive Session ended at 6:55 PM and Special meeting resumed at 6:56 PM

E. The Board of Education declares a motion recognizing a tie vote between Darlene Tangney and Gina Guma.

**Board votes to
accept the tie vote**

Motion: Board Member Gallagher
Seconded by: Board Member Tangney
Approved: 5-0

Options of a run-off will be explored and efforts will be made to truncate the process. Hopefully by next Tuesday we will have more information regarding the run-off election process.

III. President Ryan called for a motion to adjourn at 6:59 PM

Motion by: Board Member Guma
Seconded by: Vice President Lester
Approved: 5-0

Adjournment

Minutes submitted by: _____

Carole Butler, District Clerk
June 5, 2012