

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

IN THE MATTER OF THE TENURE HEARING OF JEFFREY TAGLIARENI

SCHOOL DISTRICT OF THE TOWNSHIP	:	
OF MONTGOMERY, SOMERSET COUNTY	:	
Petitioner	:	AGENCY DOCKET NO. 347-11/15
	:	
and	:	
	:	
JEFFREY TAGLIARENI	:	
Respondent	:	

Before: Carol F. Laskin, Esquire, Arbitrator

APPEARANCES:

For the Petitioner
 Fogarty & Hara
 Stephen R. Fogarty, Esquire
 David Disler, Esquire

For the Respondent
 Mellk and O'Neill
 Edward A. Cridge, Esquire

On November 12, 2015, the School District of the Township of Montgomery, Somerset County ("Board" or "District") filed a Certificate of Determination including, *inter alia*, the Board's resolution of tenure charges against Jeffrey Tagliareni ("Respondent" or "Tagliareni"). On December 7, 2015, the tenure charges were referred to the undersigned pursuant to N.J.S.A. 18A:6-16 as amended by P.L. 2012, c. 26 and P.L. 2015, c. 109.

On December 23, 2015, Respondent filed a Motion for Summary

Decision requesting the tenure charges be dismissed. On January 8, 2015, after two telephonic hearings and review of the parties' arguments, the undersigned **denied** the motion. Prior to the commencement of the hearing, the parties argued over evidentiary matters, resulting in the Protective Order entered with consent by the parties.

Three days of hearings were conducted at the District's administrative office; January 15, 2016, February 17, 2016 and February 18, 2016. Two additional days were scheduled. Immediately prior to the fourth day of hearing, Tagliareni submitted a unilateral, voluntary resignation (Exhibit 1). The Board, by resolution on March 16, 2016 unanimously accepted Respondent's "Letter of Resignation", effective the close of business on March 31, 2016 (Exhibit 2).

N.J.A.C. 6A:3-5.6 Withdrawal, Settlement or Mooting of Tenure Charges requires the undersigned to review the Letter of Resignation and acceptance by the Board to determine whether the tenure charges should be dismissed as moot. In recent tenure hearings, upon receipt of a resignation, arbitrators questioned what, if any, legitimate interest the Petitioner maintained to pursue the charges. (See Arbitrator Simmelkjaer decision in In the Matter of the Tenure Charges c. Jerome C. Higgins, State District of the Township of Edison, Middlesex County, Dkt. No. 121-5/14 and cases cited therein).

In the instant matter, Respondent submitted a unilateral, voluntary and irrevocable resignation from his employment with the School District of the Township of Montgomery, Somerset County. Respondent has no claim to any employment or back pay. Thus, Petitioner has no other legitimate interest arising out of the instant matter. Accordingly, the following Award is issued:

AWARD

Pursuant to N.J.A.C. 6A:3-5.6, the Montgomery Township Board of Education's March 16, 2016 Resolution accepting Tagliareni's Letter of Resignation, effective March 31, 2016, certified by the Business Administrator/Board Secretary does hereby conclude the tenure hearing. The charges against Jeffrey Tagliareni, are, hereby, **dismissed** as moot.

DATED: *April 28, 2016*

Carol F. Laskin

CAROL F. LASKIN, ESQUIRE

STATE OF NEW JERSEY :

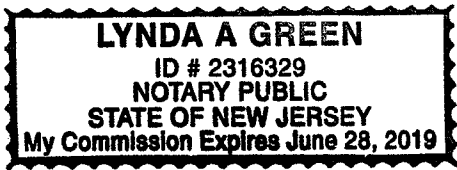
COUNTY OF CAMDEN :

I CERTIFY that on *April 28, 2016*

I, CAROL F. LASKIN, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is my Decision and Award.

DATED: *April 28, 2016*

Lynda A Green
NOTARY PUBLIC OF THE
STATE OF NEW JERSEY



Jeffrey Tagliareni
71 Cobalt Ridge Drive
~~Levittown PA 19057~~
(609)-955-0220
JeffTagliareni@gmail.com

March 3, 2016

Nancy Gartenberg, Superintendent
Montgomery Township School District
Board of Education
1014 Route 601
Skillman, NJ 08558-2119

Re: Letter of Resignation

Dear Superintendent Gartenberg:

Please accept my resignation from my position with the Montgomery Township School District. This resignation shall be effective upon the 61st day following your receipt of this letter, or, if the Board of Education is willing to accept my resignation on less than 60 days' notice, at the close of business on March 31, 2016.

Thank you.

Sincerely,


Jeffrey Tagliareni

4.2

RESOLUTION

BE IT RESOLVED that the Montgomery Township Board of Education accepts Jeffrey Tagliareni's letter of resignation, effective the close of business on March 31, 2016.

ROLL CALL VOTE

Moved by: Mr. Doshi

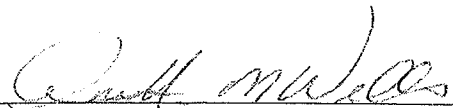
Seconded by: Mr. Cavalli

AYES: Mr. Cavalli, Ms. Chenette, Ms. Donnay, Mr. Doshi,
Mr. Hladick, Mr. Huff, Mr. Jacey and Ms. Witt

NAYS: None

CERTIFICATION

I hereby certify that the within Resolution was adopted by the Montgomery Township Board of Education by a majority vote at its duly authorized meeting on March 15, 2016.



Annette M. Wells
Business Administrator/Board
Secretary

Dated: March 16, 2016