

SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION

Michele Arminio v. Monroe Township Board of Education

Arminio · No. A-0207-24 · Decided November 24, 2025

SUMMARY

The New Jersey Appellate Division held that the Monroe Township Board of Education violated the Open Public Meetings Act by conducting substantive deliberations about candidates for a vacant Board seat in closed session and then proceeding directly to a public nomination and vote without explaining its decisions or allowing public discussion. The court held that the statutory personnel exception permitted closed-session discussion of candidates but did not eliminate the requirement for meaningful public discussion before the vote. It affirmed as modified the judgment voiding the appointment while declining to retroactively invalidate votes cast by the appointee under the de facto officer doctrine and principles of judicial estoppel.

CASE DETAILS

COURT	Superior Court of New Jersey, Appellate Division
WRITING FOR THE COURT	Mawla, P.J.A.D.; Marczyk, J.A.D.; Bishop-Thompson, J.A.D.
JURISDICTION	Superior Court of New Jersey, Appellate Division
DECIDED	November 24, 2025
DOCKET	A-0207-24
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from orders denying its motions for summary judgment and reconsideration in an action in lieu of prerogative writs challenging the Board's appointment of a member allegedly made in violation of New Jersey's Open Public Meetings Act.
STANDARD OF REVIEW	Summary judgment and statutory interpretation are reviewed de novo. Equitable remedial decisions, including retroactivity, are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published and approved for publication by the New Jersey Superior Court, Appellate Division; precedential under New Jersey law.
PARTIES	Monroe Township Board of Education v. Michele Arminio

TOPICS

municipal law

statutory interpretation

legislative intent

appellate procedure

remedies

PRACTICE AREAS

municipal law

education law

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the OPMA personnel exception permitted the Board to conduct closed-session deliberations concerning candidates for appointment to a Board vacancy.
2. Whether the Board violated the OPMA by failing to explain its closed-session decisions and permit public discussion before nominating and voting on Gorham's appointment.
3. Whether the trial court properly declined to retroactively void votes cast by Gorham while he served as a de facto Board member.

HOLDINGS

1. The personnel exception in N.J.S.A. 10:4-12(b)(8) applies to a matter involving the appointment of a specific prospective public officer, including a candidate appointed by a school board to fill a vacancy ordinarily filled by election. The exception permits the Board to discuss candidates in closed session, and Gannett is disapproved to the extent it holds otherwise.
2. A public body that discusses a candidate's qualifications and decides whether and whom to appoint in closed session must, upon returning to public session, explain the decisions made during the closed session and allow public discussion before proceeding to nominations and a vote. The Board violated the OPMA because the public witnessed only the nomination and vote, without substantive explanation or an opportunity to discuss the candidate-selection process.
3. The trial court acted within its discretion in declining to retroactively void Gorham's prior votes. The de facto officer doctrine protected acts performed within the apparent authority of the office, and the Board was judicially estopped from arguing for retroactivity after expressly opposing retroactive relief below.

KEY QUOTATIONS

“A board may discuss candidates in closed session. However, when it resumes the public session, it must explain any decisions taken during the closed session and allow public discussion about those decisions and other matters the public wishes to raise before it moves to nominations and a vote to fill a vacancy.” (11-12)

“However, we part ways with the trial judge's reliance on Gannett.” (12)

“Therefore, the decision not to afford retroactive effect to the July 2024 ruling was a sound exercise of discretion.” (13)

FACTUAL BACKGROUND

A vacancy arose on the Monroe Township Board of Education after a member resigned, and several candidates, including Michele Arminio and Matthew Gorham, applied. At a public meeting, the Board entered a forty-five-minute closed session, discussed and ranked candidates, considered their qualifications and whether to conduct

interviews, and reached a consensus to nominate Gorham. After returning to public session, the Board gave no substantive explanation of its closed-session decisions, accepted Gorham's nomination, and voted to appoint him. Gorham served until May 1, 2024, when the winner of the regular election was sworn in.

PROCEDURAL HISTORY

After a Board member resigned, the Monroe Township Board of Education discussed applicants for the vacancy in closed executive session and then publicly nominated and appointed Matthew Gorham without public discussion of the candidate-selection deliberations. Arminio filed a complaint seeking a declaration that the closed-session discussion violated the OPMA and an order voiding the appointment. The Law Division granted Arminio summary judgment, declared the appointment void, and denied reconsideration, but declined to retroactively invalidate votes Gorham had cast. The Appellate Division affirmed as modified, holding that the Board violated the OPMA but that the trial court properly declined to void Gorham's prior votes retroactively.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

No specific remand instructions stated. The judgment was affirmed as modified.

CASES CITED

- Gannett Satellite Information Network, Inc. v. Board of Education of Manville, 201 N.J. Super. 65 (Law Div. 1984)
- Kean Federation of Teachers v. Morell, 233 N.J. 566 (2018)
- Templo Fuente De Vida Corp. v. National Union Fire Insurance Co. of Pittsburgh, 224 N.J. 189 (2016)
- Walker v. Atlantic Chrysler Plymouth, Inc., 216 N.J. Super. 255 (App. Div. 1987)
- Saccone v. Board of Trustees of Police & Firemen's Retirement System, 219 N.J. 369 (2014)
- McGovern v. Rutgers, The State University, 211 N.J. 94 (2012)
- Bosland v. Warnock Dodge, Inc., 197 N.J. 543 (2009)
- Burnett v. Gloucester County Board of Chosen Freeholders, 409 N.J. Super. 219 (App. Div. 2009)
- Opderbeck v. Midland Park Board of Education, 442 N.J. Super. 40 (App. Div. 2015)
- Customers Bank v. Reitnour Investment Properties, LP, 453 N.J. Super. 338 (App. Div. 2018)
- In re Fichner, 144 N.J. 459 (1996)
- Cummings v. Bahr, 295 N.J. Super. 374 (App. Div. 1996)
- N.M. v. J.G., 255 N.J. Super. 423 (App. Div. 1992)