

**October 15, 2010**

The Special Action Meeting of the Board of Education of the Freeport Union Free School District was held on October 15, 2010, in the Administration Building in the Large Board Room. Debra McQuillan, President of the Board of Education, called the meeting to order at 8.05 a.m. She then led the pledge of allegiance.

Those present were: Ms. Debra McQuillan, President  
Ms. Debra Mulé, Vice President  
Mr. Ronald Ellerbe, Trustee  
Ms. Carmen Piñeyro-Mendoza, Trustee  
Mr. Michael Pomerico, Trustee

Absent were: none

Also present were: Dr. Kishore Kuncham, Superintendent of Schools  
Dr. Mary Bediako, Assistant Superintendent for Personnel,  
Special Projects & District Clerk

Also absent were: Dr. Wafa Westervelt, Assistant Superintendent for Curriculum  
and Instruction  
Dr. Ken Rodgers, Assistant Superintendent for Business  
Mr. Michael Singleton, Executive Director of Operations

There were no public members present.

### **Items for Action**

On a motion by Ronald Ellerbe and a seconded by Ms. Mulé the following item was approved:

#### **Resolution in Opposition to Shift of Responsibility of County Tax Certiorari Settlements of Assessment Errors onto Local School District Tax Levy**

**WHEREAS**, in 1938, at the specific request and behest of the County of Nassau, New York State granted county-wide property assessment jurisdiction to the County of Nassau; and

**WHEREAS**, aside from upstate Tompkins County, Nassau is the only county-wide assessing unit in New York State, with over 415,000 parcels, and is second in size only

to the City of New York; and

**WHEREAS**, in its original consideration of the County of Nassau's petition for assessment jurisdiction, the New York State legislature expressed concerns that the enormity of the assessment load would result in erroneous assessments and subsequent challenges; and

**WHEREAS**, the New York State Legislature, aware that school districts are highly dependent on a secure property tax base and that school budgets would be vulnerable as a result of inaccurate tax rolls, thereby endangering the education of children, decreed in 1948 that the County of Nassau, with its broader range of revenues, should be held responsible for costs and penalties resulting from its errors in assessment; and

**WHEREAS**, in order to secure control of a county-wide system and the benefits thereof, the County of Nassau pledged and guaranteed to the State of New York to protect its school districts from any negative consequences resulting from the assessment procedures utilized by the County of Nassau ; and

**WHEREAS**, for decades, schools and taxpayers within the County of Nassau have suffered from the inequities caused by the adherence of the County of Nassau to an irrefutably and admittedly flawed assessment process; and

**WHEREAS**, legal challenges to commercial assessments made by the County of Nassau have been, either negligently or willfully, permitted to languish in the courts for years and years, accruing interest at exorbitant rates prior to their eventual settlement by the County of Nassau; and

**WHEREAS**, in 2002, in order to facilitate an assessment roll relatively free from errors and potential challenges, the New York State Legislature granted the Nassau County Assessment Review Commission one (1) full year for review prior to the establishment of its final assessment roll; and

**WHEREAS**, the Supreme Court of the State of New York, County of Nassau, has denied the attempt by the County of Nassau to shift responsibility for multi-year back payments for tax certiorari costs from the County of Nassau to local school districts in derogation of the pledge and guarantee previously made by the County of Nassau; and

**WHEREAS**, the Supreme Court of the State of New York, Appellate Division, Second Judicial Department, has denied an attempt by the County of Nassau to implicate school districts in its move to shift to villages, towns and special districts the funding of tax certiorari judgments; and

**WHEREAS**, it is the County of Nassau that is responsible for its own property assessments, including, but not limited to any flaws, errors or delays therein, and that school districts within the County of Nassau have no role whatsoever in either making such assessments or in responding to challenges to such assessments; and

**WHEREAS**, the Executive of the County of Nassau, Edward P. Mangano, has called

upon the Nassau County Legislature to unilaterally, without the approval of the State of New York and/or the consent of the school districts of the County of Nassau, relieve the County of Nassau of its pledge, guarantee and lawful obligation to hold such school districts harmless for back payments of multi-year tax certiorari settlements, thereby shifting the costs of such payments onto local school property taxes and local school property taxpayers; and

**WHEREAS**, any assertion that abandonment of the pledge, guarantee and obligation of the County of Nassau contained in language in the proposed Budget of the County of Nassau for Fiscal Year 2011 means “no property tax increase” is false and misleading, resulting in no real cost avoidance, but merely a shift in the lawful responsibility of the County of Nassau on to the schools within the County of Nassau; and

**WHEREAS**, such action would only raise school taxes to the taxpayers of the County of Nassau without adding any educational value; therefore

**BE IT RESOLVED**, that the Freeport Union Free School District Board of Education opposes any legislation, from whatever source, that would shift the responsibility of the County of Nassau for funding multi-year tax certiorari settlements of its assessment errors onto the local school district tax levy; and

**BE IT FURTHER RESOLVED**, that this Resolution be forwarded to the appropriate representatives for their endorsement, which shall be shown by their counter-signatures on the Resolution when returned to this Board of Education:

Members of the Nassau County Legislature

Members of the New York State Senate and Assembly, representing Nassau County districts

Members of the Town Councils of Hempstead, North Hempstead and Oyster Bay

The vote was unanimous, Ellerbe, McQuillan, Mulé, Piñeyro-Mendoza and Pomerico.

### **Executive Session**

At 8:45 a.m. Ms. Piñeyro-Mendoza moved to adjourn to executive session for one particular matter of personnel. The motion was seconded by Mr. Michael Pomerico and passed unanimously. The vote was: Ellerbe, McQuillan, Mulé, Piñeyro-Mendoza and Pomerico.

At 8:52 a.m., on a motion by Piñeyro-Mendoza and a second by Ms. Mulé, the Board returned to open session. The motion carried unanimously. The vote was: Ellerbe, McQuillan, Mulé, Piñeyro-Mendoza and Pomerico.

**Adjournment**

At 8:53 a.m. with no other business on a motion by Mr. Pomerico and seconded by Ms. Piñeyro-Mendoza the Board adjourned the meeting.

The vote was unanimous, Ellerbe, McQuillan, Mulé, Piñeyro-Mendoza and Pomerico.

**Next Meeting**

The next regularly scheduled Action meeting of the Board of Education will be on October 20, 2010 at 7:30 p.m., at Bayview Avenue School.

Respectfully submitted,

Mary R. Bediako, Ed.D.  
District Clerk