

**SPECIAL MEETING  
AUGUST 9, 2016-MINUTES**

**HEMPSTEAD PUBLIC SCHOOLS  
BOARD OF EDUCATION  
SPECIAL MEETING  
AUGUST 9, 2016  
MINUTES**

The special meeting of the Hempstead Public Schools Board of Education was held in the high school board room, 201 President Street, Hempstead, New York 11550. The purpose of the meeting was to discuss pending litigation and personnel items. The meeting was called to order at 5:40 P.M. moved by Trustee Figueroa and seconded by Trustee Gates. All of the Board Members were present, Trustee Jackson arrived at 5:46 P.M. during executive session. Trustee Gates excused himself at 6:53 P.M. due to a prior commitment.

**BOARD MEMBERS PRESENT:**

Maribel Touré	President
Gwen Jackson	Vice President
Melissa Figueroa	Trustee
David B. Gates	Trustee
LaMont E. Johnson	Trustee

**STAFF MEMBERS PRESENT:**

Patricia Wright	District Clerk
Richard Hamburger	Labor Counsel
David Pearl	Labor Counsel

**Trustee Figueroa moved, seconded by Trustee Gates to convene to executive session at 5:40 P.M. to discuss pending litigation and personnel.**

<b>MOTION</b>	<b>YES 4</b>	<b>MOTION CARRIED</b>
To convene to executive session		

**Trustee Jackson moved, seconded by Trustee Figueroa to reconvene to open session at 8:36 P.M.**

<b>MOTION</b>	<b>YES 4</b>	<b>MOTION CARRIED</b>
To reconvene to open session		

**Trustee Figueroa moved, seconded by Trustee Jackson to approve the termination of services of The Scher Law Firm, LLP as indicated.**

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1. **RESOLVED**, that the Board of Education terminates the services of the Scher Law Firm, LLP, effective immediately, with respect to all matters, and directs the Scher Law Firm, LLP, to cooperate with successor counsel, Hamburger, Maxson, Yaffe & McNally, LLP in the orderly and prompt turnover of matters files and records, including electronic records that successor counsel request.

**MOTION**

**YES 3**

**MOTION CARRIED**

To approve the termination **NO 1**( Trustee Johnson)  
of services of the Scher law Firm, LLP

***Trustee Johnson stated for the record***

***"I have a problem with the Scher Firm not continuing to represent the district in the case of Palmore, Evans and Thomas."***

**Trustee Jackson moved, seconded by Trustee Touré to approve the settlement agreement between former employee number 3595 and the district as indicated.**

2. **WHEREAS**, the District's former employee number 3595 ("Plaintiff") commenced an Action in the Eastern District of New York under Docket Number 13-cv-5094 on September 12, 2013 alleging claims of hostile work environment on the basis of race, retaliation in violation of Title VII, aiding and abetting discrimination against the District's former Board member Betty Cross ("Cross"), aiding and abetting retaliation against Cross, and a violation of the Fourteenth Amendment Equal Protection rights; and

**WHEREAS**, on November 15, 2013, the Defendants filed and served an Answer denying the allegations in the Complaint; and

**WHEREAS**, the parties conducted extensive discovery proceedings during the course of the litigation; and

**WHEREAS**, on July 2, 2015 the Defendants filed and served a Motion for Summary Judgment, which was opposed by the Plaintiff; and

**WHEREAS**, on December 17, 2015, the Court denied the Defendants' Motion for Summary Judgment in a seventy-nine page decision; and

**WHEREAS**, in the interests of avoiding the cost, expense and uncertainties of trial, the Plaintiff and the Defendants desire to resolve all claims asserted in the Action or which could have been asserted in the Action or which may otherwise have been available to Plaintiff or existed arising from his employment with the District; and

**WHEREAS**, without any admission of any wrongdoing or liability by or on the part of any party hereto, the Parties have reached an agreement to compromise, settle,

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resolve and terminate all claims, disputes and matters asserted in the Action or which could have been asserted in the Action or which may otherwise have been available to Plaintiff or existed arising from his employment with the District or in any possible manner related thereto, be it

**RESOLVED**, that the Board hereby approves and adopts the Settlement Agreement, and with it the resolution of the litigation as between the Defendants and the Plaintiff, which Settlement Agreement shall be kept on file in the District's Office of Human Resources, pursuant to its terms and it is

**FURTHER RESOLVED**, that the Board hereby authorizes the Board President or his authorized designee to execute the Settlement Agreement on behalf of the District.

**MOTION**

**YES 4**

**MOTION CARRIED**

To approve settlement  
agreement between the  
district and former employee number 3595

**Trustee Figueroa moved, seconded by Trustee Jackson to approve the settlement agreement between the district and employee number 3175.**

**WHEREAS**, the Superintendent of Schools, by Special Counsel for the District, has negotiated an agreement resolving certain administrative proceedings and certain litigation as between the District, the Board, and the Associate Superintendent, on the one hand, and Employee Number 3175, on the other hand, and

**WHEREAS**, the Board has concluded, based upon the recommendation of the Superintendent, that it is in the best interests of the District to resolve said administrative proceedings and litigation by means of the negotiated Settlement Agreement, which was executed by said Employee on June 8, 2016; be it

**RESOLVED**, that the Board hereby approves and adopts the Settlement Agreement, and with it the resolution of the administrative proceedings and litigation concerning said Employee, which Settlement Agreement shall be kept on file in the District's Office of Human Resources, pursuant to its terms and it is

**FURTHER RESOLVED**, that the Board hereby authorizes the Board President or authorized designee to execute the Settlement Agreement on behalf of the District and the Board and it is

**FINALLY RESOLVED**, that the Board hereby authorizes the Associate Superintendent to execute the Settlement Agreement, in his official capacity.

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**MOTION**

**YES 4**

**MOTION CARRIED**

To approve settlement  
agreement between the district  
and employee number 3175

***Trustee Figueroa stated for the record***

***“ The community was unaware of the Superintendent of BOCES request to meet with Board Members independently and I would like the minutes to also reflect the Superintendent of BOCES did receive an invitation to come sit with the Board collectively to discuss his concern regarding the appointment of our interim Superintendent, Dr. Atiba Weza.”***

***And I also would like it to be on the record for the minutes, that it is imperative that all discussions that this Board is having with Superintendent Dillon at BOCES not be in private, not be in secret. That all the business that this Board of Education does, continue to be transparent, and no decisions are being made in particular being influenced by folks who have a financial investment in the school district of Hempstead.”***

**Trustee Jackson moved, seconded by Trustee Touré to adjourn the meeting at 8:40 P.M.**

**MOTION**

**YES 4**

**MOTION CARRIED**

Meeting adjourned

Respectfully submitted:

Patricia Wright  
District Clerk