

**MINUTES  
DECEMBER 7, 2017**

**HEMPSTEAD PUBLIC SCHOOLS  
BOARD OF EDUCATION  
WORK STUDY MEETING  
DECEMBER 7, 2017  
MINUTES**

The work study meeting of the Hempstead Public Schools Board of Education was held in the high school auditorium, 201 President Street, Hempstead, New York 11550. The meeting was called to order at 7:19 P.M. All of the Board Members were present. The Board took action on the proposed Rhodes Bond resolutions and hand carried items presented by Trustee Stith. Following the action items the Board had a question and answer period for items to be presented on the agenda prepared for December 21, 2017. The Vice President, Trustee Jackson left the meeting at 8:56 P.M. due to a prior engagement.

**BOARD MEMBERS PRESENT:**

Maribel Touré	President
Gwendolyn Jackson	Vice President
David B. Gates	Trustee
LaMont Johnson	Trustee
Randy Stith	Trustee
Jack Bierwirth	Trustee-Ex-Officio

**STAFF MEMBERS PRESENT:**

Shimon Waronker, Ed. D.	Superintendent of Schools
Lawrence Dobroff	Assistant Superintendent for Business & Operations
Dr. Rodney Gilmore	Assistant Superintendent for Human Resources
James Clark	Assistant Superintendent for Secondary C & I
Regina Armstrong	Assistant Superintendent for Elementary C & I
Djuana Wilson	Special Education
Andrew Hardwick	Supervisor of Security
Janet Lovett	Bilingual
Dr. Ahunna Akoma	Assistant Superintendent for Technology
Timothy Gregg	Facilities
Patricia Wright	District Clerk

**Trustee Touré moved, seconded by Trustee Jackson to approve the Rhodes Bond resolution, Lead Agency Designation, and Negative Declaration.**

**RESOLUTION OF THE HEMPSTEAD UNION FREE SCHOOL DISTRICT, NEW YORK, ADOPTED DECEMBER 7, 2017, CALLING A SPECIAL DISTRICT MEETING TO AUTHORIZE THE**

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**EXPENDITURE OF MONEYS FOR SCHOOL PURPOSES AND  
THE LEVY OF A TAX THEREFOR.**

**1. RESOLVED BY THE BOARD OF EDUCATION OF THE HEMPSTEAD UNION  
FREE SCHOOL DISTRICT, IN THE COUNTY OF NASSAU, NEW YORK, AS  
FOLLOWS:**

Section 1. A Special District Meeting of the qualified voters of the Hempstead Union Free School District, in the County of Nassau, New York (the "District"), shall be held within the District, on **Tuesday, February 13, 2018**, between the hours of 7:00 o'clock A.M. and 9:00 o'clock P.M. (Prevailing Time) at the Alverta B. Gray Schultz Middle School, 70 Greenwich Street, Hempstead, New York; as provided in the Notice calling said Special District Meeting as hereinafter substantially prescribed. The voting at such Special District Meeting shall be by voting machine or paper ballot, as provided by the Education Law, and the polls shall remain open from 7:00 o'clock A.M. to 9:00 o'clock P.M. (Prevailing Time) on said day and as much longer as may be necessary to enable the voters, then present, to cast their votes.

Section 2. The business to be acted upon at said Special District Meeting shall be as stated in the Notice thereof, and the District Clerk is hereby authorized and directed to cause the Notice of said Special District Meeting to be published in "*Newsday*," "*La Noticia*" and "*The Hempstead Beacon*," three newspapers having a general circulation in the District, such publications to be made four (4) times within the seven (7) weeks next preceding such Special District Meeting, the first publication in each newspaper to be at least forty-five (45) days prior to the date of said Special District Meeting.

Section 3. Said Notice of Special District Meeting shall be substantially in the following form:

**NOTICE OF SPECIAL DISTRICT MEETING  
OF THE HEMPSTEAD UNION FREE SCHOOL DISTRICT,  
IN THE COUNTY OF NASSAU, NEW YORK**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Board of Education of Hempstead Union Free School District, in the County of Nassau, New York, adopted on December 7, 2017, a Special District Meeting of the qualified voters of said School District will be held on

**Tuesday, February 13, 2018**

from 7:00 o'clock A.M. to 9:00 o'clock P.M. (Prevailing Time) at the Alverta B. Gray Schultz Middle School, 70 Greenwich Street, Hempstead, New York for the purpose of voting upon the following Bond Proposition:

**NEW ELEMENTARY SCHOOL BOND PROPOSITION**

**RESOLVED:**

(a) That the Board of Education of the Hempstead Union Free School District, in the County of Nassau, New York (the "District"), is

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hereby authorized to construct a new elementary school on the site of the existing Rhodes Elementary School, located at 270 Washington Street, in Hempstead, in the District, including demolition of the existing building on said site and the removal of certain modular buildings presently in use throughout the District; the foregoing to include all original equipment, furnishings, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith (the "Project"), all as substantially referred to and described in a report entitled "Spatial Needs and the New Rhodes School", dated November 7, 2017, prepared for the District by BBS Architects Landscape Architects and Engineers PC, Patchogue, New York (the "Report"), which report is on file and available for public inspection at the office of the District Clerk; and to expend therefor, including preliminary costs and costs incidental thereto and to the financing thereof, an amount not to exceed the estimated total cost of \$46,844,112; provided that the estimated costs of the components of the Project as set forth in the Report may be reallocated among such components if the Board of Education shall determine that such reallocation is in the best interests of the District;

(b) that a tax is hereby voted in the amount of not to exceed \$46,844,112 to finance such cost, such tax to be levied by and collected in installments in such years and in such amounts as shall be determined by said Board of Education;

(c) that in anticipation of said tax, bonds of the District are hereby authorized to be issued in the aggregate principal amount of not to exceed \$46,844,112 and a tax is hereby voted to pay the interest on said bonds as the same shall become due and payable; and

(d) that the District has been allocated and expects to receive as reimbursement from the State of New York (the "State") \$2,116,293 under the "Expanding our Children's Education and Learning" aid program, and additional amounts of other State building aid, and all of such aid as and when received by the District shall be applied to offset and reduce the taxes hereby authorized.

Such Bond Proposition shall appear on the ballots used for voting at said Special District Meeting in substantially the following condensed form:

**NEW ELEMENTARY SCHOOL BOND PROPOSITION**

YES

NO

**RESOLVED:**

(a) That the Board of Education of the Hempstead Union Free School District, in the County of Nassau, New York (the "District"), is hereby authorized to construct a new elementary school on the site of the existing Rhodes Elementary School, located at 270

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Washington Street, Hempstead, New York 11550 in the District, including the demolition of the existing building on the site and the removal of certain modular buildings presently in use throughout the District, substantially as described in a report entitled "Spatial Needs and the New Rhodes School," dated November 7, 2017, prepared for the District by BBS Architects Landscape Architects and Engineers PC, Patchogue, New York, and to expend \$46,844,112 therefor; (b) that a tax is hereby voted in the amount of not to exceed \$46,844,112 to finance such cost, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by said Board of Education; (c) that in anticipation of said tax, bonds of the District are hereby authorized to be issued in the aggregate principal amount of not to exceed \$46,844,112 and a tax is hereby voted to pay the interest on said bonds as the same shall become due and payable; and (d) that the District expects to receive \$2,116,293 from the State of New York (the "State") as part of the State's EXCEL aid program and additional amounts of other State building aid, and all of such aid as and when received by the District shall be applied to offset and reduce the taxes hereby authorized.

The voting will be conducted by ballot on voting machines or paper ballot as provided in the Education Law and the polls will remain open from 7:00 o'clock A.M. to 9:00 o'clock P.M. (Prevailing Time) and as much longer as may be necessary to enable the voters then present to cast their ballots.

NOTICE IS FURTHER GIVEN, that pursuant to Education Law §2014, personal registration of voters is required, and no person shall be entitled to vote at the Special District Meeting whose name does not appear on the register of the District. The Board of Registration will meet at the Board of Education offices, 185 Peninsula Boulevard, Hempstead, New York, on Tuesday, February 6, 2018, from 9:00 o'clock A.M. to 3:00 o'clock P.M. (Prevailing Time), for the purpose of preparing a register of the qualified voters of the District for said Special District Meeting, at which time any person shall be entitled to have his/her name placed upon such register, provided that at such meeting of the Board of Registration he/she is known or proven to the satisfaction of such Board of Registration to be then or thereafter entitled to vote at said Special District Meeting.

The register of the qualified voters of said District prepared for the Annual Election held on May 16, 2017 shall be used by said Board of Registration as the basis for the preparation of the register for said Special District Meeting to be held on Tuesday, February 13, 2018. Any person whose name appears on such register or who shall have been previously registered for any annual or special District meeting or election and who shall have voted at any annual or special District meeting or election held or conducted

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at any time since January 1, 2014, will not be required to register personally for this Special District Meeting. In addition, any person otherwise qualified to vote who is registered with the Board of Elections of Nassau County under the provisions of the Election Law shall be entitled to vote at said Special District Meeting without further registration.

All persons may confirm their voter registration status by contacting the District Clerk at (516) 434-4002 or by contacting the Nassau County Board of Election at (516) 571-8683 or by conducting a voter registration search at the website of the New York State Board of Elections at <https://voterlookup.elections.state.ny.us/>.

In addition, all qualified persons who are residents of the District and not registered to vote in the District, may register to vote in the District by filling out a registration form available at: [http://www.nassaucountyny.gov/agencies/boe/documents/voteform\\_enterable\\_4\\_001.pdf](http://www.nassaucountyny.gov/agencies/boe/documents/voteform_enterable_4_001.pdf) and by sending the completed form to the Nassau County Board of Elections so that it is postmarked no later than 5<sup>th</sup> day, February, 2018 or delivering the completed form in person to one of the agency-based voter registration centers, which can be located at: <http://www.elections.ny.gov/NVRA.html>.

Immediately upon its completion, said register will be filed in the Office of the District Clerk, and will be open for inspection between the hours of 9:00 o'clock A.M. and 4:00 o'clock P.M. (Prevailing Time) on each of the five (5) days up to and including the day set for said Special District Meeting, except Sunday, and on Saturday, February 10, 2018, between the hours of 9:00 o'clock A.M. and 11:00 o'clock A.M. (Prevailing Time).

NOTICE IS FURTHER GIVEN that applications for absentee ballots may be applied for at the office of the District Clerk, 185 Peninsula Boulevard, Hempstead, New York or an application may be downloaded from the District's website located at: <http://www.hempsteadschools.org> beginning on 9<sup>th</sup>, January, 2018. If the ballot is to be mailed to the voter, the completed application must be received by the District Clerk no later than Tuesday, February 6, 2018. If the ballot is to be delivered personally to the voter at the office of the District Clerk, the completed application must be received by the District Clerk no later than 4:00 o'clock P.M. (Prevailing Time) on Monday, February 12, 2018, the day before the date set for the Special District Meeting. Absentee ballots must be received by the District Clerk no later than 5:00 o'clock P.M. (Prevailing Time), on Tuesday, February 13, 2018.

A list of all persons to whom absentee ballots shall have been issued will be available for public inspection at the office of the District Clerk of the District between the hours of 9:00 o'clock A.M. and 4:00 o'clock P.M. (Prevailing Time) on each of the five (5) days prior to the date set for the vote, except Saturday and Sunday.

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Only qualified voters who are duly registered will be permitted to vote.

NOTICE IS FURTHER GIVEN that all forms, notices, instructions and other written materials relating to the vote, including registration materials and absentee ballots will be provided in Spanish, upon request. In addition, the polling site will have Spanish translators on hand to provide assistance to voters, if necessary. Voters speaking languages other than English or Spanish may receive assistance in voting from any person of their choice. A person assisting a voter shall not in any manner request or seek to persuade or induce the assisted voter to vote "yes" or "no" on the Bond Proposition.

NOTICE IS FURTHER GIVEN that persons with disabilities are entitled to accessible polling sites and assistance in voting. The accessible entrance for the polling site is the Greenwich Street entrance of the Alverta B. Gray Schultz Middle School, where accessible parking is also available. In addition, voters with disabilities may receive assistance from any person of their choice. A person assisting a voter shall not in any manner request or seek to persuade or induce the assisted voter to vote "yes" or "no" on the Bond Proposition.

**BY THE ORDER OF THE BOARD OF EDUCATION**

Dated: December 7, 2017

Patricia Wright  
District Clerk

Section 4. The vote upon the Bond Proposition to be submitted to the qualified voters shall be by ballot on voting machines or paper ballots, and the District Clerk is hereby authorized and directed to have the necessary ballots printed, in form corresponding as nearly as may be with the requirements of the Education Law.

Section 5. The proceeds of the bonds authorized pursuant to the Bond Proposition set forth in Section 3 hereof, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the District for expenditures made for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 6. This resolution shall take effect immediately.

\* \* \*

The adoption of the foregoing resolution was seconded by Board Member \_\_\_\_\_ and duly put to a vote on roll call which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

**Proposed Demolition of Existing and Construction of New**

**Marguerite G. Rhodes Elementary School and  
Removal of Portable Classrooms at Hempstead Union Free School District  
Properties  
Board of Education of the Hempstead Union Free School District  
Incorporated Village of Hempstead  
Nassau County, New York  
Lead Agency Designation**

2. **WHEREAS**, the Board of Education of the Hempstead Union Free School District (“Board of Education”) is considering the demolition of the existing Marguerite G. Rhodes Elementary School, construction of a new elementary school and various site improvements at the Rhodes School property, located at 270 Washington Street in the Incorporated Village of Hempstead, Nassau County, as well as the removal of portable classroom structures at three of the District’s elementary schools (i.e., the Jackson Main, Jackson Annex and Franklin Elementary Schools) (hereinafter the “proposed action”); and

**WHEREAS**, the proposed action specifically involves the demolition of the existing vacant 23,000±-square-foot, two- and three-story Marguerite G. Rhodes Elementary School building and its appurtenances, and construction of a new, 75,511±-square-foot, one-, two- and three-story elementary school building and associated site improvements, including a new grass play area, driveways and parking areas, landscaping, utilities, and stormwater management infrastructure; and

**WHEREAS**, the proposed action also involves the removal of the portable classroom facilities at the Jackson Main School, Jackson Annex School and Franklin Elementary School, and restoration of these areas with lawn and landscaping; and

**WHEREAS**, the Board of Education reviewed the proposed action and, pursuant to 6 NYCRR §617.4 and §617.5, has preliminarily determined that same is an Unlisted Action; and

**WHEREAS**, pursuant to 6 NYCRR Part 617, a coordinated review was undertaken by the Board of Education, and no objections were received from involved agencies to the Board of Education serving as lead agency;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Education hereby designates itself as lead agency pursuant to the implementing regulations of the State Environmental Quality Review Act, specifically 6 NYCRR §617.6(b)(2) and (3), with respect to the above-described proposed action.

**Proposed Demolition of Existing and Construction of New  
Marguerite G. Rhodes Elementary School and  
Removal of Portable Classrooms at Hempstead Union Free School District  
Properties  
Board of Education of the Hempstead Union Free School District  
Incorporated Village of Hempstead  
Nassau County, New York  
Negative Declaration**

3. **WHEREAS**, the Board of Education of the Hempstead Union Free School District (“Board of Education”) is considering the demolition of the existing Marguerite G. Rhodes Elementary School, construction of a new elementary school and various site improvements at the Rhodes School property, located at 270 Washington Street in the Incorporated Village of Hempstead, Nassau County, as well as the removal of portable classroom structures at three of the District’s elementary schools (i.e., the Jackson Main, Jackson Annex and Franklin Elementary Schools) (hereinafter the “proposed action”); and

**WHEREAS**, the proposed action specifically involves the demolition of the existing vacant 23,000±-square-foot, two- and three-story Marguerite G. Rhodes Elementary School building and its appurtenances, and construction of a new, 75,511±-square-foot, one-, two- and three-story elementary school building and associated site improvements, including a new grass play area, driveways and parking areas, landscaping, utilities, and stormwater management infrastructure; and

**WHEREAS**, the proposed action also involves the removal of the portable classroom facilities at the Jackson Main School, Jackson Annex School and Franklin Elementary School, and restoration of these areas with lawn and landscaping; and

**WHEREAS**, the Board of Education declared itself lead agency for the proposed action, pursuant to the implementing regulations of the State Environmental Quality Review Act, specifically 6 NYCRR §617.6(b)(2) and (3); and

**WHEREAS**, the Board of Education, as lead agency, has caused to be prepared Parts 1, 2 and 3 of a Full Environmental Assessment Form (EAF), as well as an Expanded Environmental Assessment (EA), to evaluate potential significant adverse environmental impacts associated with the proposed action, and has reviewed the aforesaid EAF and agrees with the contents thereof;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Education, as lead agency for the action contemplated herein, after review of the proposed action, 6



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NYCRR Part 617, the EAF and Expanded EA, hereby determines that the above-described project is an Unlisted Action; and

**BE IT FURTHER RESOLVED**, based upon the information contained in the EAF, Expanded EA and other relevant information before it, the Board of Education, as lead agency for the action contemplated herein, and after due deliberation, review and analysis, hereby determines that the proposed action will not result in significant adverse impacts to the environment and hereby adopts the annexed Negative Declaration.

<b>MOTION</b>	<b>NO 3</b>	<b>MOTION FAILED</b>
To approve the Rhodes	<b>YES 2</b> (Trustees Touré & Jackson)	
Bond resolution, Lead Agency		
Designation, and Negative Declaration.		

\*\*\*\*Board Member comments for the record:

Trustee Gates: *"What I take opposition to is the way it's being presented to state that other districts are passing bonds, but if you look at the way those districts bare presenting the process, they have several forums where the community was involved, often times people believe that because they were able to you are able to, but if you look at the budget, the majority of people that vote don't necessarily have children in the district, and the majority of the people that will vote the budget down is the north east civic side of Hempstead, who send their children to private school, so when you consider that you're going to bring this bond, don't exclude the north east the people on the north east side will vote it down if it's not reduced almost to the point that they understand, so I'm definitely not in opposition of it I just don't understand why the emergency now."*

Trustee Stith for the record: *"I spent a lot of time drafting and redrafting the hand carry resolutions that I am putting up for a vote tonight, because I wanted to make sure I got them right. They were not ready before today, especially after Jack Bierwirth gave me critical comments last week to consider, so I could not circulate them sooner. You have waived this policy on numerous occasions whenever it suited Trustee Touré to do so when she had hand carry resolutions in the past and those cases she didn't share those hand carries with the full board prior to presenting the hand carries for a vote, I did circulate the agenda with 24 hours advance notice, so everyone would know what the issues are that I want to address."*

*Also, there is no surprise to any of the Trustees on this Board that I am making a motion to pass each of the hand carry resolutions I am presenting tonight, since the lawyers who were terminated last week and are being terminated tonight lost my confidence in their role as counsel to the Board many months ago. The issue does not require a circulation of materials in advance. We know what the issues are, which are simple."*

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*The Raiser and Kenniff firm did an investigation regarding Lamont Johnson and failed to disclose its findings to the full board, then pushed the case to conclusion before June 30, 2017 by depriving Lamont Johnson of his due process rights, and acted improperly. They lost on appeal, losing on nearly every issue. The Commissioner's decision says they did a terrible job. They wasted our taxpayer dollars losing a case they never should have brought. I have no confidence in their work. The other Board members do not need materials from me to know that Maribel Touré and Gwen Jackson brought a bad case to trial and wasted everyone's time and money, using Raiser and Kenniff to push that bad case.*

*The Hamburger Firm has been serving the Maribel Touré and her bloc of three, with disregard for the rest of us on the Board, for years now. Just since March of 2017, the following three examples show that the Hamburger firm took sides and represented the three Trustees (Touré and Jackson and Figueroa) and not the full Board:*

- 1. The Court issued an Order not to hold a meeting of the Board on 4-4-17 in Melville. Despite the Court order, which the community obtained against the Board, the Hamburger firm hosted the meeting in his offices. That was disrespectful to the community.*
- 2. The Board rushed to interview candidates for the Superintendent position. The Board hired Dr. Waronker. The contract was negotiated and executed, without the terms of the contract ever being reviewed or discussed by the Hamburger firm with the full Board. Trustees Gates and Johnson were excluded from the process.*
- 3. The Board under President Touré and Trustee Jackson and Trustee Figueroa brought a bad faith proceeding against Lamont Johnson. In my opinion, the Hamburger firm (1) had a duty not to be partisan, (2) had a duty to represent the whole Board and (3) failed to speak up and guide the Board not to proceed in bad faith against Lamont Johnson.*

*Finally, I want to comment on the improper procedure that this Board has been engaging in for a long time now, under the leadership of President Touré. The Board (Touré and Jackson and Figueroa in the past, and then Touré and Jackson and Crosson until recently) frequently engage in extensive email conversations about Board actions to be taken or considered. They debate ideas by email, and then never hold those discussions in the public. It happened again this week regarding the resolutions to be voted on tonight. There is no need for further discussion, because the email traffic between Touré, Jackson show that they fully debated the ideas and know what the topics are to be voted on.*

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*Trustee Jackson for the record: "I would like to publicly say that I am outraged at the atrocity that took place at the so call emergency meeting on Wednesday, November 29<sup>th</sup>. The firing of the law firm of Raiser & Kenniff appears to be a deliberate attempt on the part of the Board majority to stop investigations into acts of fraud committed against the district thus covering up violations. It is my hope that we will work together to root out corruption, ensure all students receive a quality education and protect our tax payers dollars."*

*Trustee Gates for the record: "Raiser & Kenniff were brought on by to engage in only Trustee Johnson's investigations, at no time did the Board, the collective Board of five approve Raiser & Kenniff to conduct any investigation into any district employees. If that indeed happened, District Clerk, can you please share with me the resolutions that were put forth and voted upon that gave them the right to begin investigations." Please provide the date of the resolution, please provide*

*Trustee Touré for the record; "Raiser & Kenniff are not only for Lamont Johnson, we are having investigations and we have an agreement with them, I consider it a conflict of interest and all of this should go into investigation."*

**Trustee Stith moved, seconded by Trustee Johnson to consider and vote on the hand carry resolutions introduce by Trustee Stith.**

<b>MOTION</b>	<b>YES 3</b>	<b>MOTION CARRIED</b>
To approve to read	<b>NO 2</b> (Trustees Touré & Jackson)	
Resolutions introduced		
by Trustee Stith		

**HAND CARRY ITEMS  
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**12-7-17 HAND CARRY # 1  
RESOLUTION TO SUSPEND POLICY #2342**

**Trustee Stith moved, seconded by Trustee Johnson to approve to suspend policy #2342**

- 1. RESOLVED**, the Board of Education waives policy 2342 requiring the agenda, together with supporting background materials to be distributed to Board members seven days in advance of a Board meeting, and the Board shall permit the consideration of the hand-carry resolutions presented at the December 7, 2017 meeting of the Board; and it is further:

**RESOLVED**, the waiver of policy 2342 is effective only for the hand-carry resolutions considered at the December 7, 2017 meeting.

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**MOTION**

To approve to suspend  
Policy # 2342

**YES 3**

**NO 2** (Trustees Touré & Jackson)

**MOTION CARRIED**

**12-7-17 HAND CARRY # 2**

**RESOLUTION TO SUSPEND POLICY #6741 AND POLICY #2280**

**Trustee Johnson moved, seconded by Trustee Gates to approve to suspend policies #'s 6741 and 2280.**

2. **RESOLVED**, that the Board suspends policy 6741, to the extent it requires the Board to obtain written proposals via the Request for Proposals (RFP) process, for professional services, to permit the Board to hire replacement Special Counsel, as successor to RAISER & KENNIFF, P.C., since (1) purchasing professional services does not require competitive bidding, as stated in policy #6741, (2) the professionals being considered to be hired as replacement Special Counsel, previously served the District with distinction and success, and previously submitted written RFP proposals to the District as an applicant for legal services in 2012, 2013 and 2014, which is within the last six years, which complies with policy #6741, (3) the appointment of a school attorney falls within the professional services exception to competitive bidding requirements of General Municipal Law §104-b, and (4) the Commissioner of Education recently ruled (decision #17,188, dated September 17, 2017) that the hiring of consultants, and other professionals such as lawyers, are exempt from bidding requirements and may be hired on the basis of skill and successful prior engagements; and it is further:

**RESOLVED**, that the Board suspends policy 6741, to the extent it requires the Board to obtain written proposals via the Request for Proposals (RFP) process, for professional services, to permit the Board to hire replacement Labor Counsel, as successor to HAMBURGER, MAXSON, YAFFE & McNALLY, LLP, since (1) purchasing professional services does not require competitive bidding, as stated in policy #6741, (2) the professionals being considered to be hired as replacement Labor Counsel, previously served the District with distinction and success, and previously submitted written RFP proposals to the District as an applicant for legal services in 2012, 2013 and 2014, which is within the last six years, which complies with policy #6741, (3) the appointment of a school attorney falls within the professional services exception to competitive bidding requirements of General Municipal Law §104-b, and (4) the Commissioner of Education recently ruled (decision #17,188, dated September 17, 2017) that the hiring of consultants, and other professionals such as lawyers, are exempt from bidding requirements and may be hired on the basis of skill and successful prior engagements; and it is further:

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**RESOLVED**, that the Board suspends policy 6741 and policy 2280, to the extent such policies apply and require a recommendation from the Superintendent to hire a professional service provider that is exempt from competitive bidding, for the purpose of permitting the Board to hire replacement Special Counsel, as successor to RAISER & KENNIFF, P.C, in the absence of a recommendation from the Superintendent; and it is further:

**RESOLVED**, that the Board suspends policy 6741 and policy 2280, to the extent such policies apply and require a recommendation from the Superintendent to hire a professional service provider that is exempt from competitive bidding, for the purpose of permitting the Board to hire replacement Labor Counsel, as successor to HAMBURGER, MAXSON, YAFFE & McNALLY, LLP, in the absence of a recommendation from the Superintendent.

<b>MOTION</b>	<b>YES 3</b>	<b>MOTION CARRIED</b>
To approve to suspend	<b>NO 2</b> (Trustees Touré & Jackson)	
Policies #'s 6741 & 2280		

**Trustee Stith moved, seconded by Trustee Johnson to approve to terminate Raiser & Kenniff, P.C.**

**12-7-17 HANDY CARRY# 3**

**RESOLUTION TO TERMINATE RAISER & KENNIFF, P.C.**

3. **RESOLVED**, that on November 29, 2017, the law firm of RAISER & KENNIFF, P.C. was terminated effective immediately from representing the Hempstead Union Free School District, its Board members, and employees and shall have no actual or implied authority to act on behalf of the District; and it is further:

**RESOLVED**, that on November 29, 2017, the Board resolved that any and all matters handled by RAISER & KENNIFF, P.C. on behalf of the District shall be transferred to the successor law firm to be appointed by the Board as Replacement Special Counsel, but then the Board did not designate and appoint such successor law firm to serve as Replacement Special Counsel, and now, to correct such item open matter of business, the Board hereby directs RAISER & KENNIFF, P.C. to transfer and hand over all records, documents and materials relating to their representation of the District in any and all matters within five (5) business days of this resolution to the successor law firm appointed today (December 7, 2017) to serve as Replacement Special Counsel; and it is further:

**RESOLVED**, that RAISER & KENNIFF, P.C. is directed to comply with the directive contained in the November 29, 2017 resolution, to the extent it has not done so already, turnover to the District Clerk, within seven (7) days of

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November 29, 2017, any and all invoices and time records relating to its work on behalf of the District through and inclusive of November 29, 2017; and it is further:

**RESOLVED**, that RAISER & KENNIFF, P.C. is directed to confirm in writing who authorized said firm to commence the Article 78 proceeding it filed on November 28, 2017, in the Supreme Court, Albany County, under Index #907642-2017; and it is further:

**RESOLVED**, RAISER & KENNIFF, P.C. is directed, to the extent it has not done so already, to turnover all communications between RAISER & KENNIFF, P.C. and any member of the District's Board of Education or an employee of the District to the successor law firm to be appointed by the Board as Replacement Special Counsel; and it is further:

**RESOLVED**, the Board of Education waives any and all attorney-client privilege held by the District, regarding any and all communications between RAISER & KENNIFF, P.C. and a member of the District's Board of Education or an employee of the District, to the extent such privilege could be argued to apply, so that any and all such communications can be disclosed and turned over to the successor law firm to be appointed by the Board as Replacement Special Counsel; and it is further:

**RESOLVED**, until further Action by the Board, the District shall not pay to RAISER & KENNIFF, P.C. any monies for any purported services it may have rendered to the District; and it is further:

**RESOLVED**, the District Clerk is directed to send a copy of this resolution by email and overnight delivery to RAISER & KENNIFF, P.C., within 24 hours of the adoption of this resolution.

**MOTION**

To approve to terminate  
Raiser & Kenniff, P.C.

**YES 3**

**NO 2** (Trustees Touré & Jackson)

**MOTION CARRIED**

**Trustee Johnson moved, seconded by Trustee Stith to approve appointing The Chandler Law Firm, PLLC as the successor law firm to Raiser & Kenniff, P.C. to serve as special counsel to the Board**

**12-7-17 HAND-CARRY #4**

**RESOLUTION APPOINTING THE CHANDLER LAW FIRM PLLC  
AS THE SUCCESSOR LAW FIRM TO RAISER & KENNIFF, P.C.,  
TO SERVE AS SPECIAL COUNSEL TO BOARD**

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4. **RESOLVED**, that the Board suspends policy 6741 and policy 2280, to the extent it applies and requires a recommendation from the Superintendent, for the purpose of permitting the Board to hire replacement Special Counsel, as successor to RAISER & KENNIFF, P.C, in the absence of a recommendation from the Superintendent; and it is further:

**RESOLVED**, the Board appoints The Chandler Law Firm PLLC to act as the successor law firm to RAISER & KENNIFF, P.C. and as Special Counsel to the District; and it is further:

**RESOLVED**, The Chandler Law Firm PLLC is authorized and directed to review and assess the investigations commenced by RAISER & KENNIFF, P.C., as Special Counsel to the District, and report to the Board as to the merits and status of each, within fifteen (15) days of the turnover of such matters to The Chandler Law Firm PLLC by RAISER & KENNIFF, P.C.; and it is further:

**RESOLVED**, the services rendered by The Chandler Law Firm, PLLC shall be billed and paid at an hourly rate of \$235.00 per hour, with a retainer deposit of \$5,000.00 to be paid by the District; and it is further:

**RESOLVED**, Trustee Stith is authorized to execute any and all retainer agreements between The Chandler Law Firm, PLLC and the District; and it is further:

**RESOLVED**, the District Clerk is directed to send a copy of this resolution by email and overnight delivery to RAISER & KENNIFF, P.C., and to The Chandler Law Firm, PLLC, within 24 hours of the adoption of this resolution

**MOTION**

**YES 3**

**MOTION CARRIED**

To approve to appoint **NO 2** (Trustees Touré & Jackson)  
The Chandler Law Firm  
PLLC as the successor Law Firm to  
Raiser & Kenniff, P.C, to serve as  
Special Counsel to the Board

**12-7-17 HAND CARRY # 5**

**RESOLUTION TO TERMINATE HAMBURGER, MAXSON, YAFFE & McNALLY, LLP,  
AS LABOR COUNSEL**

**Trustee Stith moved, seconded by Trustee Johnson to terminate Hamburger, Maxson, Yaffe, & McNally, LLP as labor counsel.**

5. **RESOLVED**, effective immediately the law firm of HAMBURGER, MAXSON, YAFFE & McNALLY, LLP is hereby terminated from representing the Hempstead

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Union Free School District, its Board members, and employees and shall have no actual or implied authority to act on behalf of the District; and it is further:

**RESOLVED**, effective immediately HAMBURGER, MAXSON, YAFFE & McNALLY, LLP are directed to turnover all files, records, communications and all other documents relating to its work on behalf of the District to successor law firm to be appointed by the Board as Replacement Labor Counsel and to work with successor law firm to be appointed by the Board as Replacement Labor Counsel to transition their work, and execute all substitution of counsel forms necessary, in all pending Actions and proceedings in which HAMBURGER, MAXSON, YAFFE & McNALLY, LLP represents the District; and it is further:

**RESOLVED**, the Board of Education waives any and all attorney-client privilege held by the District, regarding any and all communications between HAMBURGER, MAXSON, YAFFE & McNALLY, LLP and a member of the District's Board of Education or an employee of the District, for the purpose of authorizing and directing HAMBURGER, MAXSON, YAFFE & McNALLY, LLP to disclose such communications to the successor law firm to be appointed by the Board as Replacement Labor Counsel; and it is further:

**RESOLVED**, HAMBURGER, MAXSON, YAFFE & McNALLY, LLP is directed to turnover all communications between HAMBURGER, MAXSON, YAFFE & McNALLY, LLP and any member of the District's Board of Education or an employee of the District to successor law firm to be appointed by the Board as Replacement Labor Counsel; and it is further:

**RESOLVED**, that HAMBURGER, MAXSON, YAFFE & McNALLY, LLP shall within seven (7) days turnover to the District Clerk any and all invoices and time records relating to its work on behalf of the District; and it is further:

**RESOLVED**, HAMBURGER, MAXSON, YAFFE & McNALLY, LLP is directed to work in an expeditious and responsible manner to transition its work for the District to successor law firm to be appointed by the Board as Replacement Labor Counsel; and it is further:

**RESOLVED**, the District Clerk is directed to send a copy of this resolution by email and overnight delivery to HAMBURGER, MAXSON, YAFFE & McNALLY, LLP, within 24 hours of the adoption of this resolution.

**MOTION**

To terminate Hamburger,  
Maxson, Yaffe & McNally,  
LLP as labor counsel

**YES 3**

**NO 2** (Trustees Touré & Jackson)

**MOTION CARRIED**



**12-7-17 HAND CARRY #6**  
**RESOLUTION APPOINTING THE SCHER LAW FIRM, LLP AS SUCCESSOR LABOR COUNSEL**

**Trustee Stith moved, seconded by Trustee Johnson to appoint the Scher Law Firm as successor labor counsel.**

6. **RESOLVED**, that the Board suspends policy 6741 and policy 2280, to the extent it applies and requires a recommendation from the Superintendent, for the purpose of permitting the Board to hire replacement Labor Counsel, as successor to HAMBURGER, MAXSON, YAFFE & McNALLY, LLP, in the absence of a recommendation from the Superintendent; and it is further:

**RESOLVED**, effective immediately, The Scher Law Firm, LLP is appointed successor labor counsel to the District; and it is further:

**RESOLVED**, the services rendered by The Scher Law Firm, LLP shall be billed and paid at an hourly rate of \$235.00 per hour; and it is further:

**RESOLVED**, Trustee Stith is authorized to execute any and all retainer agreements between The Scher Law Firm, LLP and the District; and it is further:

**RESOLVED**, the District Clerk is directed to send a copy of this resolution by email and overnight delivery to HAMBURGER, MAXSON, YAFFE & McNALLY, LLP, and to The Scher Law Firm, LLP, within 24 hours of the adoption of this resolution.

<b>MOTION</b>	<b>YES 3</b>	<b>MOTION CARRIED</b>
To appoint the Scher Law Firm, LLP as successor Labor counsel	<b>NO 2</b> (Trustees Touré & Jackson)	

**12-7-17 HAND CARRY #7**  
**RESOLUTION INDEMNIFYING AND HOLDING HARMLESS LAMONT E. JOHNSON PURSUANT TO N.Y. EDUCATION LAW § 3811 AND PUBLIC OFFICERS LAW § 18**

**Trustee Stith moved, seconded by Trustee Gates to approve indemnification and hold harmless for LaMont E. Johnson.**

7. **RESOLVED**, the Board hereby approves the request for defense and indemnification submitted by Lamont E. Johnson in connection with the removal proceeding commenced by the District against him in May 2017, and in connection with the preliminary injunction litigation filed by Lamont E. Johnson, in

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the Supreme Court, Nassau County under Index Number 2844/2017, and in connection with the appeal to the Commissioner of Education of the New York State Education Department under Case Number 20717, which was resolved in Lamont E. Johnson's favor under Commissioner of Education Decision Number 17,263, and confers upon Lamont E. Johnson the benefits and protections of §18 of the Public Officers Law in addition to the benefits and protections of §3811 of the Education Law, as applicable.

<b>MOTION</b>	<b>YES 3</b>	<b>MOTION CARRIED</b>
To approve	<b>NO 2</b> (Trustees Touré & Jackson)	
Indemnification and hold		
Harmless for Lamont E. Johnson		

**Trustee Stith moved, seconded by Trustee Gates to adjourn the meeting at 9:28 P.M.**

<b>MOTION</b>	<b>YES 4</b>	<b>MOTION CARRIED</b>
Meeting adjourned		

Respectfully submitted:

Patricia Wright  
District Clerk