

**BOARD OF EDUCATION
LEVITTOWN UNION FREE SCHOOL DISTRICT
LEVITTOWN, NY**

DATE: JANUARY 20, 2016

SPECIAL MEETING

MINUTES

THE SPECIAL MEETING OF THE BOARD OF EDUCATION, was duly called and held on Wednesday, January 20, 2016 in the Board Meeting Room of the Levittown Memorial Education Center.

CERTIFICATION:

The District Clerk certified that pursuant to Section 104, Open Meetings Law, notice of meeting was sent to the local newspapers, the Public Library and posted on the district's website. Further, all members of the Board of Education had due notice of said meeting.

I. CALL TO ORDER

BOARD OF EDUCATION

PRESENT:

Ms. Peggy Marengi, President
Mr. James Moran, Vice President
Ms. Karen Quinones-Smith Secretary
Ms. Marianne Adrian
Mr. Michael Pappas
Mr. Frank Ward

ADMINISTRATION

Dr. Tonie McDonald - Superintendent of Schools
Ms. Darlene Rhatigan - Assistant Superintendent
Ms. Debbie Rifkin - Assistant Superintendent
Mr. William Pastore – Assistant Superintendent
Dr. Donald Sturz – Assistant to the Superintendent

OTHERS

Mr. Robert Cohen, Legal Counsel

- A. Pledge of Allegiance
- B. Ms. Marengi, President, called the Budget Planning Session/Special Meeting to order at 7:30 PM. She asked everyone to stand for the Pledge of Allegiance and a moment of silence to remember all those fighting overseas for our freedom.
- C. On a motion by Mr. Ward, seconded by Ms. Quinones-Smith and approved (6-0). the Budget Planning Session Meeting was adjourned at 9:05 PM.
- D. Immediately following the Budget Planning Session Meeting, Ms. Marengi called the Special Meeting to order at 9:06 PM on a motion by Mr. Ward, seconded by Mr. Moran and approved (6-0).

II. PUBLIC BE HEARD
(None)

III. ACTION ITEMS: NEW BUSINESS

1. Resolution Authorizing Commencement of Litigation

MOTION: “WHEREAS, the LIPA Reform Act of 2013 (“LIPA Reform Act”) was enacted into law by the State Legislature and Governor; and

WHEREAS, the District believes that Nassau County has incorrectly and illegally implemented provisions of the LIPA Reform Act to the District’s detriment; and

WHEREAS, additionally, on or about September 30, 2015, the County unilaterally, arbitrarily and without legal authority reduced the tax levy approved by the voters of the District and certified by the District to the County, to the detriment of the District; and

WHEREAS, to date, the District has not received from the County its full share of the payments in lieu of taxes (“PILOTS”) paid or required to be paid by the Long Island Power Authority (“LIPA”), and the County has improperly taken the position that the “County Guarantee” does not apply to these PILOT payments.

NOW, THEREFORE, upon recommendation of the Superintendent of Schools and District legal counsel,

IT IS HEREBY RESOLVED, that Lamb & Barnosky, LLP, as the District’s legal counsel, is hereby authorized to commence an action and/or special proceeding against the County of Nassau and its relevant officers, administrators, employees, agencies and agents seeking to challenge Nassau County’s improper implementation of the LIPA Reform Act and its refusal to hold the District harmless from its implementation, including the non-payment of PILOTS; and

IT IS FURTHER RESOLVED, that Lamb & Barnosky, LLP, as the District’s legal counsel, is further authorized to commence an action and/or special proceeding against LIPA, either as part of its action or proceeding against the County or a separate action/proceeding, to seek full recovery of all PILOT payments due the District; and

IT IS FURTHER RESOLVED, that Lamb & Barnosky, LLP shall divide the legal fees and litigation costs among its School District clients that join this litigation and accordingly bill the District on a pro-rata basis.”

NOTE: Mr. Pappas remarked that all districts on Long Island should be doing this. Mr. Moran abstained from the vote since he works for the County and Ms. Adrian abstained since she works for the State. At a later date, Ms. Adrian found out there would be no conflict of interest in her vote.

RESULT:	MOTION CARRIED [4-0-2]
MOVER:	Marianne Adrian
SECONDER:	Mike Pappas
AYES:	Ward, Pappas, Quinones-Smith, Marenghi
ABSTAIN:	Adrian and Moran

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III. MOTION TO ADJOURN THE SPECIAL MEEETING

RESULT:	MOTION CARRIED [UNANIMOUS]
MOVER:	Marianne Adrian
SECONDER:	Mike Pappas
AYES:	Adrian, Ward, Moran, Pappas, Quinones-Smith, Marengi

The Board adjourned the Special meeting at 9:12 PM.

Elizabeth Appelbaum
District Clerk