

Special Meeting

A Special Meeting of the Board of Education of the Northport-East Northport Union Free School District was held on Tuesday evening, November 1, 2011, beginning at 6:30 p.m., in the Board Conference Room at the William J. Brosnan School, 158 Laurel Avenue, Northport, New York, with Mr. Stephen V. Waldenburg, Jr., Chairperson, opening the meeting and presiding.

Members present: Ms. Julia Binger, Mrs. Lori McCue, Mrs. Donna McNaughton, Mr. Andrew Rapiejko, Mr. Joseph Sabia, Mrs. Jennifer Thompson, Mrs. Tammie Topel, Mr. Stephen V. Waldenburg, Jr.,

Members absent: Mrs. Kristen Gavin

Also present: Dr. Marylou McDermott, Superintendent of Schools

1. President Waldenburg called the meeting to order.
2. Mr. Waldenburg led those present in the Pledge of Allegiance; and
3. Pointed out the emergency exits.
4. SUPERINTENDENT'S REPORT, GENERAL

Motion was made by Trustee Sabia, seconded by Trustee McNaughton, to approve items 4.01 and 4.02

4.01 Approving the following resolution:

"WHEREAS, the Board of Education has received a Summons and Complaint in the *Matter of Rebecca Posteraro v. Northport-East Northport Union Free School District, Dr. Marylou McDermott, Barbara Falotico and Izzet Mergen* (United States District Court, Eastern District of New York - CV 11-5025), and;

WHEREAS, Superintendent Marylou McDermott, Principal Barbara Falotico and Music Director Izzet Mergen, employed by the District, have timely filed requests for defense and indemnification in said action.

BE IT RESOLVED, that pursuant to Education Law §3811, the Board of Education hereby agrees to provide defense and legal representation to Dr. Marylou McDermott, Barbara Falotico and Izzet Mergen in the above-described action to the maximum extent permitted by law."

4.02 Approving the following resolution:

"WHEREAS, Section 18 of the Public Officers Law of the State of New York authorizes municipal corporations, including boards of education, to adopt supplemental defense and indemnification provisions to those contained in the Education Law; and

WHEREAS, the statute authorizes boards of education to defend, indemnify and save harmless, members of boards of education and officers, agents and employees of boards of education; authorized parent volunteers; members of school-based planning and shared decision making committees; and members of the school district's audit committee, in connection with any claims, awards or judgments obtained against such board members, officers, agents or employees; authorized parent volunteers; members of school-based planning and shared decision making committees; and members of the district's audit committee in any State or Federal Court, in the amount of any judgment, award or settlement of any such claim, provided the act or omission from which such judgment, award or claim arose occurred while

the board member, officer, agent or employee or authorized parent volunteer; member of a school-based planning and shared decision making committee; or member of the district's audit committee was acting within the scope of his or her office or employment or authorized volunteer duties;

BE IT RESOLVED, that the Board of Education of the Northport-East Northport Union Free School District hereby adopts the supplemental defense and indemnification provisions contained in Section 18 of the Public Officers Law for its Board members, officers, agents and employees; authorized parent volunteers; members of school-based planning and shared decision making committees; and members of the school district's audit committee. This coverage shall supplement and shall be in addition to the coverage available to such individuals under other enactments, including but not limited to the Education Law of the State of New York; and

BE IT FURTHER RESOLVED, that supplemental hereto and an additional requisite to the public office and employment, the Board hereby further extends the right to be defended and indemnified as provided in Public Officers Law, §18 to board members, school officers, agents and employees who are requested or are called to testify as a witness or to answer questions concerning their acts or omissions within the scope of their office, agency or employment before a grand jury, the Office of the District Attorney or other law enforcement official. Nothing herein contained shall be construed to authorize or require defense or indemnification to a board member, school officer, agent or employee who has been identified as a defendant in a pending criminal prosecution or where such individual, or the school district, has reason to believe that such individual is a target in a criminal investigation or prosecution by the Office of the District Attorney or other law enforcement entity"

Vote on Trustee Sabia's motion was unanimously carried by those present.

At 6:40 p.m. motion was made by Trustee Waldenburg, seconded by Trustee McCue, to convene into Executive Session to discuss matters pertaining to negotiations.

Unanimously carried by those present.

At 7:08 p.m., the Board reconvened in public session.

Motion was made by Trustee Waldenburg, seconded by Trustee Rapiejko, to adjourn the meeting.

Unanimously carried by those present.

At 7:08 p.m. the Chair declared the meeting adjourned.

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Beth M. Nystrom  
District Clerk

bmn