

**April 30, 2014**

A special meeting of the Board of Education of the Freeport Union Free School District was held on Wednesday, April 30, 2014, in the Cafeteria of the Caroline G. Atkinson Intermediate School. Debra Mulé, President of the Board of Education, called the meeting to order at 8:00 p.m.

Those present were: Ms. Debra Mulé, President  
Ms. Vilma Lancaster, Vice President  
Mr. Ronald Ellerbe, Trustee  
Mr. Anthony Miller, 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  
Mr. Gerard Poole, Assistant Superintendent for  
Curriculum and Instruction  
Mr. James Robinson Executive Director for Business  
Mr. Michael Singleton, Executive Director of  
Operations

Also absent were: none

Guest: Mr. Neil Block, Esq. of Ingerman Smith.

The number of people in the audience at the opening of the meeting was 35.

Ms. Mulé read a statement as follows:

Good Evening.

Following the recommendation of the District's legal counsel, tonight's Board of Education meeting has been called for the purpose of addressing an inquiry made by a community resident concerning the primary residency status of Mr. Ernest Kight, a candidate for the upcoming Board of Education trustee election.

This is a special meeting of the Board involving a statutory matter that we are obliged to take part in. This is a very serious matter and the Board has acted deliberately and under the advice of counsel. There will be no other items on tonight's agenda and since this is a legal issue, there will be no opportunity for public comment.

She then requested the District Clerk, Dr. Mary Bediako, present the chronology of events.

Ms. Mulé then introduced Mr. Neil Block, the District's legal representation and advisor on Education Election Law. Mr. Block explained the nominating petition

procedure and the qualification requirements, based on Election Law §2102 for individuals vying for the position of Board of Education Trustee.

**Action**

The following motion was made by Mr. Miller, seconded by Mr. Pomerico, and passed:

**WHEREAS**, Ernest Kight timely filed a nominating petition for office of member of the board of education; and

**WHEREAS**, pursuant to Education Law Section 2102, a qualification for office of member of the board of education is residency within the school district for a period of one, continuous, uninterrupted year immediately preceding the election; and

**WHEREAS**, on April 22, 2014, the District Clerk received objections to Mr. Kight's nominating petition filed by Mark Davella, a resident of the Freeport School District; and

**WHEREAS**, on April 23, 2014, Mr. Davella filed with the District Clerk specifications of objection containing property records, motor vehicle records, voter registration records and telephone listings which contains proof that Mr. Kight's primary residence during the past year has been outside the boundaries of the Freeport School District at a location in Suffolk County at 27 Chuck Lane, Selden; and

**WHEREAS**, upon receipt of the specification of objections, the District Clerk forwarded the document to Mr. Kight for a response; and

**WHEREAS**, Mr. Kight provided a response which included affidavits from himself, his wife and two neighbors indicating that he has lived within the Freeport School District at 63 Beverly Parkway, Freeport for 11 years, as well as supplying a homeowners insurance policy renewal form for that address which depicts his name, a Freeport Public Schools W-2 tax statement which lists the Freeport address, a 2012 and 2013 1099 Tax Form statements from the NYS Teachers Retirement System, and a Nassau County Voter Registration form dated April 27, 2014; and

**WHEREAS**, in his response, Mr. Kight does not dispute that he owns a residence in Suffolk County; that his driver's license lists a Suffolk County residence; and that he was a registered voter in Suffolk County until very recently; and

**WHEREAS**, the District filed a Freedom of Information Law (FOIL) request with the Nassau County Board of Elections and the Suffolk County Board of Elections; and each Board provided the District with "Certificates of Registration"; and the Suffolk County Board of Election's Certificate of Registration states that Mr. Kight was a Suffolk County registered voter as recently as April 14, 2014; and the Nassau County Board of Elections Certificate of Registration demonstrates that he did not register in Nassau County until April 10, 2014; and

**WHEREAS**, under the Education Law of the State of New York, Section 2035(2), the Board of Education is charged with the responsibility of determining the

accuracy of complaints made that a candidate for election to the Board of Education has not been a resident of the District for one continuous, uninterrupted year preceding the annual school district election, and

**WHEREAS**, from a review of the received information, Mr. Kight may live at both the Suffolk and Nassau County residences, but that the Suffolk County residence in which he is a listed owner has been his primary residence during the past year based on unrefuted property, motor vehicle and voter registration records; and

**WHEREAS**, in accordance with Education Law Section 2035(2), any nomination may be rejected by the trustees of the board of education if the candidate is ineligible for the office; and

**WHEREAS**, based upon the property records, motor vehicle records and voter registration records received by the district as well as review of the submission filed by Mr. Kight, the board of education herewith concludes that Mr. Kight is ineligible for the office of member of the board of education since he has not resided within the Freeport School District for one continuous, uninterrupted year preceding the election.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Education hereby rejects the nominating petition of Ernest Kight pursuant to Education Law Section 2035(2) on the basis that he is ineligible to hold the office of member of the board of education because he has failed to satisfy the one (1) continuous, uninterrupted year of residency within the district preceding the election; and

**BE IT FURTHER RESOLVED THAT** the District Clerk is directed to remove Ernest Kight's name from the ballot as a candidate for the office of member of the board of education and that she provide written notice to Mr. Kight stating that his nominating petition has been rejected by the board of education based on ineligibility to hold office and that his name will not appear on the ballot for the May 20, 2014 annual election.

The vote was:

Yea; Miller, Mulé and Pomerico.

Nay; 0

Abstained; Ellerbe, Lancaster.

### **Adjournment**

At 8:25 p.m., with no other business, on a motion by Mr. Ellerbe and seconded by Ms. Lancaster, the Board adjourned the meeting. The motion carried unanimously. The vote was: Ellerbe, Lancaster, Miller, Mulé and Pomerico.

Respectfully submitted,

Mary Bediako  
Clerk of the Board