

**BYLAWS**

OF THE

**BOARD OF EDUCATION**

OF THE

**GREAT NECK PUBLIC SCHOOLS**

GREAT NECK, NEW YORK

*Adopted: June 20, 1989*

*Amended: October 18, 2007; December 10, 2012;*

*June 1, 2016; March 9, 2017; July 1, 2019*

RULES ARE NECESSARY BECAUSE  
IT IS DANGEROUS TO RELY ON  
THE INSPIRATION OF THE MOMENT  
FOR STANDARDS OF ACTION  
OR CONDUCT.

—*George Demeter*

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WHEN THERE IS NO LAW,  
BUT EVERY MAN DOES  
WHAT IS RIGHT IN HIS OWN EYES,  
THERE IS THE LEAST OF REAL LIBERTY.

—*Henry M. Robert*

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IT IS NECESSARY THAT EVERY  
DELIBERATIVE BODY BE GOVERNED  
BY RULES OF PROCEDURE  
IN ORDER THAT THE WILL OF  
A MAJORITY OF ITS MEMBERS BE  
DETERMINED AND REVEALED IN AN  
ORDERLY MANNER.

—*Paul Mason*

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## INTRODUCTION

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The Board of Education, as a locally elected governing body, must have rules and procedures by which to conduct its business. These rules, or bylaws, contain the fundamental principles that outline the purpose, structure and limits of the Board, and define the duties and responsibilities of its officers and members. Essentially, the bylaws provide the foundation upon which the Board of Education operates.

The primary function of the Board of Education is to develop policies, which govern the schools. Bylaws are the rules and regulations adopted by the Board for its own internal governance, providing the legal guidelines and basic framework for its operation and management.

It should be noted that all policies and bylaws adopted by the Board of Education must conform to and are subordinate to statutory law. As a convenience to the reader, statutory references to the laws of the State of New York are provided, where applicable, so that the reader may refer to the cited sections (indicated by the symbol §) for their full content and meaning.



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## **ARTICLE I**

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### **NAME AND CLASSIFICATION**

#### **SECTION 1. NAME**

This school district is known officially as the Great Neck Union Free School District of the Town of North Hempstead, County of Nassau, State of New York, hereinafter referred to in these Bylaws as the Great Neck Public Schools, the School District, or the District.

#### **SECTION 2. CLASSIFICATION**

This School District is classified under the law as a union free school district.

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## **ARTICLE II**

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### **AUTHORITY AND POWERS**

#### **SECTION 1. AUTHORITY AND RESPONSIBILITY**

The Great Neck Board of Education has the sole authority and responsibility to establish policies for the operation of the Great Neck Public Schools. Such policies, consistent with State Law, are binding on the Board and staff of the District (§ 1709.33).

## SECTION 2. POWERS

The Board of Education shall act as a legislative body in the determination of appropriate policies for the control, operation, and maintenance of the local public school system. The carrying out of such policies shall be the responsibility of the administrative staff.

## SECTION 3. ROLE OF INDIVIDUAL BOARD MEMBERS

Individual Board members shall have authority only when they are acting as part of the Board of Education in legal session. No member of the Board, as an individual, has the right to exercise the authority of the Board unless he or she is specifically delegated authority to act on its behalf.

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# ARTICLE III

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## ORGANIZATION OF THE BOARD

### SECTION 1. COMPOSITION

The Board consists of five members (§ 2101.2).

### SECTION 2. QUALIFICATIONS

State Law requires that Board members be citizens of the United States, at least 18 years of age, and able to read and write. Board members must also have been residents of the School District for at least one year prior to their election (§ 2102).

### SECTION 3. NOMINATION

A candidate for a position on the Board must be nominated by petition addressed to the District Clerk. Copies of a nominating petition may be obtained from the District Clerk. The petition must be signed by at least 2 percent of the number of people who voted in the previous annual election of Board members or 25 qualified voters, whichever number is greater. The petition shall state, among other things, the length of term of the position for which the candidate is being nominated, and the specific seat for which the candidate is running. The petition shall be filed with the District Clerk not later than 30 days prior to the scheduled election date (§ 2018).

### SECTION 4. ELECTION

The election of Board members shall take place on a date scheduled by New York State (§ 2002). Voting shall be by voting machines, or as otherwise determined by law (§ 2035), except that absentee ballots may be provided as needed (§ 2018-a). Proxy voting is not permitted. Electioneering, including the distribution of any banner, poster, placard, button, or flyer, on behalf of or in opposition to any candidate or issue to be voted upon, is prohibited during the hours of any vote within the polling place or within 100 feet of any such polling place.

## SECTION 5. TERM OF OFFICE

The term of office of each member is three years (§ 2105). The terms shall be overlapping with no more than two full terms expiring in a given year.

## SECTION 6. VACANCIES

In the event of a vacancy, the Board may appoint a qualified person to fill the vacancy only until the next regular school district election, leave it vacant (§ 1709.17), or call a special election (§ 2007).

## SECTION 7. NEW MEMBERS

All Board members must comply with the legal requirements for training as established by New York State. In addition, the Board shall provide a program of orientation for newly elected Board members to include, but not necessarily be limited to:

1. Attendance at transitional meetings with the Board and the Superintendent;
2. Individual or group orientation meetings with Board members, the Superintendent and other administrators;
3. Encouragement to attend orientation meetings offered by the Nassau-Suffolk School Boards Association and the orientation meeting and annual conference of the New York State School Boards Association;

4. Provision of appropriate orientation materials including the Board Policy Manual, these Bylaws and copies of negotiated contracts, etc. Access to all other pertinent material is available at the Phipps Administration Building;
5. Participation in all mandatory training.

## SECTION 8. ELECTION OF OFFICERS OF THE BOARD

The President and Vice President of the Board shall be elected from the members of the Board at the Board's annual organizational meeting (§ 1701). At the discretion of the Board, an Alternate Vice President may be elected. The Alternate Vice President shall serve as Vice President in the event that the President or the Vice President cannot attend the public portion of a regularly scheduled Board meeting. The vote of a majority of the full membership of the Board shall be necessary for their election (General Construction Law §41). They shall hold office for one year or until their successors are chosen. Board officers are eligible for reelection.

## SECTION 9. APPOINTMENT OF OFFICERS OF THE DISTRICT

The District Treasurer, who shall not be a member of the Board (§ 2103.1), and the District Clerk shall be appointed by the Board at its annual organizational meeting. The vote of the majority of the full membership of the Board shall be necessary for appointment (General Construction Law, § 41). The District Clerk and the District Treasurer shall hold office for one year and shall be eligible for reappointment (Op. Ed. Dept., 1937, 58 St. Dept. 469; also Education Law, § 306).

## SECTION 10. OATH OF OFFICE

Newly elected and reelected members and officers of the Board, as well as the appointed officers of the District, shall take the Constitutional oath of office and execute it before beginning to discharge their duties. The oath shall be administered at the annual organizational meeting of the Board, except in cases where a term of office may commence earlier, and shall then be filed with the District Clerk (Public Officers Law, § 10).

## SECTION 11. VACANCIES IN OFFICER POSITIONS

In the event of a vacancy in the office of Board President, Vice President, District Clerk, or District Treasurer, the Board shall proceed to elect a successor to said President or Vice President, or appoint a successor to said District Clerk or District Treasurer, as the case may be, to serve until the ensuing organizational meeting of the Board.

## SECTION 12. REMUNERATION

Board members shall not receive compensation for their services as Board members. They may, however, be reimbursed for reasonable expenses incurred in connection with the performance of their duties inside or outside the School District, as authorized by the Board, including attendance at meetings and conferences (§ 2118).

## SECTION 13. APPOINTMENT OF SUPERINTENDENT OF SCHOOLS

The Board has the authority and the duty to appoint a Superintendent of Schools by a majority vote of the full membership of the Board (General Construction Law, § 41). The Board may enter into a contract with the Superintendent of Schools of not less than three years nor more than five years. The Superintendent shall have the right to speak on all matters before the Board but shall have no vote (§ 1711). In the event the renewal of the Superintendent's contract or changes in remuneration for the Superintendent's services are discussed in executive session by the Board, the Superintendent need not be present.

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### ARTICLE IV

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#### DUTIES OF THE OFFICERS OF THE BOARD AND THE DISTRICT

##### SECTION 1. DUTIES OF THE PRESIDENT

Except as otherwise provided by law or by order of the Board, the President shall preside at all meetings, appoint the chair of each committee, execute all documents on behalf of the Board, and exercise all other powers and perform all other duties ordinarily pertaining to the office of President. The President shall have a vote upon all questions before the Board and shall have the right to make motions and to take part in the debate on any question under consideration.

## SECTION 2. DUTIES OF THE VICE PRESIDENT

The Vice President shall exercise the powers and perform the duties of the President in the latter's absence or disability.

## SECTION 3. DUTIES OF THE DISTRICT CLERK

The Duties of the District Clerk shall be in conformance with § 2121 and other relevant provisions of the Education Law.

## SECTION 4. DUTIES OF THE DISTRICT TREASURER

The duties of the District Treasurer shall be in conformance with § 1720, 2130, and other relevant provisions of the Education Law and the rules and regulations of the Commissioner of Education.

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# ARTICLE V

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## MEETINGS OF THE BOARD

### SECTION 1a. ANNUAL ORGANIZATIONAL MEETING

The Board shall, by resolution, determine that the Annual Organizational Meeting of the Board shall be held during the first 15 days in the month of July, in accordance with Educational Law, § 1707.2.

## SECTION 1b. ORDER OF BUSINESS FOR ANNUAL ORGANIZATIONAL MEETING

The order of business for the Annual Organizational Meeting of the Board shall be as follows, unless otherwise determined by general consent or by a formal majority vote of the Board:

### A. Reorganization of Board

1. Election of temporary Chairperson
2. Appointment of temporary District Clerk
3. Swearing in of newly elected and/or reelected Board members
4. Election and swearing in of Board President
5. Election and swearing in of Board Vice President
6. Swearing in of Superintendent of Schools
7. Appointment and swearing in of District Clerk
8. Appointment and swearing in of District Treasurer

### B. Organizational Matters of the Board

1. Designation of banks as depositories
2. Budget Transfers
3. Resolution for Wire Transfers, Investments and Collateral Agreements
4. Resolution for Indemnification and Legal Defense
5. Petty cash funds
6. Appointment of Legal Counsel
7. Appointment of School Physicians
8. District Election
9. Publication of Legal Notices or Other Special Notices

10. Resolution of Signature Plate
11. Appointment of Director of Registrars
12. Appointment of Claims Auditor
13. Appointment of External Auditor
14. Appointment of Internal Auditor
15. Appointment of Records Management Officer
16. Appointment of Registrars
17. Appointment of District Student Registrar
18. Appointment of Other Officers
19. Other organizational matter, if any

#### C. Other Business

At the conclusion of the above reorganization and organizational matters, the Board may attend to such other business items as it usually considers at its regular meetings (see Section 2b, below).

#### SECTION 2a. REGULAR MEETINGS

Regular meetings of the Board shall be held on such dates as the Board may determine, but not less than once per month while schools are in session, and, in no event, less often than once in each quarter (§ 1708.1).

## SECTION 2b. ORDER OF BUSINESS FOR REGULAR MEETINGS

Unless otherwise determined by general consent or by majority vote of the Board, the Order of Business at regular meetings shall be as follows:

1. Approval of Minutes
2. Superintendent's Report
3. Communications
4. Board/Administrative Affairs
5. Facilities
6. Finance and Operations
7. Student Matters and Curriculum
8. Information Items Only
9. Personnel
10. Open Time
11. Board Discussion—No action to be taken

Except in emergency situations, the Board will take no action on items not listed on the public agenda.

## SECTION 3. SPECIAL MEETINGS

Special Meetings of the Board may be ordered by any member of the Board by giving not less than 24 hours notice of the same (§ 1606.3) and shall be held at such time as may be specified in the notice of the special meeting. Such notice shall be in writing.

## SECTION 4. EXECUTIVE SESSIONS

Although the Open Meetings Law calls for Board meetings to be open to the public, it does provide, under certain circumstances, for executive sessions at which only Board members and others invited by the Board may be present. The vote to go into executive session requires a majority vote of the full Board and must be taken at an open meeting. The motion to go into executive session must specify the subject(s) to be discussed in executive session. Appropriate subjects under law include the following (Executive Law, § 105):

1. Proposed, current, or pending litigation
2. Collective negotiations
3. Medical, financial, credit, or employment history concerning a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, or discipline of a particular person or corporation
4. Proposed acquisition, sale, or lease of real property, or sale of securities, but only when publicity would affect the value thereof

An executive session may be terminated only by returning to public session.

## SECTION 5. WORKING SESSIONS

The Board may schedule one or more working sessions per month at which no business will be conducted. Working sessions will be scheduled on a needs basis. All working sessions shall be open to the public, but the intent is that Board members will discuss issues among themselves and the Superintendent, and that members of the public will

act as observers. The Board at its discretion, however, may permit public comments at working sessions.

## SECTION 6. ANNUAL DISTRICT MEETING

The Board shall hold an Annual District Meeting, in accord with law, so that qualified residents may vote on the proposed school budget, school board candidates, and such other propositions as may properly be submitted to the voters in accordance with State Education Law.

## SECTION 7. SPECIAL DISTRICT MEETINGS

The Board may schedule Special District Meetings when, in its judgment, it is advisable to do so. The rules surrounding Special District Meetings are essentially similar to those for the Annual District Meeting.

## SECTION 8. PUBLIC HEARINGS ON BUDGET AND OTHER MATTERS

The Board shall schedule one or more public hearings on the proposed school budget not more than 30 nor less than 10 days before the day of the budget vote (§ 2017.5). Public hearings on other matters may be scheduled by the Board.

## SECTION 9. PREPARATION OF MEETING AGENDAS

Preparation of the agendas for Board meetings shall be the responsibility of the President and the President's designee(s). Individual Board members and the Superintendent may contribute agenda items.

The agenda of all regular meetings of the Board shall provide time for remarks by members of the general public who wish to be heard by the Board.

## SECTION 10. PUBLIC NOTIFICATION OF BOARD MEETINGS

Public notice of the time and place of Board meetings *scheduled at least one week prior thereto* shall be given to the public and news media at least 72 hours before such meeting. It is also required that public notice be posted in one or more designated public locations (Public Officers Law, § 104). Notice of the time and place of all other Board meetings shall be given to the extent practicable to the public and news media at a reasonable time prior thereto (Public Officers Law, § 104).

## SECTION 11. APPLICATION OF THE OPEN MEETINGS LAW

As indicated in Section 5, Executive Sessions, the provisions of the Open Meetings Law apply to all meetings of the Board (Public Officers Law, Art. 7).

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# ARTICLE VI

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## PROCEDURES AT BOARD MEETINGS

### SECTION 1. QUORUM

A majority of the full membership of the Board shall constitute its quorum (General Construction Law, § 41).

### SECTION 2. VOTING

The affirmative vote of a majority of the full membership of the Board shall be required to exercise the authority of the Board in the transaction of its business. The method of voting shall be discretionary with the presiding officer, provided it clearly reveals how each Board member votes (Public Officers Law, Art. 6, § 87.3a).

### SECTION 3. BASIC PROCEDURAL RULES FOR BOARD MEETINGS

Consistent with the commonly accepted rules for the conduct of business by small boards (boards with 12 or fewer members), the basic rules of procedure for meetings of the Board shall be as follows:

1. Members are not required to be recognized before making motions and speaking.
2. Motions do not require a second.
3. There is no limit to the number of times a member may speak on a question.
4. Informal discussion of a subject on the agenda is permitted while no motion is pending.
5. The presiding officer need not rise while putting questions to a vote.
6. The presiding officer may speak in discussion without rising.
7. The presiding officer may make motions and vote on all questions.

Also, on a small board there is no limitation as to when or as to the number of times the motion to reconsider may be moved. Reconsideration may be moved not only by a member who voted on

the winning (prevailing) side, but also by one who abstained or was absent. A two-thirds vote is required to reconsider, unless all members who voted on the prevailing side are present or have received notification of the intention to move to reconsider, in which case only a majority vote is required.

## SECTION 4. MINUTES OF BOARD MEETINGS

Minutes should contain mainly a record of action taken by the Board rather than a summary of the discussion leading to the action. Minutes, as submitted by the Board Secretary, should contain the following:

1. Name of Board
2. Type of meeting
3. Date, place, and time of meeting
4. Notation of presence or absence of Board members and time of arrival or departure of members if different from time of call to order and adjournment
5. Names and titles of the Superintendent, the District Clerk, and other key functionaries who were present, and an approximate number of visitors
6. Whether the minutes of the previous meeting were approved as distributed or as corrected
7. A record of each motion placed before the Board, except those that were withdrawn, giving the wording in which each was adopted or otherwise disposed of
8. Names of the movers of motions
9. Record of how each Board member voted

10. Record of communications presented to Board

11. Record of reports made by Board or staff

12. Time of adjournment

Board members who wish to explain their votes on a given question at a meeting may do so at that meeting and have the explanation included in the minutes.

Whenever minutes are accepted as corrected based on suggestions made by Board members, Board members shall receive, as soon as practicable, the corrected section of the minutes for their files.

## SECTION 5. GUIDELINES FOR PUBLIC PARTICIPATION AT BOARD MEETINGS

In order that the public may be advised as to action contemplated by the Board, the Board will not, except in appropriate exigent circumstances, take action on any items of business that do not appear on the public agenda.

Anyone wishing to receive a copy of the Board meeting agenda may ask the Board secretary to be placed on the District electronic mailing list to receive such agendas.

An individual who wishes to address the Board may do so either by:

1. Writing to the Board in advance of the meeting
2. Filling out a request card (available at the Board meeting room) and handing it to the Board secretary either before or during the meeting.
3. Seeking recognition from the floor after the meeting has started.

Letters addressed to the Board will be placed on the agenda, unless requested otherwise by the writer. The writer or the writer's designee may comment on the letter at the Board meeting. The Board, acting in accordance with its policy for responding to letters addressed to the Board (Board Policy 1235), may use its discretion in determining whether a letter is placed on the public agenda.

Members of the public may speak on an item of business under consideration by the Board *after* Board members, the Superintendent, and Student Delegates to the Board have finished their discussion and *before* the Board has taken a vote on the question.

The presiding officer shall have the discretion to determine the amount of time available for public discussion before putting a pending question to a vote by the Board.

Speakers are requested to use the centrally located microphone and lectern, when available.

Prior to addressing the Board, speakers should state their name and organizational affiliation, if any.

Questions and comments should be addressed to the entire Board and not to individual Board members, the Superintendent, or the other members of the audience.

Questions and comments should be confined to the matter immediately under discussion.

Board members may enter into a dialogue with a speaker for purposes of clarification and information.

Speakers are requested to limit their comments to not more than three minutes. If more residents wish to speak than time allows, the Board may carry over the item under consideration to the next meeting to enable residents who have expressed a desire to speak to do so.

Written statements may be received by the Board in addition to, or in lieu of, oral presentations.

It is expected that speakers will observe the commonly accepted rules of courtesy, decorum, dignity, and good taste. The use of intemperate, abusive, or defamatory language will not be permitted.

The Board will not permit in public session discussion involving individual district personnel or students.

## **SECTION 6. GUIDELINES FOR STUDENT DELEGATE PARTICIPATION AT BOARD MEETINGS**

Student Delegates to the Board of Education shall be elected or chosen from each secondary school. Student Delegates shall attend all public meetings of the Board and may speak on an item of business under consideration by the Board before discussion by the general public and before the Board votes.

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## **ARTICLE VII**

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### **COMMITTEES OF THE BOARD**

#### **SECTION 1: STANDING COMMITTEES**

The Board shall establish three Standing Committees: Audit Committee, Board of Education Advisory Committee and Policy Committee.

#### **SECTION 2: SPECIAL COMMITTEES**

The President shall appoint such special committees as may, from time to time, be deemed necessary or advisable by the Board. The duties of each special committee shall be described at the time of its appointment and it shall be deemed dissolved when it has made its report to the Board.

#### **SECTION 3: VISITING COMMITTEE**

The Board of Education shall make every attempt to visit each school at least once during the school year for the purposes of observing the general conditions thereof.

#### **SECTION 4: POWERS**

Unless otherwise empowered by the Board, Board committees shall not have legislative or administrative authority; their function shall be to observe, investigate, or advise as charged by the Board.

## SECTION 5: COMPOSITION

Each Board committee shall consist of one or more members of the Board. The President shall be an *ex officio* member of all committees. The Board may invite members of the staff or the community to participate in the work of the committee under conditions approved by the Board.

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## ARTICLE VIII

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### PARLIAMENTARY AUTHORITY

The rules contained in the 1969 Blue Book edition of George Demeter's *Manual of Parliamentary Law and Procedure*, published by Little, Brown and Company, Boston, Massachusetts, shall govern the parliamentary procedures of the Board in all situations in which they are applicable, provided the parliamentary rules are not inconsistent with these Bylaws, any other rules of order the Board may adopt, or the mandates of State Education Law.

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## ARTICLE IX

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### SUSPENSION OF THE BYLAWS

Bylaws whose provisions are not mandated by State Law may be suspended by general consent or a two-thirds vote of the Board. The suspension shall apply to a particular instance and matter and shall not be generally applicable beyond the pending particular instance and matter.

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## **ARTICLE X**

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### **AMENDMENTS TO THE BYLAWS**

The procedure for amending these Bylaws are identical with those for adopting new Board policies or modifying existing ones (Board Policy 2400).

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## **ARTICLE XI**

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### **PREEMINENCE OF STATUTORY AUTHORITY**

In the event of any conflict between provisions of these Bylaws and New York State Law, the pertinent provisions of New York State Law shall be controlling.

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## NOTES

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