Cleveland Avenue Field Update

Updates:

Letter Opposing Sen. Bill S8541-A10002 to Hon. Andrea Stewart-Cousins and Hon. Carl Heastie

Memorandum of Law – Motion to Dismiss Freeport Village Lawsuit

FPS District Motion to Dismiss Freeport Village Lawsuit – Exhibits

Notice of Claim Against Freeport Village

Information Regarding the Cleveland Avenue Field Issue

Cleveland Avenue Field Update – April 18, 2022
The School District continues to assert its longstanding legal right of access and continued use of the Cleveland Avenue Field, which has served as athletic and playground facilities for generations of students. The dispute over this matter is before the New York State court system and will be resolved there. No action taken by the Village will change this fact, including the Village's attempt to change the zoning of the Cleveland Avenue Fields. The purported public hearing of the Village's re-zoning application, which has yet to be shared with the public, and the Village's efforts to extinguish the District's interest in the property are further attempts by the Mayor and Board of Trustees to deny the District and its students use of the Cleveland Avenue Field.

The Village continues to behave as if the School District's 70-year-old legal right to use the field does not exist. It is only through this strange logic that the Village claims the School District is standing in the way of its development plans, which have not been shared in any detail with the Freeport Community. The truth is precisely the opposite - the Village is aiming to deny our schoolchildren's state-mandated athletic programming by illegally throwing the District and our children off Cleveland Avenue Field. Every Freeport Village Mayor, Board Trustee and Village Administration has staunchly supported and protected the School District's legal right to use the Cleveland Avenue Field for student athletic purposes for the last three quarters of a century, until today!

The School District will not abide any attempt by Village officials to favor the interests of any outside corporation over educational and athletic opportunity for our students. We reiterate that the School District's only motivation regarding Cleveland Avenue Field has been to ensure the protection of the health and safety of our students and school community and to further protect our longstanding property and legal interests.

Many in our community may have seen recent news about the legal dispute between the District and the Village. This dispute involves an important issue in which the District is fighting to protect the legal right of our students to access athletic fields and facilities.

The District's only motivation in this matter is to protect the health and safety of our students and school community and to secure the District's longstanding interest in the Cleveland Avenue property and its legal rights.

Currently, the Freeport Union-Free School District is involved in a legal dispute with the Village of Freeport over the Cleveland Avenue Field, also known as the William "Bill" Ashley Sports Complex. This information is intended to present a factual series of answers to questions parents, teachers and other members of our community may have regarding this issue.

What is the dispute between the District and the Village about?

On September 10, 2021, the Village of Freeport removed fencing and other District property from the Cleveland Avenue Field and sent a letter to the District stating that the field is parkland and that the District could not have property on the premises that restricted access to the general public.

What the Village fails to publicly acknowledge is that the District has a valid written easement to use the property for student athletic and physical education programs. The District has legal documents in its possession which grant the District the right to use over nine acres at Cleveland Avenue for athletic and playground purposes. In addition, the easement that was granted to the District in 1949 required the District to enclose the premises with a fence for the safety of its students and to maintain the property, which the District has done for seventy years.

The District has used the property consistently, and without any interruption by the Village, during the last seventy years until the recent efforts by the Village. We believe the actions taken by the Village in removing fencing that protects the health and safety of District students is in violation of law and cannot be tolerated.

Why is the Village suing the District?

This lawsuit from the Village allegedly comes in response to the District's resolution to authorize the commencement of litigation to ensure that our student body has access to, and continued use of, the Cleveland Avenue Field. The District has used and maintained this field for decades without interference and has in its possession legal documents that confer our right of access dating back to 1949.

Unfortunately, there is considerable misinformation being publicized concerning the Cleveland Avenue Field and the District's motivations surrounding this field. We reiterate that the District's only motivation regarding the field has been to ensure the protection of the health and safety of our students and school community and to further protect our longstanding property and legal interests. It is unfortunate that the Village apparently chooses to prioritize political gain over the well-being and needs of our students.

Is the District opposed to private development at Cleveland Ave Field?

When the Village acted unilaterally to remove District property from the field and asserted that the District has no right

of access or legal interest in this property, the District was forced to take action to defend itself. There has been no rejection of any proposal by the District.

At the current time, the Village does not own Cow Meadow Park and any actions or overtures by the Village concerning Cow Meadow Park are premature at best and, to date, have not been consistent with the District's current legal interest in Cleveland Avenue.

Any actions that are to be taken respecting Cleveland Avenue are subject to the approval of the State Legislature and ultimately, the voters of the District with respect to any conveyance of the District's existing property interest in Cleveland Avenue. If the Village is indeed seeking to develop this property, it is required to take certain steps before doing so. To our knowledge, that has not occurred.

Is the District opposed to move its athletic activities to Cow Meadow Park?

The immediate issue the District is concerned with is our students' health, safety, and needs, and maintaining its longstanding interest and legal rights with respect to the Cleveland Avenue Field, which the Village has disputed.

The District further believes that: (1) the people of Freeport should be able to review the planned development at the Cleveland Avenue Field and assess any implications it will have for the community, and (2) that the Village must agree to provide the same legal right of access to any proposed Cow Meadow Park development as the District has at the Cleveland Avenue Field, which has thus far not been offered by the Village. In fact, based on the language of the recently enacted legislation allowing for the County of Nassau to transfer ownership of Cow Meadow Park to the Village, it is unclear that the Village will even have the legal ability to do so. This would put the District's entire athletic programming in jeopardy.

What can we do if we are concerned about how this will impact our students?

Stay informed by checking our website for updates. To sign up for district updates click here https://forms.gle/zK4CRCbDtjcpUE9aA.

STATEMENTS FROM THE BOARD OF EDUCATION

Statement from the Board of Education 10/6/2021

As some may be aware, on Monday the Village of Freeport filed a lawsuit against our school district. While we cannot discuss details of this lawsuit nor the District's legal response, the board wishes to make a brief statement for the benefit of our community, who have a right to know what is going on. This lawsuit from the Village allegedly comes in response to the District's resolution to pursue litigation ensuring that our student body has access to the Cleveland Avenue Ballfields. The district has used these ballfields for decades, and has in its possession a legal document that confers our right of access dating to 1949. Our goal in authorizing the commencement of this litigation, and in any other action we may take related to this matter, is to ensure that students have ongoing, uninterrupted and enforceable access to a safe and convenient place for athletic activities. In defending the rights of the District we look to protect the safety and well-being of every student and family in our community, and we will not be intimidated from taking these necessary actions.

Statement from the Board of Education 9/15/2021

On September 15, 2021, the Freeport Union Free School District board voted to adopt a resolution to commence litigation against the Incorporated Village of Freeport to safeguard the District's right of access and its interests in the Cleveland Avenue Fields. Board President Maria Jordan-Awalom read the following statement during the public meeting:

"As the community is aware, the District utilizes the Cleveland Avenue Fields for athletic purposes in furtherance of the District's educational purposes and for the benefit of our students. The District has used this property for these purposes for over 70 years. Last week, the District's use of the property was compromised when the Village directed that District safety fencing and property be removed from the property and indicated that further action may be taken by the Village.

This evening, the Board of Education will be considering a resolution authorizing the commencement of appropriate litigation against the Incorporated Village of Freeport in order to safeguard the District's right of access and its interests in the Cleveland Avenue Fields. All Members of the Board of Education have collectively discussed this matter and considered our options and the long-standing interests of our students and community. The District is pursuing this litigation to guarantee our students continued use of the Cleveland Avenue Fields for the foreseeable future.

We have been assured by the Mayor of the Village, through his communications with the Superintendent of Schools this week, that the Village will not take any action that will interfere or interrupt the District's use of the property during the pendency of any litigation. The Superintendent was also assured by the Mayor that the District property removed from the property by the Village last Friday will be restored by the Village. We will of course continue to keep all options open in the best interests of the District and its students.

The community should know that the District has not taken a position regarding private development of Cleveland Avenue at this time. However, as shared with the Village, the District remains willing to facilitate environmental inspections at the property provided our interests are protected and the health and safety of our students preserved."