

PORT WASHINGTON WATER POLLUTION CONTROL DISTRICT
RESOLUTION 9-3

September 9, 2025

WHEREAS, by entering into an agreement for his exclusive use of District owned real property at Sunset Park for operation of youth athletic programs (the "Kurz Agreement"), Commissioner Kurz plainly acquired a prohibited pecuniary interest in the PAL's license to use and occupy District owned real property ("Sunset Park"), in violation of the District Code of Ethics, and in violation of his oath of office in which he solemnly swore to faithfully discharge the duties of his office,

WHEREAS, the compensated services rendered by Commissioner Kurz to the District's licensee were incompatible with his duties as Commissioner,

WHEREAS, Commissioner Kurz violated fundamental principles of government ethics by actively, persistently and improperly attempting to influence the policy of the District in connection with a matter in which he has a personal interest,

WHEREAS, Commissioner Kurz has attempted to undermine public confidence in the District, and foment public opposition by falsely claiming that youth athletic programs at Sunset Park would be discontinued,

WHEREAS, the Kurz Agreement discriminated against two named families by expressly excluding their members from participating in athletic programs conducted at Sunset Park,

WHEREAS, by resolution dated July 29, 2025, the Board of Commissioners demanded that Commissioner Kurz:

(1) within two weeks of the date of the adoption of the July 29, 2025 resolution, provide the Board of Commissioners with written proof that the Kurz Agreement has been revoked, and that any further services that he may provide to the PAL shall be without compensation or discrimination, and

(2) within two weeks of the date of the adoption of the July 29, 2025 resolution, provide the Board of Commissioners with written proof that he has disgorged all revenue in connection with the Kurz Agreement that was received by him, by his wholly owned limited liability company, Sports Washington, and any other entity in which he, his spouse, his dependent child or a member of his household has an interest as an owner, director, officer, partner or employee, and

(3) immediately refrain from participating in all discussions, deliberations and votes in connection with the PAL or the District's ownership and use of Sunset Park, and from otherwise attempting to influence District policy with respect thereto, or

(4) in the alternative, immediately resign from office as a Commissioner of the Port Washington Water Pollution Control District.

WHEREAS, on or about July 24, 2025, Commissioner Kurz entered into an agreement with the PAL (the "Amended Kurz Agreement") amending and superseding the Kurz Agreement.

WHEREAS, the Amended Kurz Agreement provides, among other things, that the program revenues received by Commissioner Kurz shall be turned over the PAL after all program expenses have been paid.

WHEREAS, the Amended Kurz Agreement does not identify the particular program expenses that Commissioner Kurz is authorized to pay from the program revenues, does not exclude the payment of the business overhead of his wholly owned limited liability company, Sport Washington, or the payment to himself of a salary, and does not place any limits on the reimbursement of his auto, travel and entertainment, or other personal expenses,

WHEREAS, Commissioner Kurz has not provided the Board of Commissioners with written proof that he has disgorged all revenue that he or Sport Washington derived in connection with the Kurz Agreement, or otherwise accounted for the revenues,

WHEREAS, on September 3, 2025, Nassau County Supreme Court Justice Eileen C. Daly-Sapraicone issued a temporary restraining order in the matter of Sombrotto v. Port

Washington Water Pollution Control District and the Board of Commissioners, providing, among other things, that:

ORDERED, that pending the determination of the within application, no member of the Board of Commissioners of the Port Washington Water Pollution Control District, either in their individual capacity, and/or through a wholly owned limited liability company, and/or through any other entity in which said member has an interest in any capacity, may possess and/or acquire a pecuniary interest in any license to use and/or occupy real property owned by the Port Washington Water Pollution Control District.

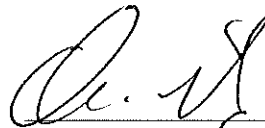
WHEREAS, Commissioner Kurz has continued to participate in all public discussions by the Board of Commissioners in connection with the PAL and the District's ownership and use of Sunset Park, and has continued his attempt, in public and private discussions, email correspondence, and postings on social media, to influence District policy with respect thereto,

WHEREAS, the conduct of Commissioner Kurz at public meetings of the Board of Commissioners has been combative, disruptive and intimidating,

WHEREAS, Commissioner Kurz lacks remorse, remains combative and, by his ongoing words and conduct, has demonstrated that he will not refrain from continuing to participate in all public discussions by the Board of Commissioners in connection with the PAL and the District's ownership and use of Sunset Park, and has continued his attempt, in public and private discussions, email correspondence, and postings on social media, to influence District policy with respect thereto,

NOW, THEREFORE, it is resolved that the Board of Commissioners of the Port Washington Water Pollution Control District hereby authorizes its special counsel, Leventhal, Mullaney & Blinkoff, LLP, to commence and prosecute an action pursuant to Public Officers Law Section 36, seeking an order of the Appellate Division of the Supreme Court removing Brandon S. Kurz as a Commissioner of the Port Washington Water Pollution Control District.

Dated: Port Washington, New York
September 9, 2025

A handwritten signature in black ink, appearing to read 'A. V.' or similar, written over a horizontal line.

Arduino Marinelli, Chairperson