

A meeting of the Board of Trustees of the Incorporated Village of Freeport was held on Monday, April 18, 2022 at 6:30 P.M. in the Municipal Building, 46 North Ocean Avenue, Freeport, New York, with the following present:

Robert T. Kennedy	Mayor
Ronald Ellerbe	Deputy Mayor
Jorge A. Martinez	Trustee
Christopher L. Squeri	Trustee
Evette B. Sanchez	Trustee
Howard E. Colton	Village Attorney
Pamela Walsh Boening	Village Clerk

At 6:33 P.M., Mayor Kennedy convened in the main conference room and Trustee Martinez led in the Pledge of Allegiance.

No residents were present.

At 6:34 P.M., it was moved by Trustee Squeri, seconded by Trustee Martinez and carried to adjourn this portion of the Legislative Meeting and return to the Mayor's Conference Room to continue in Executive Session to discuss three (3) Personnel Matters.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Not Present
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

At 7:00 P.M., motion was made by Trustee Martinez, seconded by Trustee Squeri and carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Not Present
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

Approximately seventy (70) residents were present.

Deputy Mayor Ellerbe led in the Pledge of Allegiance.

It was moved by Trustee Squeri, seconded by Trustee Martinez, and carried to approve the Board of Trustees Minutes of April 4, 2022.

The Clerk polled the Board as follows:

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Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

It was moved by Trustee Squeri, seconded by Mayor Kennedy, and carried to approve the April 7, 2022 Special meeting minutes of the Board of Trustees.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Abstain
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

Motion was made by Trustee Martinez, seconded by Deputy Mayor Ellerbe and carried to approve the appointment of Mary Kane to the Landmarks preservation Commission, said term to expire April 7, 2025.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

It was moved by Deputy Mayor Ellerbe, seconded by Trustee Squeri that the following resolution be adopted:

**WHEREAS**, the Village Assessor periodically reviews the exemption status of properties in the Village of Freeport to ensure continuing eligibility under the criteria of particular exemptions; and

**WHEREAS**, the below list consists of changes to assessed tax value after the adoption of the 2022/2023 Final Assessment Roll; and

S / B / L	Address	Exemption Code	Exemption Amount	Reason
54 / 310 / 112	448 Atlantic Ave	41121 Veteran War Time/Non- Combat	41121 - 544	Property Sold 04 / 01 / 2022
		41661 Vol Firefighter	41661 - 464	

54 / 330 / 85	4 Brunella St	41930 Persons with Disability  44210 Home Improvement	41930 – 3,656  44210 - 637	Property Sold 03 /28 / 2022
55 / 250 / 259	157 Harris Ave	41121 Vet War Time/Non-Combat  41800 Senior	41121 - 544  41800 – 1,940	Deceased 03 /21 / 2022
62 / 058 / 403	156 Bedell St	41121 Veteran War Time/Non-Combat  41661 Vol Firefighter  41800 Senior	41121 - 544  41661 - 624  41800 – 1,268	Deceased 04 /07/ 2022

**WHEREAS**, the Assessor reviewed the applications and made recommendation that the exemptions be removed from the 2022/2023 Final Assessment Roll as listed above; and

**WHEREAS**, where a partial exemption is entered on an assessment roll for an ineligible parcel, it is an error in essential fact, which may be corrected by the Board in accordance with the provisions of the Real Property Tax Law; and

**NOW THEREFORE BE IT RESOLVED**, that the Board of Assessment Review comprised of members of the Board of Trustees, be authorized to retroactively approve the changes recommended by the Assessor to be made to the 2022/2023 Final Assessment Roll and that the Treasurer issue corrected tax bills.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

It was moved by Trustee Squeri, seconded by Deputy Mayor Ellerbe that the following resolution be adopted:

**WHEREAS**, the Electric Utility is currently experiencing a transformer failure at Power Plant 2 and is in need of engineering services with respect to this issue; and

**WHEREAS**, CTI Combined Technologies Inc., 43 East Mall Drive, Melville, New York 11747-2321 is a company with the capabilities provide assistance with this transformer failure; and

**WHEREAS**, these professional services performed by CTI Combined Technologies Inc. are specialized skills and are therefore exempt from competitive bidding requirements of General Municipal Law; and

**WHEREAS**, the cost of the contract is not to exceed \$20,000 for a term running retroactively to April 18, 2022 through February 28, 2023; and

**WHEREAS**, the expenses for this service shall be funded through account numbers E7131001 510000 (Supervision & Engineering PP1), E7131002 510000 (Supervision & Engineering PP2), E7131006 510000 (Supervision & Engineering LM6000), and E 110000 - Work Order #2492 (Power Plant 2 – Blown Transformer).; and

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees approve and the Mayor be authorized to execute any documentation necessary to enter into a professional services contract with CTI Combined Technologies Inc., 43 East Mall Drive, Melville, New York 11747-2321 for a not to exceed amount of \$20,000.00.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

It was moved by Trustee Squeri, seconded by Deputy Mayor Ellerbe that the following resolution be adopted:

**WHEREAS**, the New York Independent System Operator (NYISO) is an independent entity that oversees competitive wholesale markets to manage the flow of electricity across the state of New York; and

**WHEREAS**, in order for Freeport Electric to participate in the daily buying and selling of electricity, it is imperative to have access to the NYISO's website; and

**WHEREAS**, due to the heightened risk of cyber attacks, the NYISO outsourced its security to Open Access Technology International (OATI WEBCARES), and therefore, the Electric Department must buy digital certificates from OATI in order to carry out the daily operations of buying and selling energy; and

**WHEREAS**, the Electric Department currently has 14 certificates – this number will fluctuate depending on retirements and new hires; and

**WHEREAS**, it is the recommendation of the Superintendent of Electric Utilities that the Village retroactively approve the purchase of digital certificates as needed from Open Access

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Technology International, 3660 Technology Drive NE, Minneapolis, MN 55418 for a cost not to exceed \$10,000.00 for the term March 1, 2022 through February 28, 2023; and

**WHEREAS**, the fee for these certificates shall be charged to E7221310 512200 – Purchase Power Contract Expense and there are sufficient funds available for this expense; and

**NOW THEREFORE BE IT RESOLVED**, that based upon the recommendation of the Superintendent of Electric Utilities, Board approve and the Mayor be and hereby retroactively approve the purchase of digital certificates as needed from Open Access Technology International, 3660 Technology Drive NE, Minneapolis, MN 55418 for a cost not to exceed \$10,000.00 for the term March 1, 2022 through February 28, 2023.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

It was moved by Deputy Mayor Ellerbe, seconded by Trustee Martinez that the following resolution be adopted:

**WHEREAS**, the Electric Department is requesting retroactive permission to renew its subscription to Thompson Reuters West, 610 Opperman Drive, Eagan, Minnesota 55123-1396 which updates the New York Law Books owned by the Utility, which include McKinney's Consolidated Laws of New York (Annotated); and

**WHEREAS**, due to an email address error, no invoices were received since January 4, 2021, resulting in an open balance through March 4, 2022 of \$6,513.77; and

**WHEREAS**, the cost of this service will be charged to E7811000 578100 (General & Administrative) and there are sufficient funds available for this expense; and

**NOW THEREFORE BE IT RESOLVED**, that based upon Board approve and the Mayor be and hereby is authorized to execute any and all documentation necessary to retroactively approve the renewals of the subscriptions to McKinney's Consolidated Laws of New York (Annotated) provided by Thompson Reuters West, 610 Opperman Drive, Eagan, Minnesota 55123-1396 for a total cost not to exceed \$6,513.77.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

Motion was made by Deputy Mayor Ellerbe, seconded by Trustee Squeri and carried to approve the April 7, 2022 Freeport Fire Department Company Election result as follows:

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Chief of Department Scott Donnelly  
First Assistant Chief Kevin Collica  
Second Assistant Chief Albeiro Gonzalez  
Third Assistant Chief Anthony Sotira  
2<sup>nd</sup> Battalion Delegate David Bear  
Alternate 2<sup>nd</sup> Battalion Delegate Leon Tucholski  
Director of EMS Nicolas LaBorne

and further approve the April 5, 2022 annual company elections:

**Excelsior Hook and Ladder Company No. 1**

Captain Ryan Fee  
1<sup>st</sup> LT. Renand Accius  
2<sup>nd</sup> LT. John Gardenhire  
Warden Vincent Giordano

**Wide Awake Engine Company No. 1**

Captain Thomas Stevens  
1<sup>st</sup> LT. Nicholas Stein  
2<sup>nd</sup> LT. Anthony Cusamano  
Warden Gary Lamb

**Ever Ready Hose Company No. 1**

Captain Michael Rizzo  
1<sup>st</sup> LT. Christopher Burkhart  
2<sup>nd</sup> LT. Michael McMahon  
Warden Julius Ellison

**Vigilant Hose Company No. 2**

Captain Arturo Velasquez  
1<sup>st</sup> LT. Yoenmi Marte  
2<sup>nd</sup> LT. Ernesto Hugues  
Warden Anthony Giordano

**Bayview Hose Company No. 3**

Captain Randy Jeune  
1<sup>st</sup> LT. Matthew Korn  
2<sup>nd</sup> LT. Jonathan Smith  
Warden Thomas Butler

**Patriot Hose Company No. 4**

Captain Robert McLaughlin  
1<sup>st</sup> LT. Kevin Madigan

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2<sup>nd</sup> LT. Randy Aguirre  
Warden Thomas Laffin

**Fort Apache Hose Company No. 5**

Captain Michael Gordon Jr.  
1<sup>st</sup> LT. David Garcia  
2<sup>nd</sup> LT. Kalif Jones  
Warden Alfonso Hardwick

**Emergency Company No. 9**

Captain Raymond Burkart  
1<sup>st</sup> LT. Stuart Lang  
2<sup>nd</sup> LT. Michael Ferris  
Warden Raymond Burkart

**Fire Police Squad**

Captain Daniel Elfrich  
1<sup>st</sup> LT. Brian Nicholson  
2<sup>nd</sup> LT. Edward Martin

**Dive Squad**

Captain Matthew Colgan  
1<sup>st</sup> LT. Brian Cetain

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

Motion was made by Trustee Martinez, seconded by Deputy Mayor Ellerbe and carried to approve the recommendation of the Freeport Fire Council and that membership be granted to Gerry Devlin, Bayview Hose Company No. 3.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

Motion was made by Deputy Mayor Ellerbe, seconded by Trustee Squeri and carried to approve the recommendation of the Freeport Fire Council and that membership be granted to Rebecca Tirino, Emergency Company No. 9.

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The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

It was moved by Trustee Squeri, seconded by Deputy Mayor Ellerbe that the following resolution be adopted:

**WHEREAS**, pursuant to the provisions of Section 1452 of the NEW YORK REAL PROPERTY TAX LAW, on January 28, 2022, the Village of Freeport (Village) conducted a public auction of all delinquent property taxes for the tax year 2021-2022; and

**WHEREAS**, at said public auction, the Village held all 2021 delinquent property taxes and became the sole lienholder of all 2021 Village of Freeport municipal tax liens; and

**WHEREAS**, as of March 30, 2022, the amount due to the Village from the outstanding 2021 liens is \$1,412,833.95; and

**WHEREAS**, on April 4, 2022 the Board approved authorization to publish a “Request for Proposals for the 2021 Delinquent Municipal Property Tax Liens Bulk Sale” to provide for the purchase of all unredeemed 2021 Village of Freeport municipal tax liens as a bulk sale transaction with one aggregate bid; and

**WHEREAS**, twenty-two (22) proposals were distributed and two (2) proposals were received on April 15, 2022; and

**WHEREAS**, proposals ranged from a low proposal of \$619,000.00 to a high proposal of \$1,469,347.31; and

**WHEREAS**, the highest proposal, in the amount of \$1,412,833.95 plus a 4% premium for a total of \$1,469,347.31 was submitted by Bonita West, LLC, 107 Montauk Blvd, East Hampton, NY 11937; and

**NOW THEREFORE BE IT RESOLVED**, that based upon the recommendation of the Village Treasurer, the Board approve and the Mayor be authorized to sign any documentations necessary to award the proposal for the 2021 Delinquent Municipal Property Tax Liens Bulk Sale to Bonita West, LLC, 107 Montauk Blvd, East Hampton, NY 11937 in the amount of \$1,412,833.95 plus a 4% premium for a total of \$1,469,347.31.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

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It was moved by Deputy Mayor Ellerbe, seconded by Trustee Squeri that the following resolution be adopted:

**WHEREAS**, the Water Department has the need for an additional vehicle for the Water Meter Readers and Maintainers; and

**WHEREAS**, in June 2021, bids were solicited for new 2022 Chevrolet Spark FWD vehicles for various Village Departments, and the bids were solicited through New York State Department of General Services Mini Bid (#23166), for Light Duty Vehicles; and

**WHEREAS**, the low bidder was Websmart Chevrolet LLC., 5049 W. Ridge Rd, Spencerport, NY 14559 for the price of \$13,251.88 per vehicle, including delivery; and

**WHEREAS**, the vehicles were ordered in July and due to supply chain issues, the Village has not yet taken possession of the vehicles and anticipate the vehicles to be delivered in late April; and

**WHEREAS**, it is anticipated that there will be long delays for any future orders for vehicles, and therefore, it is recommended that the Board approve the purchase of one additional 2022 Chevy Spark FWD vehicle under the New York State Department of General Services Mini Bid (#23166) for the price of \$13,251.88 including delivery; and

**WHEREAS**, funding for this purchase will come from the Water Department FYE 2023 Budget (WE93002 521000 – VEHICLES); and

**NOW THEREFORE BE IT RESOLVED**, that based upon the recommendation of the Superintendent of Public Works, the Board approve and the Mayor be and hereby is authorized to execute any and all documentation necessary to approve the purchase of one (1) additional 2022 Chevrolet Spark FWD vehicle from Websmart Chevrolet LLC., 5049 W. Ridge Rd, Spencerport, NY 14559 through New York State Department of General Services Mini-Bid #23166 for the price of \$13,251.88 including delivery.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

Mayor Kennedy opened the meeting to questions and comments from those present. Residents voiced the following concerns:

- Cleveland Avenue Field
- Conflict of interest for BOT member and School Member
- Cow Meadow Park

At 7:21 P.M. the Mayor called the public hearing to order to consider the re-zoning application for Section 55, Block H, Lot 372 from Residence AA District to Industrial B District; Section 55, Block 190, Lot 63 from Business AA District to Industrial B District; and Section 55, Block 190, Lots 51-55 from Manufacturing District to Industrial B District; for which a full stenographic record was taken.

Howard E. Colton presented ten (10) exhibits which were marked into the record.

It was moved by Trustee Squeri, seconded by Trustee Martinez that the following resolution be adopted:

**WHEREAS**, the Board of Trustees of the Incorporated Village of Freeport, as lead agency, has determined that the proposed action described below, will not have a significant effect on the environment and neither a draft environmental impact statement nor a final environmental impact statement will be prepared; and

**WHEREAS**, the proposed action is a rezoning of Section 55 Block H Lot 372 from Residence AA to Industrial B, Section 55 Block 190 Lots 51-55 from Manufacturing District to Industrial B, and Section 55 Block 190 Lot 63 from Business AA to Industrial B district; and

**WHEREAS**, this Board determines that the proposed action is an unlisted action, as that term is defined in the New York State Environmental Quality Review Act, herein after referred to as SEQRA. After careful consideration, the Board has concluded that the proposed action will not have a significant effect on the environment for the following reasons:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality, traffic or noise level, will not affect solid waste production, and will not affect erosion, flooding, leaching or drainage problems.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna nor interfere with the movement or any resident or migratory fish or wildlife species, nor impact on a significant habitat area, nor result in any other significant adverse effect to natural resources.
3. The proposed action will not encourage or attract a large number of people.
4. The proposed action is consistent with the community's current plans and goals for enforcement of Village laws.
5. The proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources of the Village.
6. The proposed action will not bring about a major change in the use of either the quantity or type of energy.
7. The proposed action will not create a hazard to human health.

8. The proposed action will not produce a substantial change in the use or intensity of land, including cultural or recreational resources, or its capacity to support existing uses.
9. The proposed action will not create a material demand for other actions that would result in any of the above consequences.
10. The proposed action will not change two or more elements in the environment, which when considered together could result in a substantial adverse impact on the environment.
11. When considered cumulatively with other actions, the proposed action will not have a significant effect on the environment or meet one of the above criteria.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Incorporated Village of Freeport, after reviewing the above criteria has determined that the proposed action is not environmentally significant.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

Howard Colton turned the hearing over to Christian Brown, McLaughlin & Stern, LLP, who presented the application.

Motion was made by Trustee Martinez, seconded by Trustee Squeri and carried to close the hearing to further evidence and testimony.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

Motion was made by Trustee Martinez, seconded by Trustee Squeri and carried to reserve decision.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

The meeting was closed at 8:05 P.M.

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Pamela Walsh Boening  
Village Clerk

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