

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2023-1

2023-1

A meeting of the Board of Trustees of the Incorporated Village of Freeport was held on Monday, January 23, 2023 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 6:31 P.M., Mayor Kennedy convened in the main conference room and led in the Pledge of Allegiance.

No residents were present.

At 6:32 P.M., it was moved by Trustee Sanchez, seconded by Deputy Mayor Elleber 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 one (1) Personnel Matter and to consult with counsel.

The Clerk polled the Board as follows:

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

At 7:02 P.M., motion was made by Trustee Squeri, seconded by Trustee Sanchez and unanimously carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

- | | |
|----------------------|----------|
| Deputy Mayor Ellerbe | In Favor |
| Trustee Martinez | In Favor |
| Trustee Squeri | In Favor |
| Trustee Sanchez | In Favor |
| Mayor Kennedy | In Favor |

Approximately five (5) residents were present.

Deputy Mayor Ellerbe led in the Pledge of Allegiance.

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2023-2

2023-2

It was moved by Trustee Squeri, seconded by Trustee Martinez, and unanimously carried to approve the Board of Trustees Minutes of January 9, 2023.

The Clerk polled the Board as follows:

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

It was moved by Trustee Sanchez, seconded by Trustee Martinez, and unanimously carried to approve the Board of Trustees Special Meeting Minutes of January 12, 2023.

The Clerk polled the Board as follows:

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

Motion was made by Trustee Squeri, seconded by Trustee Sanchez and unanimously carried to approve the parade and public assembly application submitted by the Village of Freeport and the Freeport Public School to hold a Peace Walk on May 6, 2023 from 9:30 A.M. to 11:30 A.M., assembling at the Freeport High School, proceed east on Pine Street, south on Bayview Avenue, west on Merrick Road, north on Brookside Avenue ending at the Freeport High School.

The Clerk polled the Board as follows:

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

It was moved by Trustee Martinez, seconded by Trustee Sanchez that the following decision be adopted:

**INCORPORATED VILLAGE OF FREEPORT
BOARD OF TRUSTEES DECISION**

DATE: January 23, 2023

Hearings were held on November 10, 2022, December 1, 2022, and January 12, 2023 in the Board of Trustees Conference Room for a determination pursuant to Freeport Village Ordinance §128-58 (Property Maintenance Requirements), §128-59 (Maintenance Standards),

January 23, 2023

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2023-3

2023-3

and §128-62 (Nuisances and Abatement) as to the condition of the building located at 60 Meister Boulevard, Freeport, New York.

Tonia Mitchell, the daughter of owner Joysetta Pierce, was present at the hearings. Superintendent of Buildings, Sergio Mauras explained that the house is an incomplete New York Rising Project. There are sections of the home missing siding, there are shingles missing, there is no staircase from the front door or the rear door, the garage door is missing, a door at ground level is missing. On November 10, 2022, Ms. Mitchell explained that the house needs electrical and plumbing, and there is an issue of needing to reach milestones with New York Rising before receiving additional funding. Ms. Mitchell explained that she would not object to the Village doing the work if funding was not obtained. At a follow up hearing on December 1, 2022, Ms. Mitchell explained that she did expect to be able to get some funding, but in the interim, the Village could move forward with doing the work. At the hearing on January 12, 2023, Ms. Mitchell said she did not yet have funding, and authorized the Village to move forward with the project.

The Board makes the following findings of fact based on the testimony of Sergio Mauras, Superintendent of Buildings. The property at 60 Meister Boulevard has been in a state of disrepair for many years. The house is missing siding. There are doors and the garage door in need of replacement. There are staircases missing from the elevated home.

Freeport Village Code §128-59(C)(4) requires that exterior walls, roofs, and all openings shall be maintained so as to keep water from entering a building. Materials which have been damaged shall be replaced. Exterior walls, roofs and other parts of buildings shall be free from holes, rotting material, and loose and unsecured objects and material.

Based on the evidence and testimony about the house on 60 Meister Boulevard, the Board finds pursuant to §128-59(C)(4) of the Freeport Village Code that the house has not been maintained under the requirements of the code. Further, the house is deemed to be a nuisance under §128-62 and §128-63 and shall be repaired as provided in the Village Code. As per the homeowner's request, the Board authorizes services to be obtained to repair the defects in the house. The selection of materials is to be done in consultation with the owner of the property. Any expenditure by the Village for these repairs will be applied to the homeowner's taxes, and if unpaid, will become a lien on the property.

January 23, 2023

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2023-4

2023-4

The Clerk polled the Board as follows:

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

It was moved by Trustee Martinez, seconded by Trustee Sanchez that the following decision be adopted:

**INCORPORATED VILLAGE OF FREEPORT
BOARD OF TRUSTEES DECISION**

DATE: January 23, 2023

Hearings were held on December 1, 2022, and January 12, 2023 in the Board of Trustees Conference Room for a determination pursuant to Freeport Village Ordinance §128-58 (Property Maintenance Requirements), §128-59 (Maintenance Standards), and §128-62 (Nuisances and Abatement) as to the condition of the building located at 82 President Street, Freeport, New York.

The owner of the property was notified of the hearing, but was unable to attend. Superintendent of Buildings, Sergio Mauras explained that the house is missing some siding.

The Board makes the following findings of fact based on the testimony of Sergio Mauras, Superintendent of Buildings. The property at 82 President Street is in a state of disrepair. The house is missing siding.

Freeport Village Code §128-59(C)(4) requires that exterior walls, roofs, and all openings shall be maintained so as to keep water from entering a building. Materials which have been damaged shall be replaced. Exterior walls, roofs and other parts of buildings shall be free from holes, rotting material, and loose and unsecured objects and material.

Based on the evidence and testimony about the house on 82 President Street, the Board finds pursuant to §128-59(C)(4) of the Freeport Village Code that the house has not been maintained under the requirements of the code. Further, the house is deemed to be a nuisance under §128-62 and §128-63 and shall be repaired as provided in the Village Code. As per the homeowner’s request, the Board authorizes services to be obtained to repair the defects in the house. Any expenditure by the Village for these repairs will be applied to the homeowner’s taxes, and if unpaid, will become a lien on the property.

January 23, 2023

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2023-5

2023-5

The Clerk polled the Board as follows:

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

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

WHEREAS, on November 7, 2022, the Board awarded the contract for the Furnishing of Single Conductor - #4/0 – 500 KCMIL, 15 KV Cold Shrink Splice Kits, Bid #22-10-ELEC-618 to Irby Utilities, located at 4583 Buckley Road, Liverpool, NY 13088, for the not to exceed cost of \$44,280.00; and

WHEREAS, the original quantity requested in the specifications was 60 splice kits; and

WHEREAS, the Utility would like to update that quantity to 72 splice kits and re-bid the specifications to obtain more competitive pricing; and

WHEREAS, the Superintendent of Electric is requesting for the Board to rescind the award with Irby Utilities and re-bid the updated specifications for more competitive pricing; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utilities, the Mayor and the Board hereby rescind the award for the Furnishing of Single Conductor - #4/0 – 500 KCMIL, 15 KV Cold Shrink Splice Kits, Bid #22-10-ELEC-618 to Irby Utilities, 4583 Buckley Road, Liverpool, NY 13088, and re-bid the updated specifications to obtain more competitive pricing.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	in Favor
Trustee Sanchez	In Favor
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 State Public Service Commission mandates Contact/Stray Voltage testing each year for all Freeport Electric and 3rd Party electrical facilities exposed to the general public to ensure their safety; and

WHEREAS, the procurement of these services is best accomplished through the use of a formal Request for Proposals; and

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2023-6

2023-6

WHEREAS, this expense will be charged to E7414600 574000 (Stray Voltage) and there are sufficient funds for this expense; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utilities, the Village Clerk be and hereby is authorized to publish a Request for Proposals for “Manual Contact/Stray Voltage Testing”, RFP #23-02-ELEC-647 in the Freeport Herald and other relevant publications on January 26, 2023, with specifications available from January 27, 2023 to February 10, 2023, with a return date of February 10, 2023.

The Clerk polled the Board as follows:

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

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

WHEREAS, the Freeport Electric Department has a need for uniformed guard services for the Village of Freeport’s Power Plant 1; and

WHEREAS, the term of the contract shall be for approximately three years with the Village’s option to renew for two (2) one-year terms; and

WHEREAS, said procurement of said uniformed guard services requires the use of competitive bidding as necessitated by General Municipal Law §103 and the Village’s Procurement Policy; and

WHEREAS, the services will be funded through Homeland Security account E7191001 511100 (Security Contract – PP1); and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utilities, the Village Clerk be and hereby is authorized to publish a Notice to Bidders for the “Uniformed Guard Services for Power Plant”, Bid #23-02-ELEC-649 in the Freeport Herald and other relevant publications on January 26, 2023, with specifications available from January 27, 2023 to February 10, 2023, with a return date of February 14, 2023.

The Clerk polled the Board as follows:

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

January 23, 2023

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2023-7

2023-7

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

WHEREAS, the Village has been awarded grant funds through the New York State Governor’s Office of Storm Recovery (GOSR) – Infrastructure to be used for the construction of a microgrid, a small-scale version of the centralized electricity system that includes all the necessary components to operate in isolation of the centralized grid; and

WHEREAS, multiple components involving generation, transmission, and distribution will make Freeport’s microgrid more resilient and improve the overall system performance of the Village’s electric infrastructure; and

WHEREAS, these upgrades require the use of Single Conductor - #4/0 – 500 KCMIL, 15 KV Cold Shrink Splice Kits; and

WHEREAS, procurement of said upgrades requires the use of competitive bidding as necessitated by General Municipal Law §103 and the Village’s Procurement Policy; and

WHEREAS, the Village was awarded \$5,500,000.00 to complete the Microgrid project; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utility, the Village Clerk be and hereby is authorized the advertisement (pending GOSR approval) of a Notice to the Bidders for the “Furnishing of Single Conductor - #4/0 – 500 KCMIL, 15 KV Cold Shrink Splice Kits”, Re-Bid #23-02-ELEC-650, in the Freeport Herald and other relevant publications of general circulation on January 26, 2023 with specifications available from January 27, 2023 to February 10, 2023, with a return date of February 14, 2023.

The Clerk polled the Board as follows:

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

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

WHEREAS, on January 10, 2022, the Board awarded the Request for Proposals for RFP #21-12-ELEC-579 – Oil Testing Services to Tribilogik Corp., 1212 172nd Street, Hammond, Indiana, 46324 for the not to exceed cost of \$6,764.00 per year for a three-year term beginning March 1, 2022 and ending February 28, 2025, with an option to renew for two additional years; and

January 23, 2023

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2023-8

2023-8

WHEREAS, during the Fiscal Year Ending (FYE) 2023 of the Village’s Fuel Oil Testing Contract with Tribologik Laboratories, it was found additional funds are needed to satisfy the testing requirements mandated by the New York State Department of Environmental Conservation (DEC) for both Power Plants; and

WHEREAS, the outstanding amount to complete this contract year is \$9,336.00; and

WHEREAS, this contract will go out for rebid to ensure sufficient funds in future years; and

WHEREAS, the Superintendent of Electric Utilities requests retroactive Board approval to increase the contract with Tribilogik Corp., 1212 172nd Street, Hammond, Indiana, 46324, by \$9,336.00 bringing the total cost for the FYE 2023 from the original amount of \$6,764.00 to \$16,100.00 for this contract year term from March 1, 2022 through February 28, 2023; and

WHEREAS, the cost of this service will be charged to the following accounts: E7143151 510000 (Regulatory Agency PP1); E7143152 510000 (Regulatory Agency PP2); and E7143156 510000 (Regulatory Agency CT2) and there are sufficient funds available for this expense; and

NOW THEREFORE BE IT RESOLVED, based on the recommendation of the Superintendent of Electric, Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to retroactively increase the contract with Tribilogik Corp., 1212 172nd Street, Hammond, Indiana, 46324, by \$9,336.00 bringing the total cost for the FYE 2023 from the original amount of \$6,764.00 to \$16,100.00 for this contract year term from 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	In Favor
Mayor Kennedy	In Favor

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

WHEREAS, the Freeport Electric Utility has requested to enter into a consulting agreement with Environmental Laboratories, Inc, 57 Verdi Street, Farmingdale, New York 11735, in an amount not to exceed \$15,000 for emissions testing services on Power Plants #1 and 2; and

WHEREAS, these tests are required by the New York State Department of Environmental Conservation and ELI has done a satisfactory job in the past and its services will be used on an as needed basis; and

January 23, 2023

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2023-9

2023-9

WHEREAS, since GML §103 does not require a bid for these professional services, the Village may opt to extend the contract without re-bidding the services; and

WHEREAS, the Superintendent of Electric is requesting that the contract be approved for a period from March 1, 2023 through February 29, 2024 in an amount not to exceed \$15,000; and

WHEREAS, these services will be charged to accounts E 7143151 510000, E7143152 510000, and E 7143156 510000 (Regulatory Agency Expenses); and

NOW THEREFORE BE IT RESOLVED, based on the recommendation of the Superintendent of Electric Utilities, that the Board approve and the Mayor be and hereby is authorized to execute any and all documentation necessary to effectuate an agreement between the Village of Freeport Electric Utility and Environmental Laboratories, Inc, 57 Verdi Street, Farmingdale, New York 11735, for a not to exceed amount of \$15,000 from March 1, 2023 through February 29, 2024.

The Clerk polled the Board as follows:

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

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

WHEREAS, the Freeport Electric Department needs assistance from time to time, in particular with respect to budget and energy resource services, provide training on New York Independent System Operation (NYISO) issues, and advising the Village of Freeport on New York Power Authority (NYPA) issues and rate cases on an as-needed basis; and

WHEREAS, the services to be performed are professional services of a specialized nature and are therefore exempt from the competitive bidding requirements of General Municipal Law; and

WHEREAS, SUANT Consulting, 16 Lagoon Blvd., Massapequa, New York 11758 possesses those certain skills, knowledge and expertise of a specialized nature; and

WHEREAS, the current consulting agreement is due to expire on February 28, 2023 at a rate of \$85 per hour, not to exceed \$20,000; and

WHEREAS, fiscal year to date, the expended amount is \$1,275.00; and

January 23, 2023

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2023-10

2023-10

WHEREAS, the new contract with SUANT is for a period spanning from March 1, 2023 through February 29, 2024, at the same hourly rate of \$85 for a not-to-exceed amount of \$15,000; a decrease of \$5,000 from the current contract; and

WHEREAS, the cost of these services shall be charged to E7131001 510000 (Supervision & Engineering PP1), E7131002 510000 (Supervision & Engineering PP2), E7131006 510000 (Supervision & Engineering LM60000), and E7811000 578100 (General & Administrative) and there are sufficient funds to cover these costs; and

NOW THEREFORE BE IT RESOLVED, that the Mayor be and is hereby authorized to execute a consulting agreement with SUANT Consulting, 16 Lagoon Blvd., Massapequa, New York 11758 for a period spanning from March 1, 2023 through February 29, 2024, at an hourly rate of \$85 for a not-to-exceed amount of \$15,000.

The Clerk polled the Board as follows:

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

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

WHEREAS, the Village of Freeport’s Electric Utility requires the performance of specialized legal services related to the New York Association of Public Power (NYAPP), the New York Independent System Operator (NYISO) and other matters that may arise from time to time; and

WHEREAS, the Village of Freeport has been represented by the law firm of Duncan, Weinberg, Genzer, & Pembroke, P.C. since approximately 1990; and

WHEREAS, the firm of Duncan, Weinberg, Genzer, & Pembroke, P.C. is qualified to provide the services required; and

WHEREAS, the services to be performed are professional services of a specialized nature and are therefore exempt from the competitive bidding requirements of General Municipal Law; and

WHEREAS, the Superintendent of Electric Utilities has recommended that the Village continue to retain the services of Duncan, Weinberg, Genzer, & Pembroke, P.C.; and

WHEREAS, the Superintendent of Electric Utilities recommends that the contract be entered into from March 1, 2023 until February 29, 2024, with a cap of \$100,000.00; and

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2023-11

2023-11

WHEREAS, the attorney fees throughout the contract have increased by \$10 per hour; and

WHEREAS, this service shall be funded through various account numbers including E7222160 512200 (Purchase Power Legal Expense) and there are sufficient funds available to cover 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 authorized to execute any documentation necessary to effectuate the agreement between the Village of Freeport and Duncan, Weinberg, Genzer, & Pembroke, P.C., 1667 K Street N.W., Suite 700, Washington, DC 20036 for legal services for a term effective March 1, 2023 through February 29, 2024 at a not to exceed cost of \$100,000.00 payable at the rates contained in the letter of agreement.

The Clerk polled the Board as follows:

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

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

WHEREAS, in March 2010, the Board approved the installation of the MUNIS Financial System from Tyler Technologies, Inc., and on January 7, 2019, the Board approved the installation of MUNIS Financial System ExecuTime Module and ExecuTime Time Attendance from Tyler Technologies, Inc. 370 US Route One, Falmouth, ME 04105; and

WHEREAS, these systems require annual operating system database administrative support, and support and update licensing for the various modules; and

WHEREAS, the Village requires a Disaster Recovery Support Services (MunDisaster) and the PACE 5 training along with the Tyler conference registrations; and

WHEREAS, the invoices for all contracts are now combined with the regular support services contract and training, excluding PACE 5 (under negotiations); and

WHEREAS, since this is a proprietary software system, the annual support and licensing cannot be bid to outside companies; and

WHEREAS, the contract period will run from April 1, 2023 to February 29, 2024, for a total cost of \$140,980.31 (11 months); the current contract cost is \$162,623.98 (13 months and included PACE 5); the rate has not increased from last year's maintenance; and

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2023-12

2023-12

WHEREAS, these services shall be charged to Allocation Code 5003 [Budget lines A168004 542800 (71%), E7815630 578100 (25%), and WE93004 542800 (4%) Service Contracts/Repairs Network], and there are sufficient funds available to cover this cost; and

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Superintendent of Electric, the Mayor be and hereby is authorized to sign any documentation necessary to approve the renewal software maintenance, support, and services for the MUNIS Financial System, ExecuTime Module and ExecuTime Time Attendance, MUNIS Disaster Recovery from Tyler Technologies, Inc. 370 US Route One, Falmouth, ME 04105, with a contract period from April 1, 2023 to February 29, 2024 for a total cost of \$140,980.31.

The Clerk polled the Board as follows:

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

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

WHEREAS, on November 20, 2018 the Board of Trustees approved a contract with UniFirst Corp., 1750 Arctic Avenue, Bohemia, New York 11716 for the provision and laundering of flame-resistant uniforms for certain Freeport Electric employees for a term running from December 1, 2018 through February 29, 2024; and

WHEREAS, the estimated contract amount for March 1, 2022 through February 28, 2023 is \$26,220.92, with an outstanding balance of invoices of \$564.66, and a current balance available of \$538.07; and

WHEREAS, the Superintendent of Electric Utilities is requesting an additional \$5,000 to cover this invoice, plus the invoices from January and February 2023, increasing the total contract cap to \$31,220.92;

WHEREAS, these services will be charged to account E 7851920 578100 – Safety Material and sufficient funds are available to cover this expense; and

NOW THEREFORE BE IT RESOLVED, that based on the recommendation of the Superintendent of Electric Utilities, the Board approve and the Mayor be authorized to execute any and all documents necessary to retroactively approve an increase in the contract with UniFirst Corp., 1750 Arctic Avenue, Bohemia, New York 11716 for the provision and laundering of protective clothing for a total cost of \$31,220.92 for the term running from March 1, 2022 through February 28, 2023.

The Clerk polled the Board as follows:

January 23, 2023

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2023-13

2023-13

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

Motion was made by Trustee Sanchez, seconded by Trustee Squeri and unanimously carried to approve the recommendation of the Freeport Fire Council and that membership be granted to Thomas Christopher Kelleher, Engine Co. #1.

The Clerk polled the Board as follows:

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

Motion was made by Trustee Martinez, seconded by Trustee Squeri and unanimously carried to approve the recommendation of the Freeport Fire Council and that membership be granted to Lorena Paola Idrovo, Emergency Rescue Co. #9.

The Clerk polled the Board as follows:

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

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

WHEREAS, on March 28, 2022, the Board of Trustees approved Contract # C000852 – Infrastructure Flood Protection Project with the New York State Department of Homeland Security and Emergency Services, for the grade raise of Nassau Avenue at a cost of \$282,837.30; and

WHEREAS, this contract expired on December 31, 2022; and

WHEREAS, this contract may be extended until June 30, 2023 with Board approval; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Grants Administrator, the Board approve and the Mayor be authorized to execute any documentation necessary to execute the extension and act on behalf of the Board of Trustees in all matters related to this project and this State assistance.

The Clerk polled the Board as follows:

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2023-14

2023-14

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

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

WHEREAS, the Freeport Police Department currently utilizes the Impact Records Management System for its Department; and

WHEREAS, the Freeport Police Department has annually contracted with Impact – Central Square Technologies, 1000 Business Center Drive, Lake Mary, FL 32746 for the maintenance of said system; and

WHEREAS, Impact – Central Square Technologies provides 24x7 support and includes all software updates, enhancements and revisions, and is critical to police department operations; and

WHEREAS, the cost of this software support and maintenance agreement for March 1, 2023 through February 29, 2024 is \$52,302.67, which is an increase of \$2,490.60 from the cost of this contract from last year; and

WHEREAS, this expense is budgeted for in account A312004 542800 – Service Contracts; and

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Chief of Police, the Mayor be and hereby is authorized to sign any documentation necessary to effectuate a maintenance agreement for Impact Records Management System between the Village of Freeport and Impact – Central Square Technologies, 1000 Business Center Drive, Lake Mary, FL 32746, in the amount of \$52,302.67 for a term from March 1, 2023 to February 29, 2024.

The Clerk polled the Board as follows:

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

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

WHEREAS, the Freeport Police Department currently uses a version of Outlook for

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2023-15

2023-15

email, which is now obsolete and soon will no longer be supported by Microsoft; and

WHEREAS, the Department’s e-mail system is critical to internal and external communications so it is necessary to upgrade to the new version of Outlook, contained in Microsoft 365; and

WHEREAS, the Department will also be purchasing Barracuda E-mail protection as an additional level of security for the system; and

WHEREAS, the Department has obtained three quotes, the lowest of which was from LA Dell Marketing LP, One Dell Way, Round Rock, TX 78680, for a total annual cost of \$9,348.60 (\$6,147.00 for the Microsoft 365 licenses and \$3,201.60 for the Barracuda e-mail protection); and

WHEREAS, this contract will run for a term beginning March 1, 2023 and ending February 29, 2024; and

WHEREAS, this service will be budgeted in account A312004 542800 – Service Contracts; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Chief of Police, the Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to approve a contract with LA Dell Marketing LP, One Dell Way, Round Rock, TX 78680 for Microsoft 365 licenses and Barracuda e-mail protection for a cost of \$9,348.60 for a term beginning March 1, 2023 and ending February 29, 2024.

The Clerk polled the Board as follows:

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

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

WHEREAS, the Chief of Police is requesting Board approval of the migration of all department e-mail data to a new e-mail system; and

WHEREAS, the Department’s e-mail system is critical to internal and external communications; the current e-mail system is becoming obsolete and will soon be no longer supported by Microsoft; and

WHEREAS, the migration will be conducted by Lanrover Network Services Inc., 85 S Snedecor Ave., Bayport, NY 11705, for a total cost of \$15,065.40; and

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2023-16

2023-16

WHEREAS, there are no prior agreements in place for this service; this request was based on the lowest quote from 3 competitors; and

WHEREAS, this service will be budgeted in account A312004 542800 – Service Contracts; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Chief of Police, Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to approve of the migration of all department e-mail data to a new e-mail system with Lanrover Network Services Inc., 85 S Snedecor Ave., Bayport, NY 11705, for a total cost of \$15,065.40.

The Clerk polled the Board as follows:

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

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

WHEREAS, on November 28, 2022, the Board authorized the Village Clerk to publish a Notice to Bidders for the “2023 Contract for Printing Services”, BID# 22-12-PURC-627; and

WHEREAS, two (2) bids were received on December 20, 2022 for the referenced contract; and

WHEREAS, one bid received was incomplete and the other bid received was substantially higher than expected; and

WHEREAS, this higher bid came in at \$50,473.00 compared to last year’s contract at \$35,455.00; and

WHEREAS, the Purchasing Agent is requesting the Board to formally reject these bids and to re-bid this printing contract to see more competitive results; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Purchasing Agent that the bids received on December 20, 2022 for the “2023 Contract for Printing Services”, BID# 22-12-PURC-627 be rejected and to re-bid this printing contract to see more competitive results.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor

January 23, 2023

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2023-17

2023-17

Trustee Squeri
Trustee Sanchez
Mayor Kennedy

in Favor
In Favor
In Favor

January 23, 2023

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2023-18

2023-18

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

WHEREAS, the Purchasing Agent is requesting to advertise a Notice to Bidders for the “2023 Contract for Printing Services RE-BID”; and

WHEREAS, specifications have been prepared for the above-referenced contract; and

WHEREAS, §103 of the General Municipal Law and the Village’s Procurement Policy necessitate the use of competitive bidding to retain these services; and

WHEREAS, contract terms will begin on March 1, 2023 through February 29, 2024, with an option in favor of the Village to extend for two (2) additional one-year terms; and

WHEREAS, in general, the Village spends between \$15,000 and \$25,000 per year for all departments combined; and

WHEREAS, all items ordered under this contract will be charged to the printing and stationary budget line of the requesting departments (i.e. A134504 540200); and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Purchasing Agent, the Village Clerk be and hereby is authorized to publish a Notice to Bidders for the “2023 Contract for Printing Services RE-BID” in the Freeport Herald and other relevant publications of general circulation on January 26, 2023, with specifications available from January 27, 2023 through February 10, 2023, with a return date of February 14, 2023.

The Clerk polled the Board as follows:

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

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

WHEREAS, the Incorporated Village of Freeport, from time to time, is in need of expert professional services at the Freeport Recreation Center; and

WHEREAS, Defense Concepts, Inc., 1754 Merrick Avenue, Merrick, New York, 11566, possesses those certain skills, knowledge and expertise of a specialized nature in the area of karate instruction; and

WHEREAS, the Board of Trustees deems it beneficial to the residents of the Village of

January 23, 2023

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2023-19

2023-19

Freeport and the members of the Recreation Center to provide for the performance of karate instruction classes; and

WHEREAS, the services to be performed are professional services of a specialized nature and are therefore exempt from the competitive bidding requirements of General Municipal Law; and

WHEREAS, the contract renewal is for a term from March 1, 2023 through June 30, 2023 at an hourly rate of \$100.00 for a not-to-exceed amount of \$2,500.00; and

WHEREAS, funding for this service comes out of account A714004 545700 (non-employee salaries); and

NOW THEREFORE BE IT RESOLVED, that the Mayor be and hereby is authorized, on behalf of the Village of Freeport, to execute a renewal agreement between the Village of Freeport and Defense Concepts, Inc., 1754 Merrick Avenue, Merrick, New York, 11566, for a term beginning March 1, 2023 through June 30, 2023, at an hourly rate of \$100.00 for a not-to-exceed amount of \$2,500.00.

The Clerk polled the Board as follows:

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

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

WHEREAS, the Village of Freeport utilizes the services of CCS Adjusters Inc. of 100 Ring Road, Suite 202, Garden City, New York 11530 (formerly Customized Claims Solutions, LLC) to manage its non-health insurance, self-insured insurance programs, including but not limited to, negligence, civil rights, and property damage claims against the Village, and the insuring of Village buildings and property; and

WHEREAS, the contract for the aforementioned services is currently before the Board of Trustees for renewal at a cost of \$107,856.00 (\$26,964.00 per quarter), from March 1, 2023 and ending February 29, 2024, the same annual cost as the prior contract, with a provision allowing either party the option to terminate the agreement upon sixty (60) days written notice, without penalty; and

WHEREAS, funds are to be drawn from budget line A193104 545500 and there are sufficient funds allocated in the budget for this expense; and

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2023-20

2023-20

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Village Attorney, the Mayor be and is hereby authorized to sign any and all documents which are necessary and proper to effectuate an agreement between the Village of Freeport and CCS Adjusters Inc. of 100 Ring Road, Suite 202, Garden City, New York 11530 in the amount of \$107,856.00 (\$26,964.00 per quarter), running from March 1, 2023 and ending February 29, 2024.

The Clerk polled the Board as follows:

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

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

WHEREAS, Pursuant to §5-520 of the New York State Village Law, authorization is requested for the Village Comptroller to execute the following transfer to the fiscal year 2022 - 2023 operating budget:

FROM:

A801004 542300	Zoning/Advertising	\$1,000
A802004 542300	Planning/Advertising	\$1,000

TO:

A141004 542300	Clerk/Advertising	\$2,000
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WHEREAS, the purpose of the above transfer is to appropriate the necessary funding to cover Clerk/Advertising for the Village; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Comptroller, the above-referenced transfer is hereby approved.

The Clerk polled the Board as follows:

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

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

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2023-21

2023-21

Re: Tree Resolution
Location: Various Tree Locations
Contractor: Red Maple Tree Service & Masonry Work \$3,885.00

WHEREAS, official notice was served in conformity with the law, Village Code § 180-50 (a), to every owner or occupant of land to trim or remove any tree including its stump, or any limb or branch of a tree situated on said land or in front thereof which is likely to fall on or across any public way or place in the Village, and

WHEREAS, said installation work not having been made within the time specified in official notice, namely, 30 days from the date of service thereof, and

WHEREAS, under authority conferred by law, the Board of Trustees thereupon caused the same to be removed, and/or trimmed at the expenditure as noted above, and as shown below.

NOW THEREFORE, BE IT RESOLVED, that in accordance with Village Code § 180-50 (b) there shall be assessed upon the lands affected or improved, the amount as noted above which is found to be just and reasonable and not exceeding the amount stated in the notice, and be it,

FURTHER RESOLVED, that the Board of Trustees hereby authorizes that the amount thus assessed, if not paid within thirty (30) days hereafter, will be included in the next annual tax levies of the aforesaid premises unless the property owner selects the option of payment with interest over a five (5) year period.

Tree Survey# 41-2022

Owner: Romero Adrian & Glenda
101 S. Long Beach Avenue
Freeport, NY 11520-3438
Sec 55, Blk 323, Lot 5
Location: 101 S. Long Beach Avenue
Contractor: Red Maple Tree Service & Masonry Work
Charges: \$420.00

Tree Survey# 35-2022

Owner: Freeport Office Ctr LLC
6143 Jericho Tpke., Ste. 206
Commack, NY 11725-2809
Sec 62, Blk 114, Lot 122
Location: 147 W. Merrick Rd., 147-151 W. Merrick Rd.
Contractor: Red Maple Tree Service & Masonry Work
Charges: \$1,200.00

Tree Survey# 42-2022

Owner: New Northern Realty LLC

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2023-22

2023-22

In Care of c/o CVS Corp #1084-01
1 CVS Dr.
Woonsocket RI 02895-6146
Sec 54, Blk 092, Lot 23

Location: 114 S. Long Beach Avenue
Contractor: Red Maple Tree Service & Masonry Work
Charges: \$840.00

Tree Survey# 22-2022

Owner: Michael Loguidice
PO Box 413
10 Main St.
East Rockaway, NY 11518-0413
Sec 54, Blk 336, Lot 56

Location: 16 Irving Avenue
Contractor: Red Maple Tree Service & Masonry Work
Charges: \$1,425.00

The Clerk polled the Board as follows:

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

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

WHEREAS, on January 9, 2023, the Board of Trustees adopted a resolution identifying the polling locations in each district in the Village of Freeport, based on the Nassau County Board of Elections approved list; and

WHEREAS, on Thursday, January 12, 2023, the Clerk’s office received notification from Peternana Terrace Management Company stating that the owner of Peternana Terrace would not allow the Village to use this location, 45 Wallace Street, as a polling site due to the senior population and recent COVID outbreak; and

WHEREAS, the Village Clerk requests retroactive Board approval of the list which identifies the polling places in each district and the hours the poll will be opened and that the Village Clerk be authorized to publish the required notice in the Freeport Herald; and

NOW THEREFORE BE IT RESOLVED, that the voting shall be at the following polling places within the Incorporated Village of Freeport:

ASSEMBLY DISTRICTS

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2023-23

2023-23

<u>District</u>	<u>Location</u>	<u>Address</u>
18-057	Freeport Recreation Center	130 E. Merrick Road
18-058	Sr. Housing	100 N. Main Street
18-059	Atkinson School	58 W. Seaman Avenue
18-060	Atkinson School	
18-061	Atkinson School	
18-063	Atkinson School	
21-123	Atkinson School	
18-064	Exempt Firehouse	9 N. Long Beach Avenue
18-065	Freeport Recreation Center	130 E. Merrick Road
21-022	Freeport Recreation Center	
18-067	Columbus Avenue School	150 N. Columbus Avenue
18-069	Columbus Avenue School	
18-068	Hose Co. #2	15 Broadway
18-071	Hose Co. #1	22 Southside Avenue
21-020	Hose Co. #1	
21-003	Archer Elementary School	255 Archer Street
18-075	Hose Co. #5	47 Leonard Avenue
21-004	Bayview Avenue Hose Co. #3	375 S. Bayview Avenue
21-005	Bayview Avenue Hose Co. #3	
21-016	Bayview Avenue Hose Co. #3	
21-017	Bayview Avenue Hose Co. #3	
21-001	Giblyn Elementary School	450 S. Ocean Avenue
21-002	Giblyn Elementary School	
21-018	Giblyn Elementary School	
21-021	Freeport Memorial Library	144 W. Merrick Road
21-023	Bayview Avenue School	325 W. Merrick Road
21-025	Bayview Avenue School	

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	in Favor

January 23, 2023

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2023-24

2023-24

Trustee Sanchez
Mayor Kennedy

In Favor
In Favor

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

WHEREAS, on October 18, 2010 the Board of Trustees previously awarded a contract to Liberty Capital Services, LLC, for the provision of financial services with regard to bonds and we wish to renew Liberty’s contract for an additional year under the same terms and conditions of the prior year’s contract; and

WHEREAS, since GML §103 does not require a bid for these professional services, the Village may opt to extend the contract without re-bidding the services; and

WHEREAS, the Village Comptroller recommends that the contract be extended under the same terms and conditions of the prior year’s contract for an additional year from March 1, 2023 through February 29, 2024 with no increase in fees, at the same fee schedule listed below; and

FEE SCHEDULE

DEBT ISSUANCE

Bonds - (other than Refunding Bonds)

<u>PAR value equal or greater than:</u>	<u>and less than:</u>	<u>Base Fee</u>
0	4,000,000	12,000
4,000,000	7,500,000	14,000
7,500,000	10,000,000	16,000
10,000,000	27,500,000	18,000

Notes

<u>PAR value equal or greater than:</u>	<u>and less than:</u>	<u>Base Fee</u>
\$0	1,000,000	2,500
1,000,000	4,000,000	7,000
4,000,000	7,500,000	8,500
7,500,000	10,000,000	9,500
10,000,000		11,500

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2023-25

2023-25

CONTINUING DISCLOSURE

Annual Filings	5,000
Material Event (as required)	600

OTHER SERVICES

\$140 per hour

WHEREAS, the Bond/BAN expenses will be charged A132504 545400 (Bond Issue Expense) and various capital project accounts, based on debt funding; the cost of Continuing Disclosure forms will be charged to budget lines A142004 545700 (Counsel – Non-Employee Salaries), E7820000 578100 (Electric – Management Services), and WE90104 554560 (Water – Liberty Capital) based on the level of outstanding debt per fund; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Village Comptroller, the Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to effectuate an agreement between the Village of Freeport and Liberty Capital Services, LLC, 1205 Franklin Avenue, Suite 335, Garden City, New York 11530 for a term of one year from March 1, 2023 through February 29, 2024 with no increase in fees and under the same terms and conditions of the prior year’s contract.

The Clerk polled the Board as follows:

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

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

WHEREAS, on October 18, 2010, the Board of Trustees awarded the bid for Financial Advisory Services to Liberty Capital Services, LLC and this contract has been renewed every year since; and

WHEREAS, Liberty Capital Services, LLC, 1205 Franklin Avenue, Suite 335, Garden City, New York, 11530 possesses certain unique skills, knowledge and expertise of a specialized nature in the fields of finance and bond market analysis; and

January 23, 2023

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2023-26

2023-26

WHEREAS, since GML §103 does not require a bid for these professional services, the Village may opt to extend the contract without re-bidding the services; and

WHEREAS, the Village Comptroller recommends that the contract under the same terms and conditions of the prior year’s contract be extended for an additional year from March 1, 2023 through February 29, 2024 with a not to exceed cost of \$55,000 with no change in the hourly rate of \$140.00; and

WHEREAS, depending on the scope of service, the costs will be charged to the following budget accounts:

- A131504 545700 – Comptroller – Non-employee Salaries
- E7820000 578100 – Electric – Management Services
- WE90104 554560 – Water – Expense

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Village Comptroller, the Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to effectuate an agreement between the Incorporated Village of Freeport and Liberty Capital Services, LLC, 1205 Franklin Avenue, Suite 335, Garden City, New York, 11530 at the same terms and conditions as the previous year for a term of one year from March 1, 2023 through February 29, 2024 with a not to exceed cost of \$55,000 with no change in the hourly rate of \$140.00.

The Clerk polled the Board as follows:

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

It was moved by Trustee Martinez, seconded by Trustee Sanchez 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, a local law to amend §128, of the code of the Village of Freeport, entitled “Housing Standards”, by adding §128, Article X “Board-Up Material Specifications”; 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

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2023-27

2023-27

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:

January 23, 2023

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2023-28

2023-28

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

Motion was made by Deputy Mayor Ellerbe, seconded by Trustee Squeri that the hearing to consider amending Chapter 128 entitled Housing Standards by adding an article entitled “Board-Up Material Specifications” be closed 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	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Martinez, seconded by Trustee Squeri to adopt the following local law:

A LOCAL LAW TO AMEND § 128, OF THE CODE OF THE VILLAGE FREEPORT, ENTITLED “HOUSING STANDARDS,” BY ADDING § 128, ARTICLE X “BOARD-UP MATERIAL SPECIFICATIONS”

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEPORT:

Section 1. Chapter 128, Article X, §128-66 which reads as follows, is hereby adopted:

Article X Specifications for Properties to be boarded up

§128-66 Specifications for Properties to be Boarded Up

- A. Any properties that are to be boarded up must be boarded up with plexi-glass installed on the exterior of the windows/doors.
- B. Any properties that are currently boarded up must switch the board up material to plexi-glass within 60 days of the adoption of this article.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State’s Office

The Clerk polled the Board as follows:

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

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2023-29

2023-29

It was moved by Trustee Squeri, seconded by Deputy Mayor Ellerbe to adopt the following resolution:

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, a local law to amend §128, of the code of the Village of Freeport, entitled “Housing Standards”, by adding §128, Article XI “Transient Rental Properties”; 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.

January 23, 2023

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2023-30

2023-30

- 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	In Favor
Mayor Kennedy	In Favor

Motion was made by Trustee Squeri, seconded by Deputy Mayor Ellerbe to close the hearing to consider amending Chapter 128 entitled Housing Standards by adding an article entitled “Transient Rental Properties” 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	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Sanchez, seconded by Deputy Mayor Ellerbe to adopt the following local law:

A LOCAL LAW TO AMEND § 128, OF THE CODE OF THE VILLAGE FREEPORT, ENTITLED “HOUSING STANDARDS,” BY ADDING § 128, ARTICLE XI “TRANSIENT RENTAL PROPERTIES”

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEPORT:

Section 1. Chapter 128, Article XI, §128-67 through §128-71, which reads as follows, is hereby adopted:

Article XI Transient Rental Properties

§128-67 Legislative Intent and Purpose

The Board of Trustees of the Village of Freeport finds that the effects of transient rentals in the Village of Freeport, a suburban community, pose a threat to the health, safety, and well-being of the residents of the Village of Freeport.

§128-68 Definitions

For the purpose of this section, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in common usage.

TRANSIENT RENTAL PROPERTY

A rental dwelling unit occupied by persons other than the owner or a family member of the owner and for which rent is received by the owner, directly or indirectly, in exchange for such rental occupation for a period of less than 28 nights. For the purposes of this article, the term "transient rental property" shall mean all non-owner-occupied dwelling units rented for a period of less than 28 nights and shall not include:

- (1) Properties used exclusively for nonresidential commercial purposes in any zoning district; or
- (2) Any legally operating hotel/motel business operating exclusively and catering to transient clientele; that is, customers who customarily reside at these establishments for short durations for the purpose of vacating, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

§128-69 Prohibited Acts

- A. No dwelling unit, whether single-family, multi-dwelling or mixed residential use, shall be used or occupied as a transient rental property. No rental permit shall be issued for the use of any property within the Village as transient rental property.
- B. Every individual day/night of rental is considered a separate offense for the purposes of this chapter.

§128-70 Presumption of Use

A. The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:

1. The dwelling unit or any room therein is offered for lease on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and the like, for a period of less than 30 nights.
2. The dwelling is offered for lease in any medium for a period of less than 30 nights.

B. The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Official that the dwelling unit is not a transient rental property.

§128-71 Penalties for Offenses

Any person, association, firm or corporation who or which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:

(1) upon conviction of a first offense, by a fine of not less than \$1,000 and not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or both;

(2) upon conviction of a second offense, committed within a period of 10 years of the first conviction, such violation will be subject to a fine of not less than \$2,500 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both;

(3) upon conviction of a third offense, committed within a period of 10 years of the first conviction, such violation will be subject to a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both;

(4) upon conviction of a fourth or subsequent offense, after having been convicted three or more times within a period of 10 years, such violation shall be prosecuted as an unclassified misdemeanor, with a minimum fine of \$10,000 and a maximum fine of \$30,000 or a maximum period of incarceration of one year, or both.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State's Office.

The Clerk polled the Board as follows:

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

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2023-33

2023-33

Mayor Kennedy opened the meeting to questions and comments from those present, whereupon there were no public comments.

It was moved by Deputy Mayor Ellerbe, seconded by Trustee Squeri, and unanimously carried that the meeting be closed.

The Clerk polled the Board as follows:

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

The meeting was closed at 7:25 P.M.

Pamela Walsh Boening
Village Clerk