

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, May 1, 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 6:30 P.M., Mayor Kennedy convened in the main conference room and Deputy Mayor Ellerbe led in the Pledge of Allegiance.

No residents were present.

At 6:30 P.M., it was moved by Trustee Sanchez, seconded by Deputy Mayor Ellerbe, and unanimously carried to adjourn this portion of the Legislative Meeting and return to the Mayor’s Conference Room to continue in Executive Session to discuss two (2) Personnel Matters.

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 |

At 7:00 P.M., motion was made by Trustee Sanchez, seconded by Trustee Squeri 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 fourteen (14) residents were present.

Deputy Mayor Ellerbe led in the Pledge of Allegiance.

It was moved by Trustee Martinez, seconded by Trustee Sanchez, and carried to approve the Board of Trustees Minutes of April 17, 2023.

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

2023-2

2023-2

The Clerk polled the Board as follows:

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

May 1, 2023:

Motion was made by Deputy Mayor Ellerbe, seconded by Trustee Squeri and unanimously carried to approve the Block Party application submitted on behalf of Our Holy Redeemer, to hold a block party on Pine Street, between S. Ocean Avenue and Guy Lombardo Avenue, on Sunday, May 21, 2023, from 1:00 P.M. to 7:00 P.M.; with a reminder for those in attendance that the Village has an “Open Container” law among its ordinances which stipulates that no alcoholic beverages may be served or carried on the streets and the Police, Fire and Highway Departments be so notified.

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 Block Party application submitted by Patrick Hussey, to hold a block party on Wilshire Court, from Guy Lombardo Avenue to the cul de sac, on July 29, 2023 (rain date: August 19) from 4:00 P.M. to 10:00 P.M.; with a reminder for those in attendance that the Village has an “Open Container” law among its ordinances which stipulates that no alcoholic beverages may be served or carried on the streets and the Police, Fire and Highway Departments be so notified.

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 Sanchez, seconded by Trustee Martinez and unanimously carried to approve the Parade and Public Assembly Permit application submitted on behalf of the William Clinton Story Post 342 and the Village of Freeport to hold a Memorial Day Parade on

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

2023-3

2023-3

Monday, May 29, 2023 from 10:00 A.M. to 11:45 A.M., beginning at the Freeport High School and ending at the Freeport Memorial Library.

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 and unanimously carried to approve the public assembly application submitted on behalf of the Freedom Community Church, to hold a concert on Saturday, July 1, 2023 at the Woodcleft Avenue Esplanade, from 7:00 P.M. to 10:00 P.M.

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 public assembly permit application submitted on behalf of the Freeport PAL Boxing Club, to hold a Clam Bake/BBQ at Waterfront Park on Sunday, July 30, 2023 (rain date: August 6), from 1:00 P.M. to 5:00 P.M.

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 Trustee Sanchez that the following resolution be adopted:

WHEREAS, the Assessor has negotiated tax certiorari settlements for the Assessment Years listed below; and

WHEREAS, the firm Herman Katz Cangemi Wilkes & Clyne, LLP represented the tax certiorari petitioner in the below settlement negotiation:

Petitioner: Multi Boro Realty, LLC

May 1, 2023

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

2023-4

2023-4

87-89 Guy Lombardo Avenue
55/288/5, 404

Total Refund: 2015/2016 to 2017/2018 and 2019/2020 to 2022/2023 – Refund: **\$10,198** – AV: **37,500** going forward 2023/2024, 2024/2025, and 2025/2026

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2015/16	0.0201	43,780	43,780	0	0.62296	\$0
2016/17	0.0191	43,780	43,780	0	0.62296	\$0
2017/18	0.0181	43,780	43,780	0	0.62296	\$0
2018/19			0			
2019/20	0.0172	43,780	43,000	780	0.62296	\$486
2020/21	0.0162	43,780	40,500	3,280	0.62296	\$2,043
2021/22	0.0151	43,780	37,750	6,030	0.62296	\$3,756
2022/23	0.015	43,780	37,500	6,280	0.62296	\$3,912
	Current MV	\$2,918,667	Proposed MV	\$2,500,000	Refund	\$10,198

WHEREAS, the Stipulation of Settlement will be prepared for the above-referenced matter; and

WHEREAS, permission is requested giving the Village Attorney authorization to sign the stipulation of settlement; and

NOW THEREFORE BE IT RESOLVED, that the above-listed tax certiorari settlement be approved and that the Assessor is hereby authorized to adjust the 2022/2023 Final Assessment Roll and that the Treasurer be approved to issue said refund for the amounts cited hereinabove, for a total of \$10,198.

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 February 27, 2023, the Board authorized the Village Clerk to advertise a

May 1, 2023

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

2023-5

2023-5

Notice to Bidders, “75,000 Gallons, More or Less, Ultra Low Sulfur Diesel (ULSD) – Power Plant 1”, Bid #23-03-ELEC-654; and

WHEREAS, twelve (12) bid packages were distributed to various vendors for the above-referenced bid; and

WHEREAS, at the bid opening on March 28, 2023, the Electric Department received four bid responses; and

WHEREAS, the lowest and responsible bidder was submitted by the United Metro Energy Corp. 500 Kingsland Avenue, Brooklyn, NY 11222, for the Argus ULSD Average (NYHB) NY Harbor Barge pricing plus \$0.0950/gallon delivered to Freeport; and

WHEREAS, for a contract term running from May 1, 2023 to February 28, 2025, with a one-year extension option subject to the mutual consent of both parties; the termination of the contract may be further extended up to two (2) months beyond the termination date; and

WHEREAS, the cost of the oil will be charged to Account #E7141001 510000 (Oil) 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, the Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to award the bid for the 75,000 Gallons, More or Less, Ultra Low Sulfur Diesel (ULSD) – Power Plant 1, Bid #23-03-ELEC-654, to United Metro Energy Corp. 500 Kingsland Avenue, Brooklyn, NY 11222, for the Argus ULSD Average (NYHB) NY Harbor Barge pricing plus \$0.0950/gallon delivered to Freeport, for a contract term from May 1, 2023 to February 28, 2025, with a one-year extension option subject to the mutual consent of both parties; and the contract term may be further extended up to two (2) months beyond the termination date.

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, on February 27, 2023, the Board authorized the Village Clerk to publish a Notice to Bidders, for “300,000 Gallons, More or Less, Fungible Aviation Kerosene Grade 55”, Bid #23-03-ELEC-655; and

May 1, 2023

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

2023-6

2023-6

WHEREAS, at the bid opening on March 28, 2023, the Electric Department received one (1) bid response for the referenced contract; and

WHEREAS, the sole responsible bidder was submitted by Sprague Operating Resources LLC, 185 International Drive, Portsmouth, NH 03801, for the Argus New York Harbor Barge ULSK #1 + \$0.7046/gallon delivered to Freeport; and

WHEREAS, the term of this contract is a term running from May 1, 2023 to February 28, 2025 with a one-year extension option subject to the mutual consent of both parties; and

WHEREAS, the cost for the fuel oil will be charged to Account #E 7141006 510000 – Production Expense for the Combustion Turbine (LM6000) 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, the Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to award the bid for the 300,000 Gallons, More or Less, Fungible Aviation Kerosene Grade 55, Bid #23-03-ELEC-655, to Sprague Operating Resources LLC, 185 International Drive, Portsmouth, NH 03801, for the Argus New York Harbor Barge ULSK #1 + \$0.7046/gallon delivered to Freeport for a contract term running from May 1, 2023 to February 28, 2025 with a one-year extension option subject to the mutual consent of both parties.

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 March 13, 2023, the Board authorized the Village Clerk to publish a Notice to Bidders for the “Uniformed Guard Services for Power Plant”, Bid #23-04-ELEC-657; and

WHEREAS, at the bid opening on April 11, 2023, the Electric Department received four (4) bids in response to the above-referenced notice (28 specifications were picked up); and

WHEREAS, the Utility has decided to make a change to the specifications; and

WHEREAS, the Superintendent of Electric Utilities is requesting the Board to reject the bid proposals received and re-bid the revised specification at a later date; and

May 1, 2023

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

2023-7

2023-7

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utilities, the bids received on April 11, 2023 for the “Uniformed Guard Services for Power Plant”, Bid #23-04-ELEC-657, be rejected.

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 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 Re-Bid Notice to Bidders for the “Uniformed Guard Services for Power Plant”, Bid #23-05-ELEC-662 in the Freeport Herald and other relevant publications on May 4, 2023, with specifications available from May 5, 2023 to May 26, 2023, with a return date of May 30, 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:

May 1, 2023

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

2023-8

2023-8

WHEREAS, the Village of Freeport Electric Department is requesting the Board to authorize the Village Clerk to publish a Notice to Bidders for the Furnishing of SimpliVity Virtual Server Node for Munis DR Environment, Bid #23-05-ELEC-663; and

WHEREAS, at this time, the Village has a single server; the purchase of an additional server will create redundancy and resiliency for the Village’s financial applications; and

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

WHEREAS, this service will be funded through the 2008 Computer Capital 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 to publish a Notice to Bidders for the “Furnishing of SimpliVity Virtual Server Node for Munis DR Environment”, Bid #23-05-ELEC-663, in the Freeport Herald and other relevant publications of general circulation on May 4, 2023, with specifications available from May 5, 2023 to May 26, 2023, with a return date of May 30, 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 Deputy Mayor Ellerbe that the following resolution be adopted:

WHEREAS, the Village of Freeport Electric Department is requesting the Board to authorize the Village Clerk to publish a Notice to Bidders for the Furnishing of Immutable Backup Appliance Solution for VEEAM, Bid #23-05-ELEC-664; and

WHEREAS, this will provide the Village with backup retention that will be immutable and mitigate malware and ransomware; and

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

WHEREAS, this service will be funded through the 2008 Computer Capital 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 to publish a

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

2023-9

2023-9

Notice to Bidders for the “Furnishing of Immutable Backup Appliance Solution for VEEAM”, Bid #23-05-ELEC-664, in the Freeport Herald and other relevant publications of general circulation on May 4, 2023, with specifications available from May 5, 2023 to May 26, 2023, with a return date of May 30, 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 Village of Freeport offers a Fire Length of Service Award Program (LOSAP) to the members of its Volunteer Fire Department;

WHEREAS, on December 16, 2013 the Village Board approved an agreement with Penflex, Inc., 50 Century Hill Dr., Suite 3, Latham, NY 12110 for the provision of its LOSAP administrative services for a term running from November 1, 2013 through October 31, 2014; and subsequently renewed through February 28, 2023; and

WHEREAS, the Executive Director of Human Resources has recommended a retroactive renewal agreement running from March 1, 2023 to February 29, 2024 for a not to exceed cost of \$13,200.00 per year; and

WHEREAS, the agreement includes the purchase of the GASB 73 package; and

WHEREAS, the cost of this agreement is paid for as a program expense through the fund; and

NOW THEREFORE BE IT RESOLVED, based upon the recommendation of the Director of Human Resources, the Board approve and the Mayor be authorized to execute any and all documentation with Penflex, Inc., 50 Century Hill Dr., Suite 3, Latham, NY 12110 for the provision of its LOSAP administrative services at a not to exceed cost of \$13,200.00 per year for a retroactive period beginning on 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

May 1, 2023

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

2023-10

2023-10

Mayor Kennedy

In Favor

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

WHEREAS, on May 23, 2022, the Board approve an agreement between the Village of Freeport and All City Management, 10440 Pioneer Boulevard, Suite 5, Santa Fe Springs, California, 90670 for a retroactive term from March 1, 2022 through February 28, 2023 at an hourly rate of \$34.49 per crossing guard for a not-to-exceed cost of \$265,000; and

WHEREAS, the Executive Director of Human Resources is requesting the Board approval to retroactively increase the not-to-exceed cost of the Contract (3/1/22 to 2/28/23) to \$332,044.55, an increase of \$67,044.55 with All City Management, 10440 Pioneer Boulevard, Suite 5, Santa Fe Springs, California, 90670; and

WHEREAS, this increase is due to a larger than expected contingent of facilities participating in summer school programs; and

WHEREAS, this service shall be charged to A143004 545700 (Non Employee Salaries); and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Executive Director of Human Resources, the Board approve and the Mayor be and hereby is authorized to execute any documentation necessary to increase the contract with All City Management, 10440 Pioneer Boulevard, Suite 5, Santa Fe Springs, California 90670, for a not-to-exceed cost of \$332,044.55 for a term retroactive to 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 Deputy Mayor Ellerbe that the following resolution be adopted:

WHEREAS, the Village of Freeport is in need of Public Relations services to increase Village presence in local media; and

WHEREAS, Todd Shapiro Associates, 600 Old Country Road, Suite 519, Garden City, New York, 11530 is a company equipped to provide these personal services; and

May 1, 2023

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

2023-11

2023-11

WHEREAS, Todd Shapiro Associates would provide opportunities for print, broadcast and internet media to highlight the dynamic community that the Village is; 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 fee to retain Todd Shapiro Associates is \$3,500 per month for a not-to-exceed cost of \$35,000.00 (no increase from the prior contract) plus expenses and will be charged to the following accounts: A641004 545700, E7820000 578100, and WE90104 554500 and there are sufficient funds to cover said cost; and

WHEREAS, the agreement will commence May 1, 2023 through February 29, 2024; and

NOW THEREFORE BE IT RESOLVED, that the Board approve and the Mayor be authorized to execute a personal services agreement with Todd Shapiro Associates, 600 Old Country Road, Suite 519, Garden City, New York, 11530 for a fee of \$3,500 per month for a not-to-exceed cost of \$35,000.00, plus expenses, for a term from May 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 Village of Freeport is sponsoring its annual “Nautical Festival” on June 3, 2023 from 10:00 AM to 8:00 PM; and

WHEREAS, the Police Department has decided that the following road closures are necessary from 10 AM until 8 PM in order to ensure a safe and orderly festival especially in the event an emergency response is required during the event:

Woodcleft Avenue between Front Street and Richmond Street
 South Ocean Avenue between Ray Street and Richmond Street south to Suffolk Street
 Front Street between Miller Avenue and Guy Lombardo Avenue
 Cedar Street between Guy Lombardo Avenue and Miller Avenue
 Adams Street between Woodcleft Avenue and Miller Avenue
 Hamilton Street between Woodcleft Avenue and Miller Avenue
 Suffolk Street between Woodcleft Avenue and Miller Avenue

May 1, 2023

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

2023-12

2023-12

Carmen Street, between Guy Lombardo Avenue and South Ocean Avenue; and

WHEREAS, the following temporary parking restrictions have been determined to be necessary in order to allow unencumbered emergency access to festival events in the event an emergency response is necessary:

Guy Lombardo Avenue, no west side parking from Cedar Street to the foot of Guy Lombardo Avenue; and

WHEREAS, the following designated flow of traffic has been determined to be necessary in order to facilitate a safe and orderly festival:

Traffic on Guy Lombardo Avenue south of Front Street will be modified as needed; and

WHEREAS, these road closures, parking restrictions and flow of traffic designations will be effective June 3, 2023 only; and

NOW THEREFORE BE IT RESOLVED, that the preceding road closures, parking restrictions and flow of traffic designations be and hereby are approved and in effect for June 3, 2023 from 10:00 AM to 8:00 PM for the Nautical Festival.

The Clerk polled the Board as follows:

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

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

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF FREEPORT, NEW YORK, that the VEHICLE AND TRAFFIC REGULATIONS Article III Parking Restrictions be amended as follows:

Sec. 41 Parking prohibited at all times unless otherwise designated.

No person shall park a vehicle within the designated areas in the following streets at any time, or at the times otherwise indicated:

REMOVE

Morris Street, north side, from the easterly curbline of South Bayview Avenue for a

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

2023-13

2023-13

distance of 40 feet in an easterly direction.

ADD

Morris Street, north side, from the easterly curbline of South Bayview Avenue for a distance of 140 feet in an easterly direction.

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:

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF FREEPORT, NEW YORK, that the VEHICLE AND TRAFFIC REGULATIONS Article III Parking Restrictions be amended as follows:

Sec. 41 Parking prohibited at all times unless otherwise designated.

No person shall park a vehicle within the designated areas in the following streets at any time, or at the times otherwise indicated:

REMOVE:

Second Street, West, within the circle, from 7:00 a.m. to 12:00 noon on Monday and Thursday, except holidays.

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 Deputy Mayor Ellerbe that the following resolution be adopted:

NOTICE OF PUBLIC HEARING

May 1, 2023

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

2023-14

2023-14

RESOLVED, that the Board of Trustees of the Incorporated Village of Freeport, by virtue of the authority invested by law, shall conduct a public hearing to be duly held on the 15th day of May 2023, at 7:15 P.M., to consider a Water Rate Change in the Village of Freeport.

FURTHER RESOLVED, that the foregoing notice of public hearing shall be entered in the minutes of the Board of Trustees of the Incorporated Village of Freeport, and published in the Freeport Leader and a printed copy thereof posted conspicuously in at least three (3) public places in the Incorporated Village of Freeport, Nassau County, New York.

STATE OF NEW YORK, COUNTY OF NASSAU, VILLAGE OF FREEPORT, ss: I, PAMELA WALSH BOENING, Clerk of the Village of Freeport, Nassau County, New York, do hereby certify that the foregoing is a true and correct copy of said notice duly authorized by the Board of Trustees of the said Village at a meeting of the Said Board of Trustees, calling for a public hearing to be duly held in the Main Conference Room of the Municipal Building of the Village of Freeport, 46 N. Ocean Avenue, Freeport, New York on the 15th day of May 2023 at 7:15 P.M., and of the whole thereof, as entered upon the minutes of the proceedings of the said Board kept by me as Village Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said Village this 1st day of May 2023.

Pamela Walsh Boening
Village Clerk

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 Trustee Sanchez that the following resolution be adopted:

Re:	Miscellaneous Sidewalk Resolution	
Location:	Various	
Contractor:	Armond Cement Construction, Co. Inc.	Total \$7,857.92

WHEREAS, official notice was served in conformity with the law, upon the property owners to install sidewalks, curbs and/or aprons 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

May 1, 2023

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

2023-15

2023-15

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

NOW THEREFORE, BE IT RESOLVED, that 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.

Sidewalk Survey # MSW 252-2021

Owner: Jamila N Ali Irrev Trust
In care of Maryam Q. and Ali, Trustee
750 Port Street U116
Alexandria, VA 22314
Sec, Blk., Lot (s): 55-394-401

Location: **21 Evans Avenue**

Contractor: Armond Cement Construction Co., Inc.

Charges: \$3,368.80

Sidewalk Survey: #MSW 593-2020

Owner: Kenneth & Vanessa Wright
160 Madison Avenue

Freeport, NY 11520

Sec, Blk, Lot(s): 54-203-617

Location: **160 Madison Avenue**

Contractor: Armond Cement Construction Co, Inc.

Charges: \$228.72

Sidewalk Survey: #MSW 580-2020

Owner: Y. Torres & S. Valdez-Ramos
187 Madison Avenue

Freeport, NY 11520

Sec, Blk, Lot(s): 54-204-642

Location: **185 Madison Avenue**

Contractor: Armond Cement Construction Co, Inc.

Charges: \$682.40

May 1, 2023

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

2023-17

2023-17

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# 21-2022

Owner: Jean & Anne M. Bouchereau

460 Atlantic Avenue

Freeport, NY 11520-5219

Sec 54, Blk 310, Lot 108

Location: 460 Atlantic Avenue

Contractor: Red Maple Tree Service & Masonry Work

Charges: \$825.00

Tree Survey # 11-2022

Owner: Elvis A. Baez

5 Moore Circle

Freeport, NY 11520-1414

Sec 36, Blk 535, Lot 4

Location: 5 Moore Circle

Contractor: Red Maple Tree Service & Masonry Work

Charges: \$970.00

Tree Survey # 14-2022

Owner: Myriam C. Mentor

163 Madison Avenue

Freeport, NY 11520-4103

Sec 54, Blk 204, Lot 628

Location: 163 Madison Avenue

Contractor: Red Maple Tree Service & Masonry Work

Charges: \$850.00

Tree Survey # 4-2022

Owner: Freeport Marina Hotel LLC

445 S. Main Street

Freeport, NY 11520-5116

Sec 62, Blk 045, Lot 153

Location: 445 S. Main Street

Contractor: Red Maple Tree Service & Masonry Work

Charges: \$2,640.00

May 1, 2023

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

2023-18

2023-18

Tree Survey # 10-2022

Owner: Willis Inell Gamble
127 Bedell St.
Freeport, NY 11520-5116

Sec 62, Blk 049, Lot 84

Location: 127 Bedell St.

Contractor: Red Maple Tree Service & Masonry Work

Charges: \$600.00

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

Trustee Martinez offered the following resolution and moved its adoption:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEPORT, NASSAU COUNTY, NEW YORK (THE “VILLAGE”) AMENDING THE BOND RESOLUTION DATED MARCH 14, 2022 RELATING TO THE AUTHORIZATION OF SERIAL BONDS OF THE VILLAGE TO FINANCE THE PAYMENT OF CERTAIN TAX CERTIORARI JUDGMENTS, COMPRISED OF CLAIMS AND SETTLED CLAIMS RESULTING FROM COURT ORDERS

Recitals

WHEREAS, by a bond resolution dated March 14, 2022 (the “March 2022 Bond Resolution”) the Board of Trustees of the Village (the “Board of Trustees”) previously authorized the issuance of serial bonds and bond anticipation notes of the Village in the aggregate principal amount not to exceed \$850,000 to finance the estimated cost of the class of objects or purposes of satisfying certain judgments, compromised claims or settled claims resulting from court orders on proceedings brought pursuant to Article 7 of the Real Property Tax Law (the “Tax Certiorari Refund Payments”) that were payable in the fiscal year ended February 28, 2023; and

WHEREAS, under the authority of the March 2022 Bond Resolution, the Village heretofore issued bond anticipation notes in the principal amount of \$700,000 (the “Prior Notes”); and

WHEREAS, the Board of Trustees now intends to amend the March 2022 Bond Resolution in order to (i) limit the Tax Certiorari Refund Payments to be financed by the

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

2023-19

2023-19

bonds or bond anticipation notes authorized thereunder to the principal amount of the Prior Notes; (ii) reduce the estimated maximum cost set forth in the March 2022 Bond Resolution from \$850,000 to \$700,000 and amend the plan of finance as a result of such reduced maximum cost; and (iii) reduce the maximum amount of bonds and bond anticipation notes authorized thereunder to the principal amount of the Prior Notes heretofore issued (\$700,000);

NOW THEREFORE, THE BOARD OF TRUSTEES THE VILLAGE OF FREEPORT, NASSAU COUNTY, NEW YORK (THE "VILLAGE") HEREBY RESOLVES (by the affirmative vote of not less than a majority of the members of such body), TO AMEND THE BOND RESOLUTION DATED MARCH 14, 2022 AS FOLLOWS:

SECTION 1. Section 1 of said Bond Resolution is hereby amended to read as follows:

"SECTION 1. The Village is hereby authorized to finance the class of objects or purposes of paying amounts due with respect to the judgments, compromised claims or settled claims resulting from court orders on proceedings brought pursuant to Article 7 of the Real Property Tax Law that are payable in the fiscal year ended February 28, 2023. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto, including legal and professional fees, and the financing thereof, is \$700,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$700,000 serial bonds of the Village to finance a portion of said appropriation, and the levy and collection of taxes on all the taxable real property of the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable. No amount has previously been authorized by the Village to be applied to the payment of such class of objects or purposes."

SECTION 2. Section 2 of the Bond Resolution is hereby amended to read as follows:

"SECTION 2. Serial bonds of the Village in the principal amount of \$700,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance said appropriation."

SECTION 3. Except as specifically amended herein, all the terms and provisions of the Bond Resolution shall remain in full force and effect.

SECTION 4. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Trustee Squeri and duly put to a vote on roll call, which resulted as follows:

Deputy Mayor Ellerbe

In Favor

May 1, 2023

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

2023-20

2023-20

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

The resolution was declared adopted.

May 1, 2023

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

2023-21

2023-21

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

WHEREAS, on or around March 26th, 2023 the Village experienced a sewer backup on Norton Street west of the intersection of Hudson Avenue; and

WHEREAS, sewage was backing up in several houses on Norton Street and it was determined that there was likelihood for raw sewage to back up into the streets; and

WHEREAS, this would be considered a health and safety issue for residents and therefore, the need to make the repair was considered an emergency; and

WHEREAS, Bancker Construction Corporation, 171 Freeman Avenue, Islip, New York 11751, was called in on an emergency basis to make the repairs; and

WHEREAS, the cost for the repair was \$155,092.25; and

WHEREAS, partial funding for this repair is provided in the Sewer Department's Budget FYE 2024 (A812004-542800 – Service Contracts and Repairs - \$40,000.00); the outstanding balance will also be charged to A812004-542800 – (Service Contracts and Repairs) of which funds are not available and will have to be transferred from contingency; 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 sign any paperwork necessary to retroactively approve the emergency repair with Bancker Construction Corporation, 171 Freeman Avenue, Islip, New York 11751, for the cost of \$155,092.25.

The Clerk polled the Board:

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

At 7:15 P.M. Mayor Kennedy announced that two public hearings were scheduled for this evening, the first to consider the request to operate a taxi company in the Village of Freeport for which a full stenographic record was taken.

Robert McLaughlin, Deputy Village Attorney presented nine (9) exhibits, which were marked into the record and called upon Anna Guzman to present her application.

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

May 1, 2023

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

2023-22

2023-22

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 to consider the request to open a taxi company known as Taxi Taxi NY Brand in the Village of Freeport; 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.

May 1, 2023

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

2023-23

2023-23

- 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:

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 Sanchez and unanimously to close the hearing to further evidence and testimony on the taxi company application.

The Clerk polled the Board:

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 or about March 24, 2023 a letter with a proposal to open and operate a business for the use and hire of taxi cabs was submitted to the Mayor’s Office by Anna Guzman; and

WHEREAS, Ms. Guzman plans to take over the current Taxi Taxi NY brand (All American Taxi Corp); and

WHEREAS, Ms. Guzman proposes the base of operations to be 42 Guy Lombardo Avenue, Suite 207C, Freeport, New York 11520; and

WHEREAS, this request was noticed for a public hearing scheduled for May 1, 2023;

May 1, 2023

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

2023-24

2023-24

and

WHEREAS, on May 1, 2023, the Board of Trustees conducted a hearing to obtain information relative to the aforesaid proposal; and

WHEREAS, at said public hearing a representative did present a proposal to operate a taxi cab service within the Incorporated Village of Freeport; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Freeport hereby finds that the public interest will be best served if an additional taxi cab company is permitted to operate in the Village of Freeport; and

BE IT FURTHER RESOLVED, that fifteen (15) operating medallions be issued to Anna Guzman, owner of AEG Management Corporation, who will take over the Taxi Taxi NY brand, subject to the requirements of Chapter 188 of the Code of the Village of Freeport, subject to the operator obtaining an office and building for the use of said service within the Incorporated Village of Freeport.

The Clerk polled the Board:

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

At 7:29 P.M. Mayor Kennedy announced the second public hearing to amend Chapter 155, Article XIV entitled Post Deprivation Hearings – Vehicles Impounded for Unpaid Parking Tickets and Default Judgments by adding §155-107, for which a full stenographic record was taken.

Jennifer Ungar, Deputy Village Attorney presented eight (8) exhibits, which were marked into the record and gave an overview of the local law.

It was moved by Trustee Martinez, seconded by Deputy Mayor Ellerbe 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, to consider a local law to enact a new Chapter 155, Article XIV, entitled “Post Deprivation Hearings – Vehicles Impounded for Unpaid Parking Tickets and Default Judgments” Section 155-107; and

May 1, 2023

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

2023-25

2023-25

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.

May 1, 2023

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

2023-26

2023-26

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:

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 close the hearing to further evidence and testimony for the amendment of Chapter 155 Article XIV entitled Post Deprivation Hearings – Vehicles Impounded for Unpaid Parking Tickets and Default Judgments by adding §155-107.

The Clerk polled the Board:

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 local law be adopted:

A LOCAL LAW TO ENACT A NEW CHAPTER 155, ARTICLE XIV, ENTITLED “POST DEPRIVATION HEARINGS – VEHICLES IMPOUNDED FOR UNPAID PARKING TICKETS AND DEFAULT JUDGMENTS” SECTION 155-107.

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

Section 1: Chapter 155 Article XIV, §155-107 which reads as follows, is hereby adopted:

Article XIV Post Deprivation Hearings – Vehicles Impounded for Unpaid Parking Tickets and Default Judgments

§155-107 Procedure

1. Ascertainment of and notice to Interested Parties: Upon impoundment, removal or seizure of a vehicle for unpaid parking tickets and default judgments, the Village shall conduct a diligent inquiry to determine the identity of parties with interests in the seized vehicle (the “Interested Parties”), and within 10 days of the impoundment, removal or seizure

shall provide written notice (“Notice of Seizure”) of the right to a retention hearing (the “Retention Hearing”) to those Interested Parties, defined as follows:

- a. The driver in possession at the time of seizure;
 - b. The registrant of the vehicle;
 - c. The titled owner of the vehicle;
 - d. Any lessor of the vehicle; and/or
 - e. Any lienholder of the vehicle.
2. Written Notice of Retention Hearing Procedure and turnover to other Interested Party on event of Default:
- a. The Notice of Seizure shall state that each Interested party has the right to a prompt post impoundment, removal or seizure hearing (“Retention Hearing”) before a neutral decision maker who shall review the legality of the seizure, the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle and determine the rights of possession in the vehicle at issue among the registered owner/ titled owner, lessor/lessee and shall be given by certified mail to the Interested parties in the vehicle.
 - b. The notice shall also inform owners of vehicles subject to liens, or lessees of leased vehicles—as applicable—that if they fail to participate in a Retention Hearing and are in default under the terms of their lease, that the seized vehicle may instead be released to a lienholder or lessor (as applicable) if a post-default review of indicates that such lienholder or lessor is entitled to take possession of the seized vehicle.
 - c. The Notice of Seizure shall be sent by certified mail, return receipt requested, to the Interested Parties at the address listed for each interested party on the license, registration and/or document of title for the vehicle in question or such other address as is reasonably calculated to give the Interested Party notice of the removal, seizure, impoundment or detention.
 - d. The Notice of Seizure shall state the name and address of the Interested Party; make, model and vehicle identification number (“VIN”) of the seized vehicle; the purpose of the Retention Hearing is to determine the legality of the impoundment, removal or seizure, the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle and determine the rights of possession in the vehicle at issue and that each Interested Party shall have the option to request such hearing, which must be commenced within twenty-one (21) days from the time the Notice of Seizure is sent to all Interested Parties.
3. Independent Agent to Conduct Hearings and Procedure to be made public:
- a. The procedure to obtain a Retention Hearing before a neutral decision maker shall be posted on the Village’s website.
 - b. The Village shall appoint an independent agent to conduct such Retention Hearings at the cost and expense of the Village.
4. Conduct of the Retention Hearing:

- a. Retention Hearings shall be scheduled in person and/or virtually at Village premises or locations in or outside the Village designated by the Village for such hearings.
 - b. The Retention Hearing shall be conducted promptly following the seizure, impoundment, and detention of any vehicle before a neutral decision maker who shall:
 - i. Review the legality of the seizure;
 - ii. Review the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle; and
 - iii. Determine the rights of possession in the vehicle at issue.
 - c. The neutral decision maker shall reserve continuing jurisdiction beyond the initially scheduled Retention Hearing in the event of the need to adjourn such hearing due to circumstances beyond the control of the parties, such as weather or public health events, but in no instance shall this provision result in the retention of a vehicle indefinitely without a hearing.
5. Default and Post-Default Review: If no Interested Party requests a Retention Hearing or appears at the requested Retention Hearing, all Interested Parties will be deemed in default. In the event of a default, the Village Attorney shall conduct a post-default review of the seizure to determine:
- a. The legality of the seizure,
 - b. The appropriateness of any fees and expenses charged in relation to the seizure and storage of the vehicle.
6. Actions Post-Default: Following post-default review, the Village may take such further actions as are called for by its laws or other policies and procedures, including the imposition of fees, seeking forfeiture or otherwise disposing of the vehicle.
7. Proof of the Right of Titled Owner or Lienholder to retake possession: A vehicle will not be turned over to a titled owner, lessor or lienholder until the lessor or lienholder provides satisfactory proof of the right of a titled owner, lessor or lienholder to take possession of a vehicle in the form of an Affidavit of Right from an appropriate custodian of records of the titled owner, lessor or lienholder stating:
- a. The reason(s) the titled owner, lessor or lienholder has a current right to take possession of the vehicle and attaching certified copy of the lease document or retail installment contract;
 - b. An agreement by the titled owner, lessor or lienholder to reasonably cooperate with the Village should a driver or registrant later make claims against the Village related to the Village's turnover of the vehicle to the titled owner, lessor; and/or lienholder;
 - c. An agreement to release the Village for its conduct in towing the vehicle; and
 - d. An agreement that the titled owner, lessor or lienholder shall pay to the Village those fees which may be imposed by a written disposition following the Retention Hearing.

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

8. This chapter shall not apply where a vehicle is impounded under authority granted pursuant to New York State Statute.

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

The Clerk polled the Board:

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, 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 7:34 P.M.

Pamela Walsh Boening
Village Clerk

May 1, 2023