

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, June 19, 2023 at 5:00 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 |
| Robert McLaughlin | Deputy Village Attorney |
| Pamela Walsh Boening | Village Clerk |

At 5:00 P.M., Mayor Kennedy convened in the main conference room and led in the Pledge of Allegiance.

No residents were present.

At 5:01 P.M., it was moved by Trustee Sanchez, seconded by Trustee Martinez and carried to adjourn this portion of the Legislative Meeting and return to the Mayor’s Conference Room to continue in Executive Session to consult with Counsel.

The Clerk polled the Board as follows:

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

At 5:02 P.M. Trustee Squeri entered Executive Session.

At 5:17 P.M. Deputy Mayor Ellerbe entered Executive Session.

At 5:32 P.M., motion was made by Trustee Sanchez, seconded by Trustee Martinez 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 thirty-four (34) residents were present.

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Deputy Mayor Ellerbe led in the Pledge of Allegiance.

It was moved by Trustee Martinez, seconded by Trustee Squeri, and unanimously carried to approve the Board of Trustees Minutes of June 5, 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 appointment of Regina Feeny as Village Historian, said term to expire April 1, 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

Notification of the appointment of Willy Zambrano as member of the Landmarks Preservation Commission, to fill the unexpired term of James Prisco, said term to expire April 6, 2026.

Motion was made by Trustee Sanchez, seconded by Deputy Mayor Ellerbe and unanimously carried to approve the block party application submitted by Patrick Lee, to hold a block party on Radam Court, from Claurome Place to the dead end, on June 24, 2023 (rain date: June 25, 2023), from 4:00 P.M. to 10:00 P.M.; with a reminder to 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 Deputy Mayor Ellerbe, seconded by Trustee Sanchez and unanimously carried to approve the public assembly permit application, submitted by Celebration Fireworks, Inc., for use of the Guy Lombardo Marina as a staging area for a fireworks display on June 25, 2023 (no rain date), starting at approximately 9:30 P.M.

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The Clerk polled the Board as follows:

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

Motion was made by Trustee Sanchez, seconded by Trustee Squeri and unanimously carried to approve the public assembly permit application, submitted by Sports Empowerment Leadership Academy (S.E.L.A.) to hold basketball tournaments from June 26, 2023 through August 3, 2023, from 6:00 P.M. to 9:30 P.M., at MLK Park.

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 PAL, to hold the Freeport Canoe Races on August 6, 2023 at Cow Meadow Park, from 10:00 A.M. to 3:00 P.M., pending the submission of the proper insurance.

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 request to hang one banner promoting the "Freeport Canoe Races" at Cow Meadow Park, on S. Main Street between Raynor Street and Archer Street from July 6, 2023 through August 7, 2023, and that the Freeport Electric Department assist in hanging and removing the banner.

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

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

WHEREAS, on or about June 20, 2016, the Board of Trustees approved a tax certiorari settlement for 55/331/112 aka 80 Guy Lombardo Avenue, with the Law Offices of Robert G. Litt, which called for a reduction in the 2015/16 and 2016/17 taxes, with a moratorium for the tax years 2017/18, 2018/19 and 2019/20; and

WHEREAS, after being served with the Order and Judgment, in May 2017 the Village Assessor reduced the assessment to 12,311 in accordance with said court order; and

WHEREAS, in December 2017, a former employee from the Assessor’s office changed the assessment back to the pre-settlement value of 16,100, in violation of the court order; and

WHEREAS, this change must now be corrected by the Board; and

WHEREAS, under the provisions of RPTL §552, errors in essential fact may be corrected by action of the Board of Trustees; and

WHEREAS, the Village Attorney is requesting permission to correct the assessed valuation on the property known as 55/331/112 aka 80 Guy Lombardo Avenue and approve the associated refunds as outline below; and

Year	AV on Tax Bill	Court-Ordered AV	Reduction	Tax Rate	Refund
2018/19	16,100	12,311	3,789	0.62296	\$2,360.40
2019/20	16,100	12,311	3,789	0.62296	\$2,360.40
2020/21	16,100	12,311	3,789	0.62296	\$2,360.40
2021/22	16,100	12,311	3,789	0.62296	\$2,360.40
2022/23	16,100	12,311	3,789	0.62296	\$2,360.40
				Total Refund	\$11,802

WHEREAS, the Village Attorney is further requesting that the 2023/24 assessment be set at 12,311 as required by the Court Order and that a corrected Second Half Tax Bill 2023/24 be issued; and

NOW THEREFORE BE IT RESOLVED, that the Board of Assessment Review comprised of members of the Board of Trustees be authorized to approve the change recommended by the Village Attorney for 55/331/112 aka 80 Guy Lombardo Avenue as outlined above and issue refunds to Law Offices of Robert G. Litt as outlined above.

The Clerk polled the Board as follows:

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

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2023-5

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Trustee Sanchez
Mayor Kennedy

In Favor
In Favor

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

WHEREAS, on May 1, 2023, the Board authorized 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, fifteen (15) bid packages were distributed to various vendors, and at the bid opening on May 30, 2023, the Electric Department received two (2) bid responses for the SimpliVity Virtual Node; and

WHEREAS, the two bids ranged from a high bid of \$154,225.90 to a low bid of \$51,754.48; and

WHEREAS, the lowest responsive and responsible bidder was submitted by LANRover Network Services Inc., 85 S. Snedecor Avenue, Bayport, NY 11705 for a cost of \$51,754.48; and

WHEREAS, the cost of the project will be charged to Account #H199702 525000 – Integrated Financial Management & Accounting System 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 Furnishing of SimpliVity Virtual Server Node for Munis DR Environment, Bid #23-05-ELEC-663, to LANRover Network Services Inc., 85 S. Snedecor Avenue, Bayport, NY 11705 for a cost of \$51,754.48.

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 25, 2019, the Board awarded the contract for printing and mailing services to InfoSend, Inc., 4240 E. La Palma Ave., Anaheim, CA 92807 for a three year term, commencing March 1, 2019 through February 28, 2022, with an option to extend the contract for up to two additional one-year terms upon the mutual agreement of the Parties; and

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WHEREAS, on February 28, 2022, the Board approved the Agreement Amendment 1 with InfoSend Inc., 4240 East La Palma Avenue, Anaheim, California 92807 to extend the contract for one year (First Renewal Term) from March 1, 2022, until February 28, 2023 for a cost of \$150,000 with no increase in unit price; and

WHEREAS, the Village and InfoSend now wish to extend the term for second and final year (Second Renewal Term) for a term retroactive from March 1, 2023, until February 29, 2024 for an estimated contract cap of \$162,000; and

WHEREAS, these services will be charged to accounts E7613000 576100 (Electric Billing and Accounting), A132504 540200 (Treasurer-Printing Stationery Supplies) and WE93004 540200 (Water-Printing Stationery Supplies), and there are sufficient funds available to cover this cost; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric, the Board approve and the Mayor be and hereby is authorized to execute any and all documents to effectuate the Agreement Amendment 2 with InfoSend Inc., 4240 East La Palma Avenue, Anaheim, California 92807 to extend the contract for a second and final year (Renewal Term) retroactive from March 1, 2023, until February 29, 2024 for an estimated contract cap of \$162,000.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	Abstain
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:

WHEREAS, on May 15, 2023, the Board authorized the Village Clerk to publish a Notice to Bidders for the “Cow Meadow Park Fence Replacement Rebid 2”; and

WHEREAS, twenty-nine (29) bids were picked up and six (6) bids were received on June 3, 2023 for the referenced project; and

WHEREAS, the bids ranged from a high of \$289,362.30 to a low bid of \$145,500.00, and the Village has reviewed and checked all bids and find them in good order; and

WHEREAS, the lowest responsible bid was submitted by Senco Metals LLC., 318 Mclean Blvd, Unit 4, Patterson, NJ 07504, in the amount of \$145,500.00; and

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WHEREAS, funding for this project will come from a bond resolution that was authorized by the Village Board of Trustees on February 28, 2022 in the amount of \$2,500,000.00; 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 award for the Cow Meadow Park Fence Replacement Rebid 2 to Senco Metals LLC., 318 Mclean Blvd, Unit 4, Patterson, NJ 07504, in the amount of \$145,500.00.

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 Deputy Mayor Ellerbe, 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 Furnishing and Installation of Pavilions at Freeport Village Parks; and

WHEREAS, twenty-five (25) bids were picked up and four (4) bids were received on April 4, 2023 for the referenced project; and

WHEREAS, bids ranged from a high bid of \$328,000.01 to a low bid of \$260,287.00; these bids are more than what was previously estimated for this project; the Village is investigating alternate options for the installation of pavilions in the Village Parks; and

WHEREAS, the Department of Public Works is requesting the Board to reject all the bids received on April 4, 2023; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Public Works that the bids received on April 4, 2023 for the “Furnishing and Installation of Pavilions at Freeport Village Parks” 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

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

WHEREAS, the Village Attorney’s office has subscribed to CoStar, 1331 L Street, Washington D.C. 20005, which provides real estate data and tools which helps in the defense of tax certiorari claims, and has subscribed since April of 2018; and

WHEREAS, on June 27, 2022, the Board approved the subscription increase with CoStar, 1331 L Street, Washington D.C., 20005 retroactive to June 1, 2022 in the amount of \$812.59 per month; and

WHEREAS, the cost of this subscription has increased retroactively to June 1, 2023 to the amount of \$861.35 per month, an increase of \$48.74 per month; and

WHEREAS, the cost of this subscription will be paid from A142004 545700 and will be reimbursed from bond proceeds for tax certiorari settlements; and

THEREFORE BE IT RESOLVED, that based upon the recommendation of the Village Attorney, the Board approve and the Mayor be and hereby is authorized to sign any documentation necessary to approve the subscription with CoStar, 1331 L Street, Washington D.C., 20005 retroactive to June 1, 2023 for the monthly amount of \$861.35.

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 Water Department needs to repair and upgrade the electrical service and motor control center for Well #9 which is located on North Bayview Avenue west of Pennsylvania Avenue; 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, D&B Engineers and Architects, 330 Crossways Park Drive, Woodbury, New York, 11797 possesses those certain skills, knowledge, and expertise of a specialized nature; and

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WHEREAS, the proposal from D&B Engineers and Architects for engineering services for the preparation of plans for the replacement of the electrical service and motor control center at Freeport Water Department Well #9 for a cost of \$18,500.00; and

WHEREAS, these plans and specifications will be used for the Health Department approvals as well as the bid process for the project; it is anticipated that the actual cost for the replacement of the motor control center will be \$225,000.00 and the project will be bid after final plans are approved by the Nassau County Health Department; and

WHEREAS, funding for the design portion of the engineering services will come from the Water Department operating budget account number WE90104 - 554500 - (Non Employee Salary); 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 award the proposal between the Village of Freeport and D&B Engineers and Architects for engineering services for the preparation of plans for the replacement of the electrical service and motor control center at Freeport Water Department Well #9 for a cost of \$18,500.00.

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

Motion was made by Trustee Sanchez, seconded by Deputy Mayor Ellerbe and unanimously carried to close the Verizon Franchise Renewal Agreement public hearing to further evidence and testimony.

The Clerk polled the Board as follows:

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

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

- New Housing at the old Moxey Site.

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

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The Clerk polled the Board as follows:

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

The meeting was closed at 5:56 P.M.

Pamela Walsh Boening
Village Clerk

At 5:56 P.M. Mayor Kennedy called the public hearing to order for which a full stenographic record was taken and indicated that the purpose of the hearing was to consider the proposed cable franchise renewal agreement between the Village of Freeport and Verizon New York Inc.

Robert McLaughlin entered eight (8) exhibits into evidence and turned the hearing over to A. Thomas Levin of Meyer Suozzi et al., who joined via video conference.

SEQRA NEGATIVE DECLARATION RESOLUTION –

VERIZON NEW YORK, INC. CABLE TELEVISION FRANCHISE AGREEMENT RENEWAL

The following motion was moved by Trustee Martinez, seconded by Trustee Sanchez, who moved its adoption:

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 a cable television franchise renewal agreement between the Incorporated Village of Freeport and Verizon New York, Inc., for a term of five years, commencing upon confirmation of the agreement by the New York State Public Service Commission; 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 adverse impact on the environment, for the following reasons:

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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, hereby determines that the proposed action will not have an significant adverse environmental impact, and hereby issues this Negative Determination pursuant to the State Environmental Quality Review Act.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe

In Favor

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

RESOLUTION AUTHORIZING THE VILLAGE OF FREEPORT TO RENEW A CABLE TELEVISION FRANCHISE AGREEMENT WITH VERIZON NEW YORK, INC. TO OPERATE A CABLE SYSTEM IN THE VILLAGE OF FREEPORT, NY

WHEREAS, the Village of Freeport, Count of Nassau, State of New York, (the “Village”) is a “franchising authority” in accordance with Title VI of the Communications Act of 1934, (the “Communications Act”), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the “Cable Laws”);

WHEREAS, the Village duly executed a franchise renewal agreement with Verizon New York, Inc. (the “Franchisee”) which was thereafter confirmed and made effective by the New York State Public Service Commission on December 15, 2006 for a term of ten (10) years (PSC Order 06-V-1416); and

WHEREAS, said franchise agreement thereafter expired on December 15, 2016; and

WHEREAS, Franchisee has submitted a proposed franchise renewal agreement (the “Franchise Renewal Agreement”) to continue operating said cable system within the Village for a period of five (5) years; and

WHEREAS, the Village and Franchisee, each acting by their duly authorized representatives, have mutually agreed to the terms of said Franchise Renewal Agreement; and

WHEREAS, the Village, acting by its duly authorized Board of Trustees, has determined that the Franchisee is and has been in substantial compliance with all terms/provisions of its existing franchises and applicable law; and

WHEREAS, the Village, acting by its duly authorized Board of Trustees, has determined that Franchisee has the requisite legal, technical and financial capabilities to operate cable systems within the Village and that Franchisee’s proposals for renewal of the franchises meet the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Village to be heard on the proposed Franchise Renewal Agreement, was held before the Village Board of Trustees on June 19, 2023.

NOW, THEREFORE, be it RESOLVED, that the Village Board of Trustees hereby finds and determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee for a term of five (5) years; and be it

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FURTHER RESOLVED that the Village Board of Trustees hereby authorizes the Mayor to enter into the Franchise Renewal Agreement with VERIZON NEW YORK, INC. and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the VILLAGE OF FREEPORT.

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 Deputy Mayor Ellerbe and unanimously carried to close the Verizon Franchise Renewal Agreement public hearing to further evidence and testimony.

The Clerk polled the Board as follows:

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

The hearing was closed at 6:02 P.M.

Pamela Walsh Boening
Village Clerk

June 19, 2023