

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

2022-1

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A meeting of the Board of Trustees of the Incorporated Village of Freeport was held on Monday, June 13, 2022 at 6:30 P.M. in the Municipal Building, 46 North Ocean Avenue, Freeport, New York, with the following present:

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

At 6:31 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 6:32 P.M., it was moved by Trustee, seconded by Trustee 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 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 7:01 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 forty (40) residents were present.

Deputy Mayor Ellerbe led in the Pledge of Allegiance.

It was moved by Trustee Martinez, seconded by Deputy Mayor Ellerbe, and unanimously carried to approve the Board of Trustees Minutes of May 23, 2022.

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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

It was moved by Trustee Sanchez, seconded by Trustee Squeri, and unanimously carried to approve the Board of Trustees Special Meeting Minutes of May 19, 2022.

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 retroactively approve the public assembly permit application, submitted by the Veteran Service Agency, to hold a Veterans Stand Down on Friday, June 10, 2022 (no rain date) at the Freeport Armory, from 7:00 A.M. to 2:00 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 Sanchez, seconded by Deputy Mayor Ellerbe 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 27, 2022 through August 4, 2022, from 6:00 P.M. to 10:00 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 Deputy Mayor Ellerbe and unanimously carried to approve the public assembly permit application, submitted by the Long

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Island Arts Council, to hold a summer concert series on various Thursday evenings, starting July 7, 2022 through August 25, 2022, from 6:30 P.M. to 9:00 P.M., at the Nautical Mile Esplanade.

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

**WHEREAS**, the firm Koepfel, Martone & Leistman, LLP represented the tax certiorari petitioner in the below settlement negotiation:

Petitioner: Diplomat Owners Corp.  
110 Brooklyn Avenue  
55/270/1, 2, 15-18

Total Refund: 2016/2017 to 2022/2023 – Refund: **\$20,000** – AV: **140,672** going forward 2023/2024, 2024/2025, and 2025/2026

Year	EQ	Current AV	Proposed AV	Tax Rate	Reduction	Refund
2016/17	0.0191	152,654	152,654	0.62296	\$0	\$0.00
2017/18	0.0181	152,654	\$150,182	0.62296	\$2,472	\$1,539.94
2018/19	0.018	152,654	152,654	0.62296	\$0	\$0.00
2019/20	0.0172	152,654	\$152,220	0.62296	\$434	\$270.36
2020/21	0.0162	152,654	\$147,420	0.62296	\$5,234	\$3,260.57
2021/22	0.0151	152,654	\$140,672	0.62296	\$11,982	\$7,464.56
2022/23	0.015	152,654	\$140,672	0.62296	\$11,982	\$7,464.56
	<b>Current MV</b>	<b>\$10,176,933</b>	<b>Settled MV</b>	<b>\$9,378,107</b>	<b>Rounded Refund</b>	<b>\$20,000</b>

**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

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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 \$20,000.00.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	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 Assessor periodically reviews the exemption status of properties in the Village of Freeport to ensure continuing eligibility under the criteria of particular exemptions; and

**WHEREAS**, the below list consists of changes to assessed tax value after the adoption of the 2021/2022 and 2022/2023 Final Assessment Rolls; and

S / B / L	Address	Exemption Code	Exemption Amount	Reason
54 / 092 / 512	250 W Merrick Rd Unit 4N	41131 Veteran War Time/ Combat 41141 Veteran War Time/ Disable	41131 - 375  41141-375	Property Sold 05 / 20 / 2022
62 / 130 / 11	298 Southside Ave	41121 Veteran War Time/ Non-Combat	41121 - 544	Property Sold 05 / 10 / 2022
55 / 214 / 41	16 Summers Pl	41800 Senior	2021 & 2022 1,675	Property Sold 11 / 27 / 2021
55 / 357 / 1087	270-A N Columbus Ave	41101 Eligible Veteran	2021 & 2022 350	Property Sold 12 / 27 / 2021

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**WHEREAS**, the Assessor reviewed the application and made recommendation that the exemptions be removed from the 2021/2022 and 2022/2023 Final Assessment Rolls as listed above; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Board of Assessment Review comprised of members of the Board of Trustees, be authorized to retroactively approve the change recommended by the Assessor to be made to the 2021/2022 and 2022/2023 Final Assessment Rolls and that the Treasurer issue restored and corrected tax bills.

The Clerk polled the Board as follows:

- |                      |          |
|----------------------|----------|
| Deputy Mayor Ellerbe | In Favor |
| Trustee Martinez     | In Favor |
| Trustee Squeri       | In Favor |
| Trustee Sanchez      | 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 March 15, 2021, the EPA finalized the Revised Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality Standards; and

**WHEREAS**, starting in the 2021 ozone season, the rule requires additional emission reductions of nitrogen oxides (NOX) from power plants in 12 states under the NOX Ozone Season Group 3 Trading Program; and

**WHEREAS**, under the rule, the Village needs to purchase 1 CSAPR NOX credit (to offset our emissions) to remain in compliance, or face fines at a higher rate; and

**WHEREAS**, Fathom Energy, LLC, 2925 Richmond Avenue, Suite 1265, Houston, TX 77098, sells CSAPR NOX credits, at a market rate of \$42,000.00; and

**WHEREAS**, the deadline for this purchase was June 1, 2022, supply of credits is low, and as such, price is expected to increase; and

**WHEREAS**, these credits are purchased through BCG Environmental Brokerage Services, LP, 199 Water Street, Floor 19, New York, New York 10038 at a cost of \$1,470.00 for this transaction, plus \$2,910.00 from a prior transaction; and

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**WHEREAS**, the cost of the credit and brokerage fees will be charged to Account E 110000 and there are sufficient funds available for this expense; and

**NOW THEREFORE BE IT RESOLVED**, that on the recommendation of the Superintendent of Electric Utilities, the Board of Trustees retroactively approve and the Mayor be authorized to execute any documentation to purchase 1 CSAPR NOX credit at a market rate of \$42,000.00 from Fathom Energy, LLC, 2925 Richmond Avenue, Suite 1265, Houston, TX 77098; and

**BE IT FURTHER RESOLVED**, that the Board of Trustees retroactively approve and the Mayor be authorized to execute any documentation for the payment of brokerage fees totaling \$4,380.00 to BCG Environmental Brokerage Services, LP, 199 Water Street, Floor 19, New York, New York 10038.

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 October 4, 2021, the Board approved the purchase of Condor fiber optic system software supplied by mPower Technologies, Inc., d/b/a mPower Innovations, 126 Woodward Avenue, Iron Mountain, Minnesota, 49801; and

**WHEREAS**, Condor is an ArcGIS toolset built on top of ESRI’s Telecommunications Geodatabase Framework that supports the mapping, analysis, and design functions of a fiber-based and/or coax-based telecommunications network, which has easy to use forms for splicing operations, patch panel configurations, coax equipment design and various analysis functions such as fiber tracing through splice closures, coax signal and voltage calculations and fiber cable utilization; and

**WHEREAS**, the Village currently uses Condor to map and maintain various fiber loops throughout the Village including our school system, SCADA, and LPR; and

**WHEREAS**, the Village needs to update to the latest version of the fiber optic system software and requires software support until February 28, 2023, at a cost of \$6,108.00; and

**WHEREAS**, the cost of the software maintenance for a period running from July 1, 2022 through February 28, 2023 is \$2,000.00; and

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**WHEREAS**, the cost will be charged to Account E 110000 WO #2454 – Power Plant Improvements and there are sufficient funds available for this expense; and

**NOW THEREFORE BE IT RESOLVED**, based upon the recommendation of the Superintendent of Electric Utilities, that the Board retroactively approve and the Mayor be authorized to sign any documentation necessary to for the software upgrade to Condor Software (fiber optic system software) from mPower Technologies, Inc., d/b/a mPower Innovations, 126 Woodward Avenue, Iron Mountain, Minnesota, 49801 for an amount not to exceed \$6,108.00; and

**BE IT FURTHER RESOLVED**, that the Board approve and the Mayor be authorized to execute any documentation to enter into a contract for Condor software maintenance running from July 1, 2022 through February 28, 2023 at a not to exceed cost of \$2,000.00.

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 Squeri that the following resolution be adopted:

**WHEREAS**, the Board approved a resolution on May 10, 2021 for the Village to accept a \$50,000 FY2019 Critical Infrastructure Grant administered by the New York State Department of Homeland Security and Emergency Services (DHSES) as a pass-through grant from the Federal Emergency Management Agency (FEMA) for the purchase and installation of security cameras and license plate readers at Village Hall/Police Headquarter, which is set to expire August 31, 2022; and

**WHEREAS**, the State has agreed to extend the contract and grant until December 31, 2022; and

**WHEREAS**, the total project cost is \$51,003.53 with a non-federal match of \$1,003.53; and

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees authorize and the Mayor be approved to execute any documents necessary to approve this extension and any future extensions on behalf of the Village of Freeport, submit documentation, and otherwise act for the Board of Trustees for the Incorporated Village of Freeport, it's governing body, in all matters related to the Project and to State assistance.

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

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

**WHEREAS**, the Village of Freeport requires the services of an individual able to perform data review of information gathered and collected from the License Plate Reader (LPR) program; and

**WHEREAS**, Stephanie Sarno, 3801 Matthew Lane, Seaford, New York 11783, is an individual with the requisite skills, knowledge, and expertise to perform the services required; and

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

**WHEREAS**, the cost of this agreement has been budgeted for in Budget Line A312004 545700 – Police - Non-Employee Salaries; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor be and hereby is retroactively authorized to sign any documentation necessary to enter into an agreement between the Village and Stephanie Sarno, 3801 Matthew Lane, Seaford, New York 11783 for a term retroactive to May 18, 2022 through May 18, 2023 at an hourly rate of \$24.50 and a not to exceed amount of \$26,000.

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

**WHEREAS**, the Village has been awarded a Critical Infrastructure Grant from the Federal Emergency Management Agency (FEMA) for a total of \$50,000 which will be utilized to purchase cameras and needed software; and

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**WHEREAS**, the Police Department would like to advertise for a Request for Proposals for the Purchase and Installation of Security Cameras, Software and Accessories for recording activity outside Village Hall; and

**WHEREAS**, this project will be charged to A312002 520103 – unexpected expense - equipment, until the reimbursement is completed; and

**NOW THEREFORE BE IT RESOLVED**, that upon the recommendation of Freeport Chief of Police, the Village Clerk be and hereby is authorized to publish “Request for Proposals for the Purchase and Installation of Security Cameras, Software and Accessories” in the Freeport Leader and other relevant publications of general circulation on June 16, 2022 with proposal documents available from June 20, 2022 through July 1, 2022 and a return date of July 1, 2022 at 4:00pm.

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:

**WHEREAS**, the Governor’s Office of Storm Recovery has completed the reconstruction and improvements to the Village Hall parking lot (Parking Fields #14 and #18); and

**WHEREAS**, the project was completed under the Freeport Green Infrastructure Program that was overseen by the Dormitory Authority of the State of New York; and

**WHEREAS**, there was no cost to the Village for this improvement; and

**WHEREAS**, in order to close out the project, the Village must sign a program participant acceptance of project agreement; and

**NOW THEREFORE BE IT RESOLVED**, based upon the recommendation of the Superintendent of the Department of Public Works, that the Board approve and the Mayor be authorized to sign any documentation necessary to close out the Freeport Green Infrastructure Program Project to reconstruct Parking Fields #14 and #18.

The Clerk polled the Board as follows:

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

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Mayor Kennedy

In Favor

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

**WHEREAS**, Arya Roopnarine Inc. d/b/a Freeport Kayak Rentals, 33 Waterview Place, Lynbrook, New York 11563 has need for use of Waterfront Park, within the Village of Freeport, in order to launch their kayaks for guided tours of the adjacent waterways; and

**WHEREAS**, the lease between the Village of Freeport, Landlord, and Freeport Kayak, Tenant, runs retroactively from May 27, 2022 through September 5, 2022; and

**WHEREAS**, the lease rights to the use of Waterfront Park is restricted at Friday, Saturday, and Sunday for a rent of \$700 per month; and

**WHEREAS**, the rent will be prorated at \$87.50 per day for May 28, 29, and 30, and September 2, 3, 4, and 5 of 2022 (total of 7 days), and any additional paddling days will be prorated and paid after September 5, 2022; and

**WHEREAS**, a security deposit of \$1,100 to secure the faithful performance by Tenant during all terms of the lease and to be returned to Tenant as specified in the lease; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor be and is hereby authorized to enter into an agreement with Freeport Kayak Rentals, 33 Waterview Place, Lynbrook, New York 11563 for May 15, 2021 through September 3, 2021 for use of Waterfront Park for a cost of \$700 per month, a security deposit of \$1,100, and will be prorated costs of \$87.50 per day for May 28, 29, and 30, and September 2, 3, 4, and 5 of 2022 (total of 7 days), and any additional paddling days will be prorated and paid after September 5, 2022.

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 tree resolution be adopted:

Re:	Miscellaneous Tree Resolution	
Location:	Various Locations	
Contractor:	Red Maple Tree Service & Masonry Work	\$4,170.00

**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

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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# 3-2022

**Owner:** **Lawrence K Johnson**  
500 Hempstead Blvd  
Uniondale, NY 11553-2116  
Sec 55, Blk 231, Lot 212  
**Location:** **82 Mount Avenue**  
**Contractor:** Red Maple Tree Service & Masonry Work  
**Charges:** \$1,300.00

\*\*\*\*\*

Tree Survey# 49-2021

**Owner:** **Guy & Kim Fitzsimmons**  
605 S. Main St  
Freeport, New York 11520  
Sec 62, Blk 203, Lot 1

**Location:** **605 S. Main St**  
**Contractor:** Red Maple Tree Service & Masonry Work  
**Charges:** \$600.00

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Tree Survey# 2-2022

**Owner:** **Diana & Matthew Kisten**  
54 Ann Drive S  
Freeport, New York 11520  
Sec 62, Blk 206, Lot 18

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**Location: 54 Ann Drive South**  
Contractor: Red Maple Tree Service & Masonry Work  
Charges: \$1,300.00

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Tree Survey# 52-2021  
**Owner: Jason Chocianowski**  
51 Forest Ave  
Freeport, New York 11520  
Sec 55, Blk 348, Lot 14

**Location: 51 Forest Ave**  
Contractor: Red Maple Tree Service & Masonry Work  
Charges: \$970.00

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 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 7:20 P.M.

At 7:22 the Mayor Kennedy announced that a public hearing was schedule to consider the Rezoning Application for the property known as Section 62; Block 69, Lot(s) 208, 209, and 210; a/k/a 104 East Bedell Street from Residence A District and Business A District to Marine Apartment-Boatel, Condominium and Cooperative Zoning District for which a full stenographic record was taken.

Robert McLaughlin, Deputy Village Attorney presented five (5) exhibits, which were marked into the record and turned the hearing over to Maurice Fedida, Esq.

Maurice Fedida called upon Barry Nelson, the applicant’s real estate expert, who entered four (4) exhibits and the applicant’s parking and traffic expert, Shawn Mulryan, who entered one (1) exhibit.

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

The Clerk polled the Board as follows:

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

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

The Clerk polled the Board as follows:

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

The hearing was closed at 8:30 P.M.

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Pamela Walsh Boening  
Village Clerk