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INCORPORATED VILLAGE OF FREEPORT
BOARD OF TRUSTEES MEETING

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

April 18, 2022
7:21 p.m.

M E M B E R S:

ROBERT T. KENNEDY	MAYOR
RONALD J. ELLERBE	DEPUTY MAYOR
CHRISTOPHER L. SQUERI	TRUSTEE
JORGE A. MARTINEZ	TRUSTEE

* * *

PAMELA A. WALSH-BOENING	VILLAGE CLERK
HOWARD COLTON	VILLAGE COUNSEL
CHRISTIAN BROWNE	SPECIAL COUNSEL

-----EXHIBITS-----

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2 MR. COLTON: At this time, we'll move
3 to the public hearing to consider the
4 rezoning application for Section 55, Block H,
5 Lot 372 from Residence AA District to
6 Industrial B District; Section 55, Block 190,
7 Lot 63 from Business AA District to
8 Industrial B District; and Section 55, Block
9 190, Lots 51-55 from Manufacturing District
10 to Industrial B District.

11 Mayor, before I turn this meeting
12 over to Chris Browne, Special Counsel to the
13 Incorporated Village of Freeport from
14 McLaughlin and Stern, I have some
15 housekeeping matters to attend to.

16 With your permission, I'd like to
17 have the following documents marked into
18 evidence at tonight's public hearing:

19 Exhibit A - the rezoning petition
20 filed with the Incorporated Village of
21 Freeport with exhibits;

22 Exhibit B - the Directive of the
23 Board of Trustees of the Incorporated Village
24 of Freeport setting the date of this public
25 hearing;

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Exhibit C - the Notice of the Public Hearing;

Exhibit D - Affidavit of Publication in the official newspapers of the Incorporated Village of Freeport;

Exhibit E - Affidavit of Posting;

Exhibit F - Affidavit of Mailing;

Exhibit G - the Decision of the Nassau County Planning Commission referring the petition back to the Village of Freeport for local action with no modifications;

Exhibit H - three recommendations per parcel under the State Environmental Quality Review Act recommending a negative declaration pursuant to SEQRA by the Superintendent of Buildings, Sergio Mauras;

Exhibit I - the determination of the Planning Board for the Incorporated Village of Freeport that the rezoning petition of the Incorporated Village of Freeport proceed and further approval request to rezone;

Exhibit J - the Draft Resolution of the Board of Trustees of the Incorporated Village of Freeport pursuant to the State

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2 Environmental Quality Review Act finding that
3 the proposed rezoning is an unlisted action
4 and will not impact the environment.

5 I'd ask, at this time, the Board
6 review the draft resolution under SEQRA, and
7 if it meets with the Board's approval that
8 the Board adopt the recommendations of the
9 superintendent of buildings as stated in the
10 draft resolution. I would ask for a motion,
11 at this time.

12 MAYOR KENNEDY: The Board accepts
13 Exhibits A through J, as requested.

14 (WHEREUPON, the above-referred to
15 documents were marked as Board's Exhibits A
16 through J, respectively, for identification,
17 as of this date.)

18 MR. COLTON: Yes.

19 MAYOR KENNEDY: Do we have a motion?

20 TRUSTEE SQUERI: So moved.

21 TRUSTEE MARTINEZ: Second.

22 MAYOR KENNEDY: Madame Clerk, please
23 poll the Board.

24 THE CLERK: All in favor.

25 TRUSTEE SQUERI: Aye.

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TRUSTEE MARTINEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MR. COLTON: Mayor, I would ask that the adopted resolution of the Board, which adopted, the findings of the superintendent of the buildings that find the rezoning petition is an unlisted action and will not have a negative impact on the environment be marked as Exhibit K.

MAYOR KENNEDY: Exhibit K is accepted by the Board of Trustees.

(WHEREUPON, the above-referred to document was marked as Exhibit K, for identification, as of this date.)

MR. COLTON: I will have further exhibits toward the end of the hearing, but not at this time.

At this time, I'll turn the hearing over to Christian Browne, Special Counsel for the Incorporated Village of Freeport from McLaughlin and Stern. Mr. Browne, the

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hearing is yours.

MR. BROWNE: Thank you. Good evening, Mayor, Board of Trustees. Christian Browne, acting on behalf of the Village tonight.

Mr. Colton has covered the application in substantial part, and the petition that was prepared on behalf of the Village that's in your packet really explains what's before you. I'll just make some brief remarks about it.

What's before you, and to the benefit of the interested public, is simply a rezoning petition to, in the Village's view, correct the zoning designation that affects the subject lots, one of which is now the Cleveland Avenue ball field. The other two lots are the left over part of the old Moxey Rigby house which, as you know, is now an abandoned former housing development.

So, the idea here is to bring the zoning into conformity with the uses that surround the subject parcels and the zoning designations that surround the subject

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parcels.

Under the Village Code, there's a default zoning designation for land that has never been given a formal zoning designation; that is the case as it applies to the ball fields. Because of the ball field's history, the Village never gave it a zoning classification of its own, so it defaults to Residence AA District.

Obviously, this is not an area where you would have single family homes developed. That is not a feasible or practical use for that property, if such a time comes when the property can be put to other uses, and that is a separate matter that's a subject of a litigation, having nothing to do with what this Board does tonight. But Residence AA is sort of the standard, as you know, for the district, residential single family homes district for the Village.

So, it is submitted to you that the ball field parcel, Lot 372, is simply mis-zoned. If you're familiar with the area, you know that it is surrounded by

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2 manufacturing, business, commercial uses
3 ranging from the shopping center across the
4 way that fronts on Sunrise Highway. To the
5 south, there is automobile storage type uses.
6 There are a couple of auto body shops and
7 other types of industrial commercial uses.
8 So, it would not make sense to leave the
9 zoning designation for single family homes on
10 that parcel. So, this would correct that
11 sort of anomaly. Again, that just occurred
12 as a result of the fact that the Village had
13 never given the ball fields a formal zoning
14 designation.

15 The other two parcels that are Moxey
16 Rigby are mostly zoned for manufacturing;
17 that's Lots 51 through 55. That's the
18 majority of that parcel on the side where the
19 housing development was. So, by changing it
20 from manufacturing to industrial, under the
21 code, it's not a particular substantial
22 change. The idea is to, however, have one
23 uniform zoning district, so that you don't
24 have two different sections of the code
25 applying to two adjacent pieces of property

1
2 that doesn't make any sense. So, by
3 substituting industrial for manufacturing,
4 the whole parcel will be uniformly zoned.

5 Then there's a small portion on the
6 northern end of the Moxey Rigby piece
7 that's -- maybe I have it back towards. Lots
8 51 through 55 are manufacturing on the north
9 end. Moxey Rigby, Lot 63, is Business AA.

10 Again, the idea here is to not have
11 this patchwork of different uses, partly
12 industrial, partly manufacturing, partly
13 business. By doing this, you'll bring the
14 entire parcel into one zoning designation
15 that's sensible for the area. So again, I
16 would point out -- and this is the most
17 relevant criteria for the Board when it
18 considers land use designation, does what is
19 proposed fit within the general land use
20 scheme of the Village? And here, industrial
21 does, in fact, fit the general land use
22 scheme of the Village.

23 As I mentioned, across the way to the
24 west on Sunrise Highway you have the large
25 shopping center that was itself formally

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2 industrial property. To the south you have
3 the automotive uses. You have large lots
4 along both sides of Merrick Road, both north
5 and south, on the north and south sides of
6 Merrick Road, that are zoned both
7 manufacturing and industrial. So, directly
8 across from Cleveland Avenue on the south
9 side of Merrick Road you have industrial and
10 manufacturing. Adjacent to the ball field
11 portion you have the automotive service
12 district, and then you have other commercial
13 and industrial districts, as you go to the
14 west. So, it in no way stands out, it fits
15 within the general zoning pattern for that
16 section of the Village. And anybody that has
17 been down there also knows the uses that are
18 contemplated here will fit within the
19 character of the hearing.

20 So, we believe -- Village Counsel's
21 Office believes it makes perfect sense. It's
22 a cleanup of the area. The vast majority of
23 this piece is Lot 372, the ball field, which
24 is just mis-zoned as residential. By doing
25 this, they'll cleanup the zoning, make it

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2 uniform, make it fit within the character of
3 the area and within the pattern of the
4 existing zoning.

5 Finally, I want to emphasize again,
6 by taking this rezoning action tonight, the
7 Board in no way affects the ultimate
8 disposition of this parcel that is the
9 subject of the litigation. What will
10 ultimately happen to it is the subject of the
11 litigation. This is solely a zoning matter
12 that is proposed for the reasons I stated:
13 To clean it up, make it appropriate, such
14 that if the time comes when the parcel is
15 disposed of and developed in one way or the
16 other you have sensible uniform zoning
17 already in place.

18 I can answer any questions. I hope I
19 have given you an overview of why we're here
20 tonight.

21 MAYOR KENNEDY: Okay. Do we have any
22 questions from the Board?

23 TRUSTEE MARTINEZ: Not at this time,
24 no.

25 TRUSTEE SQUERI: Just to reiterate

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what you said earlier, this has nothing to do with the litigation?

MR. BROWNE: It has nothing to do with the litigation. By taking this action, you do not threaten --

TRUSTEE MARTINEZ: Folks, we can't hear. Please. I'm sorry, I couldn't hear you.

MR. BROWNE: We do not affect the issues in play with the litigation by changing the underlying zoning district. Thank you very much.

MAYOR KENNEDY: Thank you.

Village Attorney, any questions or comments?

MR. COLTON: I don't. Madame Clerk, any comments from the public?

THE CLERK: Yes, we do.

MR. COLTON: Just so everyone knows, the three minute time limit is in effect for the public hearing as well.

THE CLERK: The first speaker is LaVette Hooks.

MS. HOOKS: Good evening, everyone.

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I have a few questions. The one I want to start off with, if rezoning is --

COURT REPORTER: Excuse me one minute.

L A V E T T E H O O K S,
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER: Please state your name and address for the record.

MS. HOOKS: LaVette Hooks. 18 Lena Avenue.

The previous attorney stated the rezoning was out of convenience. To me, the timing of this convenience is strange. I want to know, is it legal to rezone property that is under litigation, if it's not by the owner or requested by the owner, because I believe I heard the application was submitted by the Village.

And has any consideration been given to the environmental impact to the 100 families that are across the street from this new rezoned area? Prior to that building,

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2 the occupants being moved a block over, it
3 was residential. So, I'm not sure it's going
4 to be consistent. Why not leave it
5 residential? And if we already have an
6 industrial site, why do we need an additional
7 industrial site? At the corner of Freeport,
8 as soon as you come in, we already have one
9 in the back of Hanse Avenue.

10 So, we have the students that are
11 being displaced, we have the housing complex
12 with 100 families across the street from this
13 proposed industrial zone. So, I'm not
14 understanding why is that necessary. And
15 then all of these changes are being made
16 without any community input.

17 That's it for my questions. But the
18 main one is, since you can't talk about
19 anything because there's pending litigation,
20 how can this property, mainly Cleveland, be
21 considered for rezoning until the litigation
22 is complete?

23 MAYOR KENNEDY: I will ask our
24 Village attorney.

25 MR. BROWNE: I can answer briefly, if

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you'd like.

The issues in the litigation, which are public knowledge in all the papers and online, relate to the parkland issue. That's nothing to do with zoning. There's no legal impediment to this Board taking a zoning action on this piece of property or any property within the Village of Freeport. And it so happens that the Village is the owner of the parcels that are before the Board tonight. So, the Village can do this in any regard. It can always rezone property. But it happens to also be the owner. So, it is also, technically, the applicant is the Village on its own motion.

But again, there's no legal reason why the Village can't rezone this property for whatever, if that's what the Board chooses to do, looking to the future. But again, having nothing to do with the underlying issues in the litigation regarding, essentially, parkland related matters. The rezoning doesn't affect the parkland issues, whatsoever.

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TRUSTEE MARTINEZ: As Mr. Browne indicated earlier, currently, the entire area is zoned in multiple different --

MR. BROWNE: It is.

TRUSTEE MARTINEZ: It's not residential or commercial, it's a real hop scotch of different zones.

MR. BROWNE: It's three different zones: Business, manufacturing and, again, that default Residence AA which affects the large parcel which is 372.

TRUSTEE MARTINEZ: Even the current Moxey Rigby is zoned business -- I mean residential.

MR. BROWNE: It's not zoned residential, it's zoned Business AA.

MR. COLTON: If I might add the environmental impact. The superintendent of Buildings already took a look at the issues of environmental impact. Again, this is an application to rezone, which is considered ministerial in nature; as such, it's determined, correctly determined, that the rezoning in and of itself is an act of the

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2 Board and would not have a significant impact
3 on the environment. If at such time,
4 whenever that may be, there is litigation,
5 whatever might happen, if there is any type
6 of development in that area, they won't have
7 to go through environmental impact studies
8 and other issues. Again, it's ministerial
9 and has no impact on the environment. In
10 fact, the Nassau County Planning Commission
11 also looked at that, and they didn't see an
12 issue with that and they referred it back to
13 the Village with no modifications. The
14 Planning Board looked at it as well with the
15 same issue and referred it back to the
16 Village with no modifications.

17 As to why another industrial site.
18 As Mr. Browne stated before, we are in the
19 process of cleaning up the zoning in the
20 area. That area is predominately industrial,
21 business and manufacturing. So, it goes into
22 a comprehensive land use scheme by the
23 Village of Freeport.

24 MS. HOOKS: The school district's
25 easement to the Cleveland Avenue property,

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2 does that get affected with the rezoning?

3 So, right now it's Residential AA. When you
4 rezone it, if it possibly gets changed, does
5 that affect the easement?

6 MR. COLTON: As to whether or not
7 there is an easement or not is up to the
8 Court to decide. But nothing will change.
9 Whatever is done tonight, what is there today
10 will be there tomorrow.

11 MS. HOOKS: It was stated that the
12 Village does own Cleveland Avenue. But the
13 Village does not own Buffalo or Albany at
14 this point, and those two are also on the
15 application.

16 MR. COLTON: The Village owns all
17 three properties. They were closed upon.
18 The Village owns Cleveland Avenue. It
19 acquired title in '71. The Village owns
20 Moxey Rigby property and acquired title to
21 that and ownership approximately a year ago,
22 and the same with the Albany Avenue property.
23 The Village owns all three parcels.

24 MS. HOOKS: I have a statement here
25 from the agenda meeting on June 28, 2021 that

1
2 stated you're requesting a retroactive
3 approval to enter into a contract for
4 purchase, not that you are making a purchase.

5 MR. COLTON: I did the closing
6 myself. We own the property.

7 MS. HOOKS: Okay. Thank you.

8 MAYOR KENNEDY: Madame Clerk.

9 THE CLERK: Carmen Pinyero.

10 C A R M E N P I N E Y R O,
11 having been first duly sworn by a Notary
12 Public of the State of New York, was
13 examined and testified as follows:

14 COURT REPORTER: Please state your
15 name and address for the record.

16 MS. PINEYRO: Carmen Pineyro. 25
17 Pennsylvania Avenue, Freeport, New York
18 11520.

19 Good evening Mayor, good evening
20 Trustees, good evening residents of Freeport.
21 I'm hear tonight as a mother of three
22 children that attend the Freeport school, but
23 I'm also here representing all the students
24 that you see here sitting in this room.

25 As a former student athlete and

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2 having use of the facilities at Cleveland
3 Avenue, Mayor, Board of Trustees, I've got to
4 tell you to be on the right side of history.
5 It would be better if you go down by bringing
6 Amazon, which we're not against, but we have
7 an industrial area which is between 30 and 45
8 percent vacant. If my memory serves me
9 right, 33 years ago, the plans that have been
10 circulating about the redevelopment of Cow
11 Meadow Park were issued during Thomas Gulotta
12 County Executive at the time. 33 years. I
13 was a junior in high school, when this began.
14 And one of the issues was that we wanted to
15 keep Cleveland Avenue, in addition to getting
16 Cow Meadow Park back, so the students and the
17 residents of the Village of Freeport were
18 able to use it. And I think that that's what
19 we need to do.

20 We have a facility that for the
21 northern most part of the Village of
22 Freeport, which is northeast and northwest,
23 it will be impossible for the student
24 athletes to get there. When you talk about
25 the high tied and when you talk about

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2 mosquitos, I've played baseball at Cow Meadow
3 Park. I've been there. We've got to make
4 sure that we get there. What is that going
5 to do also to the quality of life to the
6 residents that reside in southeast Freeport
7 with the lights late at night and so forth,
8 the amount of traffic that is going to come
9 down South Main Street?

10 You know, there's a high demand for
11 green space on Long Island. I mean,
12 countries go to war for less space and nine
13 acres of land. But if you look at the
14 history of Cleveland Avenue, it's the
15 foresight of the people that came before us:
16 Superintendent Giblyn, Robert Moses. They
17 saw the need to give an easement for nine
18 acres of land to make sure that no student in
19 the future, in the present, and great, great
20 grand kids down the road aren't deprived of
21 having green space to play.

22 So, I think that, you know, you want
23 to go down in history? Keep Cleveland Avenue
24 as a green space for all the residents of
25 Freeport, in addition to developing Cow

1 Meadow Park. Thank you.

2 THE CLERK: John Gross.

3 J O H N G R O S S,

4 having been first duly sworn by a Notary
5 Public of the State of New York, was
6 examined and testified as follows:
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8 COURT REPORTER: Please state your
9 name and address for the record.

10 MR. GROSS: John Gross. 150 Motor
11 Parkway, Hauppauge, New York.

12 I want to begin by thanking you for
13 the opportunity to address the issue. I'm
14 counsel to the Freeport School District. I
15 have to begin by indicating that I'm troubled
16 by the absolute lack of transparency in this
17 proceeding. We made requests at the end of
18 last week for a copy of the application that
19 appears before you tonight. We were informed
20 by the deputy village clerk that it was not
21 available. The first time we got notice that
22 this hearing would be on was over the
23 weekend, when it was posted on your agenda.
24 Had we had an opportunity to examine the
25 documents that were submitted, we could have

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2 given you a much clearer prospective from the
3 point of view of the school district
4 regarding this change of zone application.

5 The school district has enjoyed the
6 use over that premises for 70 years, three
7 quarters of a century almost. Your
8 application or your consideration of your own
9 application to change the zoning of the
10 property from residential to industrial does
11 have a direct impact. Under your code, our
12 reading of it, is that residential
13 designation for an area permits educational
14 use of the premises, not so in industrial
15 designation. We think this may be part of
16 the -- I don't want to characterize it as a
17 scheme, but of a position that the Village
18 wants to assert, notwithstanding our
19 easement, which we believe is valid and
20 enforceable, apropos the litigation that is
21 pending. But that this is an attempt to
22 suggest that we can't use the property any
23 longer for sports activity because of the
24 rezoning to industrial and elimination of the
25 right under residential zoning.

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2 The cavalier characterization of this
3 as a ministerial act is beyond me. I was
4 village attorney for 24 years in Northport.
5 A change of zone is a legislative procedure,
6 it's not a ministerial act. It requires
7 careful consideration, it requires input from
8 affected agencies. Your dismissive treatment
9 of the State Environmental Quality Review Act
10 is astonishing to me. That act requires
11 affected agencies to be notified by the
12 agency taking action of the action, and we're
13 supposed to participate in a comprehensive
14 review.

15 My time is up, unless I am granted a
16 couple of more minutes.

17 MAYOR KENNEDY: Thank you.

18 MR. GROSS: I can be or not?

19 MAYOR KENNEDY: No, sir. Madame
20 Chair.

21 THE CLERK: Jacqueline Harris.

22 J A C Q U E L I N E H A R R I S,
23 having been first duly sworn by a Notary
24 Public of the State of New York, was examined
25 and testified as follows:

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2 COURT REPORTER: Please state your
3 name and address for the record.

4 MS. HARRIS: Jacqueline Harris. 75
5 South Brookside Avenue, Freeport.

6 I was listening to Mr. Gross and I
7 got a little emotional about what he was
8 saying. He really put words to what I was
9 feeling. I was feeling that as a resident
10 and taxpayer we're being disrespected.
11 Really disrespected. And to come firstly
12 here and for you to tell me you can't tell me
13 why, but we can have a discussion about what
14 is rezoning. Why is what I asked you. Why
15 are we doing this? And then to say that
16 property was mis-zoned for 70 plus years and
17 now all of a sudden the Village owns it and
18 decides to do something different, without
19 consulting the residents/taxpayers and the
20 children who go to school here and use those
21 fields all the time is an absolute insult.
22 It's so disrespectful, it should not be
23 happening. And then to hold this meeting on
24 Easter Monday, Passover and Ramadan where so
25 many people are out celebrating religious

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2 holidays adds insult to injury. It's really
3 astonishing to me that the people who are
4 elected to represent us could be so uncaring
5 about our opinions and unkind about our
6 religious celebrations, having this important
7 meeting tonight is one.

8 The second thing has to do with the
9 industrial park, which I don't believe -- you
10 know better than I do -- is totally occupied.
11 I don't believe it's fully occupied. Why
12 would we move something to a residential area
13 with green space to make it commercial or
14 industrial, when we have an industrial park
15 that is not fully utilized?

16 I grew up in Moxey Rigby apartments.
17 We played on those fields. There are kids
18 right now living on Merrick Road who need a
19 place to play, in addition to the youngsters
20 who are using it for athletics. It's an
21 insult that you would not even give us the
22 information or the courtesy of a vote in some
23 sort so we can have some input. I find it
24 appalling and really disrespectful, as a
25 third generation Freeporter. Those are

1 fields. And for somebody to decide they were
2 mis-zoned, I don't know. This happened 70
3 years ago, not last year. It really is
4 offensive to say the least.
5

6 I hope that you consider putting this
7 up for a vote of the residents of the Village
8 of Freeport. Thank you.

9 THE CLERK: Herb Hardwick.

10 H E R B H A R D W I C K,
11 having been first duly sworn by a Notary
12 Public of the State of New York, was
13 examined and testified as follows:

14 COURT REPORTER: Please state your
15 name and address for the record.

16 MR. HARDWICK: Herb Hardwick,
17 H-A-R-D-W-I-C-K. 216 Rutland Road, Freeport.

18 So, I agree with my lifelong friend
19 and family member that this was an insult.
20 When the attorney was up here talking about
21 what surrounds that property, he never
22 mentioned the 100 families that were
23 displaced from Moxey Rigby to Merrick Road.
24 Those of us that grew up in Freeport remember
25 the early 70's and late 60's when the whole

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2 neighborhood of color was destroyed between
3 Sunrise Highway and Merrick Road where Home
4 Depot and Staples sit now. It was called
5 Bennington Park. The same thing is happening
6 here, because we're not considering those 100
7 plus families that live there, and those kids
8 that live there have no green space within
9 easy access to play. Not to mention the
10 student athletes of Freeport High, which I
11 was one of them, and some of the best years
12 of our lives were spent on those fields. So,
13 I don't have any legal opinions, I'm not
14 smart enough for that, but I'm a human being.
15 What we're doing to the human beings that
16 live in that area, money is not the answer to
17 everything.

18 The other thing I want to say is, any
19 votes that take place in this forum in the
20 future about this issue, I would like the
21 Board to be polled individually, because I
22 have no idea how Mr. Ellerbe voted on that
23 last vote. So, can we hear each member of
24 this Board polled individually? Thank you.

25 THE CLERK: Dewey Smalls.

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2 G E O R G E D E W E Y S M A L L S,
3 having been first duly sworn by a Notary
4 Public of the State of New York, was
5 examined and testified as follows:

6 COURT REPORTER: Please state your
7 name and address for the record.

8 MR. SMALLS: George Dewey Smalls. 71
9 East Dean, D-E-A-N, Street.

10 I'm back and very emotional, because
11 you're talking about Bennington Park. And to
12 give you a little history for those that
13 weren't here growing up as we did, Bennington
14 Park was an area in Freeport where early
15 immigrants, Irish, Italian, German, came out
16 here to live because they worked in the
17 houses for wealthy Freeporters. Bennington
18 Park was the area that they allowed them to
19 live.

20 As with everything in life, there's a
21 transition. That transition went from, as I
22 said, that Caucasian side to more black, and
23 then we came in. In Bennington Park there
24 were homes. We can see homes walking down
25 the street. We would walk down the street

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2 and talk to neighbors, we went to the ball
3 field. So, there was no commercial stuff
4 going on like Mr. Hardwick said until the
5 70's. Urban renewal. They came in and
6 displaced everyone there, did a shabby job of
7 trying to place folks over here, give them an
8 opportunity to do this. They built some
9 shabby apartments called The Park. And the
10 apartments over down at Moxey, tenants are
11 complaining about noise, too much noise
12 coming from the walls, machines are breaking
13 down. So, we have always got the bad end
14 down there in Bennington Park.

15 So, what we're saying now is, we're
16 down there. Respect us, respect our children
17 to use that field. The school district does
18 a wonderful job maintaining that field,
19 taking care of that field. That's where
20 people go to just relieve stress and just
21 relax. You move to the suburbs because you
22 wanted space, you want a tree, you want to
23 see grass. Why take it from them? The only
24 open space that's left for them is that
25 field. It means everything to us. Please,

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2 please, look at your conscious, look at your
3 heart, look at what you're doing. This is
4 not about numbers, it's not, it's about
5 lives. It's about those maintaining a
6 quality life, even though they're not wealthy
7 Freeporters. But you know what, we're all
8 together on this.

9 THE CLERK: Aaron Scott.

10 A A R O N S C O T T,
11 having been first duly sworn by a Notary
12 Public of the State of New York, was
13 examined and testified as follows:

14 COURT REPORTER: Please state your
15 name and address for the record.

16 MR. SCOTT: Aaron Scott. 32 Beverly
17 Parkway.

18 I just want to get some
19 clarification. My concern is, why are we not
20 using the current industrial park, if only 30
21 percent of it is being used? Is there a
22 reason for not using the rest of it? I don't
23 know. Maybe we addressed this already.

24 By the way, I have been in the area
25 since 1944. Never thought about any other

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2 place I want to live. Been there, done that.
3 I'm concern about the community and the
4 amount of progress going forward. If we can
5 do it together, stand up for the right,
6 that's the most important thing. No answers?

7 MR. COLTON: Discussion about why the
8 Village won't use the industrial park is
9 going into issues involving ultimately the
10 litigation. As such, my advice is not to
11 answer any questions at this time.

12 MR. SCOTT: My understanding is
13 that's the only use?

14 MR. COLTON: First of all, that
15 industrial park is not owned by the Village
16 of Freeport, it's private business on all the
17 properties, except for two government
18 buildings that are privately owned.

19 MR. SCOTT: Thank you.

20 MAYOR KENNEDY: Madame Clerk.

21 THE CLERK: Sunday Howard.

22 S U N D A Y H O W A R D,
23 having been first duly sworn by a Notary
24 Public of the State of New York, was
25 examined and testified as follows:

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2 COURT REPORTER: Please state your
3 name and address for the record.

4 MS. HOWARD: Sunday Howard. 104
5 Smith Street, Freeport, New York.

6 I'd like to call John Gross up with
7 me please.

8 MR. COLTON: That will not be
9 permitted. Mr. Gross already had an
10 opportunity to speak. That's in violation of
11 our rules. Mr. Gross will not be permitted
12 up.

13 (Audience chatter.)

14 MAYOR KENNEDY: Read the rules.

15 MS. HOWARD: I'm good. Don't worry
16 about it. I do want to talk about the
17 pretense that's going on. I think it's sort
18 of casting the net wide. You folks,
19 Mr. Colton, clearly are not sure an easement
20 exists, but you contacted John Brooks, our
21 senator, to have him start a bill to remove
22 the easement. And he did it on behalf of
23 you, Mr. Mayor. So, if the easement doesn't
24 exist, why involve the sitting senator?

25 Mr. Ellerbe, I do want to address

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2 you. You abstaining from a vote as a school
3 board member in public that's a public
4 record, does not recuse you. I do want to
5 correct public record, that is not a recuse.
6 But what I also want to do is make sure that
7 you know that your pretext won't work. We
8 are a community of multi-generations that
9 live here of all ethnic races. All
10 ethnicities, all races, all orientations. We
11 are Freeport.

12 And I'll tell you, it's like you've
13 gone with the train tracks and divided us. I
14 remember running in 2015 and Mr. Martinez you
15 said the north is bad, the south is good.
16 You said that in a public debate, what have
17 you, and you have proven yourself by the way
18 you treat the north. The Armory that is
19 filled with boats and used cars right now, a
20 day care that has no students and a slide
21 that goes onto concrete. You're now looking
22 at Cleveland Avenue. A green space. I'm
23 certain I'll see this on Facebook somewhere.
24 But it's a green space where we go out.

25 Everyone talks about urban renewal,

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2 building trees, planning outdoor classrooms.
3 You talk about Amazon and warehouses and
4 trucks and pollution. We speak a different
5 language, a very different language, and it's
6 demoralizing.

7 So, you can take all of your pretext,
8 switch it to industrial, which means our
9 students can't use that space. And you know
10 what you're doing is not ministerial,
11 oversight, conduct, or whatever language you
12 want to use. It's wrong. We, the people,
13 matter, and we'll show you by our votes,
14 because doing this will make us come out.

15 THE CLERK: There are no more
16 speakers.

17 MAYOR KENNEDY: Mr. Colton.

18 MR. COLTON: Mr. Mayor, seeing no
19 more speakers, I would request that this
20 hearing be closed to further evidence and
21 testimony and there be a motion to that
22 effect.

23 MAYOR KENNEDY: Do we have a motion?

24 TRUSTEE MARTINEZ: So moved.

25 TRUSTEE SQUERI: Second.

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MAYOR KENNEDY: Madame Clerk, please
poll the Board.

THE CLERK: All those in favor.

TRUSTEE SQUERI: Aye.

TRUSTEE MARTINEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MR. COLTON: Mayor, at this time I
would request that the Board reserve decision
on this matter to review the comments from
this evening and there be a motion to that
effect, if the Board wishes to adopt.

TRUSTEE MARTINEZ: So moved.

TRUSTEE SQUERI: Second.

MAYOR KENNEDY: Madame Clerk.

THE CLERK: All in favor.

TRUSTEE SQUERI: Aye.

TRUSTEE MARTINEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

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2 MR. COLTON: That concludes the
3 public hearing, Mayor.

4 MAYOR KENNEDY: Thank you very much.

5 (WHEREUPON, this hearing was
6 concluded at 8:02 p.m.)
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C E R T I F I C A T E

I, BETHANNE MENNONNA, a Notary Public
within and for the State of New York do
hereby certify that the foregoing is a true
and accurate transcript of the proceedings,
as taken stenographically by myself to the
best of my ability, at the time and place
aforementioned.

IN WITNESS WHEREOF, I have hereunto
set my hand this 20th day of April, 2022.


BETHANNE MENNONNA