

INCORPORATED VILLAGE OF FREEPORT
BOARD OF TRUSTEES MEETING

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

June 27, 2022

7:31 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
EVETTE SANCHEZ	TRUSTEE

* * *

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

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1
2 MR. COLTON: Mr. Mayor, at this time
3 I'll call our first public hearing. It is to
4 consider the Cablevision Franchise Agreement.

5 Mr. McLaughlin, I'll turn it over to
6 you. It will be relatively short.

7 MR. McLAUGHLIN: Thank you.
8 Mr. Mayor, members of the Board, this
9 actually an application to adjourn the
10 hearing. We're still in negotiation on
11 several points of the contract with Altice.

12 Prior to asking the Board for a
13 motion to adjourn the matter, I would just
14 ask to put a couple of documents into
15 evidence:

16 Exhibit A will be a directive setting
17 the public hearing dates;

18 Exhibit B will be the Notice of
19 Public hearing;

20 Exhibit C will be the Affidavit of
21 Publication for the public hearing;

22 Exhibit D will be the Affidavit of
23 Posting for the hearing; and

24 Exhibit E will be the proposed
25 resolution to adjourn the hearing.

MAYOR KENNEDY: Exhibits A through E
are accepted.

(WHEREUPON, the above-referred to
documents were marked as Board's Exhibits,
for identification, as of this date.)

MR. McLAUGHLIN: Mr. Mayor, at this
time, I'd ask that the Board entertain a
motion to adjourn the public hearing to
August 22, 2022.

MAYOR KENNEDY: Will the Board make a
motion to adjourn to August 22nd, you said?

MR. McLAUGHLIN: Yes.

DEPUTY MAYOR ELLERBE: So moved.

TRUSTEE SANCHEZ: Second.

THE CLERK: All in favor.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

TRUSTEE SANCHEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MAYOR KENNEDY: Village Attorney,
Howard Colton, we'll proceed to the rezoning

application.

MR. COLTON: Yes, Mayor. The second hearing is a continuation to consider the rezoning application of Section 55, Block H, Lot 372 from Residence AA District to Industrial B District; Section 55, Block 190, Lot 63 from Business AA District to industrial B District; and Section 55, Block 190, Lots 51 through 55 from Manufacturing District to Industrial B District.

Mr. Mayor, prior to handing this over to Special Counsel, Chris Browne, I would request a motion to reopen the hearing to further evidence and testimony.

Is there a motion?

MAYOR KENNEDY: Do we have a motion to reopen.

TRUSTEE SQUERI: So moved.

TRUSTEE SANCHEZ: Seconds.

MAYOR KENNEDY: Madame Clerk, please poll the Board.

THE CLERK: All in favor.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

1 TRUSTEE SANCHEZ: Aye.

2 MAYOR KENNEDY: Aye.

3 THE CLERK: Any opposed?

4 DEPUTY MAYOR ELLERBE: Recuse.

5 MAYOR KENNEDY: Please proceed.

6 MR. COLTON: Mr. Mayor, at this time
7 I'll turn it over to Chris Browne.

8 MR. BROWNE: Good evening, Mr. Mayor,
9 members of the Board, Trustees. Christian
10 Browne from McLaughlin and Stern, 1122
11 Franklin Avenue, Garden City. Acting Special
12 Counsel for the Village on this matter.

13 As you know, this matter has already
14 been heard by the Board. You've just voted
15 to reopen it and continue the hearing.

16 With that in mind, there are a series
17 of exhibits that we want to re-incorporate
18 into the record and introduce some new
19 exhibits for tonight. I will make note that
20 the new exhibits that are going to be placed
21 before the Board tonight are available
22 tonight. If anyone wishes to review them,
23 they are on the back table. Copies of all of
24 the exhibits that will go into evidence
25

tonight are available for the public to take, inspect and take home with them. They are on the back table in the hearing room tonight.

Exhibits A through K were entered into the record at the April 18, 2022 meeting. We'd ask that they be re-incorporated in this continued proceeding.

MAYOR KENNEDY: Exhibits A through K are accepted.

(WHEREUPON, the above-referred to documents were marked as Board's Exhibits A through K, as of this date.)

MR. BROWNE: Exhibit L is the new exhibit that's the notice of tonight's public hearing for June 27, 2022;

Exhibit M is the Freeport Herald Newspaper, dated June 23rd through 29, 2022 with the Publication of Notice of tonight's hearing.

Exhibit N is the Affidavit of Posting for June 27, 2022;

Exhibit O Affidavit of Mailing for June 27, 2022;

Exhibit P is a letter with enclosures

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2 from the Nassau County Planning Commission,
3 dated May 27, 2022, regarding the terms of
4 the local determination that the Planning
5 Commission issued to this Board;

6 Exhibit Q is the Amended Building
7 Department's negative declaration of
8 recommendation pursuant to the State
9 Environmental Quality Review Act;

10 Exhibit R is the Amended Draft SEQRA
11 Resolution for the Board's consideration
12 under which it would, if it sees fit, adopt
13 the findings of the Building Department; and

14 Exhibit S is a draft copy of the
15 proposed SEQRA resolution, whereby, if the
16 Board approves it will adopt the findings of
17 the Building Department issued pursuant to
18 the State Environmental Quality Review Act
19 related to the proposed rezoning.

20 Those are all the exhibits that we
21 would like entered in.

22 MAYOR KENNEDY: Exhibits L, M, N, O,
23 P, Q, R, S are accepted.

24 (WHEREUPON, the above-referred to
25 documents were marked as Board's Exhibits L

1
2 through M, as of this date.)

3 MR. BROWNE: I would note again, the
4 exhibits that I noted are amended. If
5 adopted by the Board will supplant the prior
6 action taken by the Board at the last
7 hearing.

8 For the benefit of interested members
9 of the public, the exhibits before the Board
10 tonight are new and will supplement -- I
11 should say, supercede the actions that the
12 Board previously took at the April 18th
13 hearing.

14 Since we also made an extensive
15 record regarding the purpose of this
16 application, we won't belabor it again,
17 except to very briefly say that the purpose
18 of this application is to bring the zoning on
19 the two parcels, the Moxey Rigby parcel and
20 the Cleveland Avenue ball field parcel into
21 conformance with the existing pattern of the
22 Village's existing zoning scheme for the
23 surrounding properties and put everything
24 under the Industrial B District.

25 The principal part of this

1
2 application concerns Cleveland Avenue fields,
3 which are designated as a residential zoning
4 district where single family homes are
5 allowed. That, as we explained last time, is
6 a default zoning designation, because the
7 Village never formally imposed a zoning
8 district on that parcel. So, under the code,
9 it defaults to residential zoning.

10 It's my contention and the contention
11 of the Village counsel that residential
12 zoning simply does not belong in that area,
13 and makes no sense, as it's out of sync with
14 the pattern of development and the zoning
15 scheme for the area that surrounds the ball
16 field. So, by moving it into the Industrial
17 zone, you would extend the Industrial zone
18 appropriately to cover the ball field.

19 Similar case with the Moxey Rigby
20 parcel, which is in the Manufacturing zone.
21 Again, to keep uniformity throughout that
22 whole area across those contiguous pieces of
23 land, it makes sense, from a practical and
24 legal prospective, to put everything into the
25 Industrial B zone.

1
2 Finally, I would note, because it's
3 come up in discussions so-to-speak, since the
4 Board has entertained this application, that
5 if you do choose to adopt a new zoning for
6 this parcel, your doing so would not render
7 any of the existing uses illegal or improper
8 as matter of zoning law. Both under the
9 Village Code and New York State law, they
10 uses that are going on presently, including
11 the uses of the school district would be
12 grandfathered in, so-to-speak. They would
13 remain legal for zoning purposes.

14 So, your action in considering this
15 has no effect going backwards, only going
16 forward. I have recommended to the Village
17 that if the Board does adopt a new zoning for
18 the parcel that in the adoption resolution
19 that a clause be adopted and included that
20 that would state as much to allay any
21 concerns that the rezoning would somehow
22 effect, the existing ability rendering the
23 existing uses illegal on the property.

24 With those comments, I don't have
25 anything further to put on the record. I'll

hand up the exhibits that I listed.

MR. COLTON: Mr. Mayor, with your permission, we typically do this. At this point, we request the Board review the amended SEQRA resolution and, if accepted, the Board to adopt it.

I need a motion for that.

MAYOR KENNEDY: Do we have a motion to accept?

TRUSTEE SQUERI: So moved.

TRUSTEE SANCHEZ: Second.

MAYOR KENNEDY: Madame Clerk, please poll the Board.

THE CLERK: All in favor.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

TRUSTEE SANCHEZ: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

DEPUTY MAYOR ELLERBE: Recused.

MR. COLTON: Mr. Browne.

MR. BROWNE: Unless you have any further questions about this rezoning itself, I would yield to public comments.

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2 MAYOR KENNEDY: The only question I
3 have, I want to make clear what you said,
4 that it would not affect the past, it meet
5 affect the future. I think what you were
6 saying is that whatever uses that are being
7 used there currently, they would be used also
8 in the future.

9 MR. BROWNE: It could be, yes.
10 Particularly, anything that is educational in
11 nature, or is accessory to educational uses,
12 are not totally exempt from zoning. But as
13 you know, they are considered appropriate in
14 a zoning district, they would never be
15 considered detrimental in any zoning
16 district. So, even going forward, as a
17 matter of zoning law, those uses would not be
18 problematic. And certainly going backward,
19 just as with any use, an existing use is
20 permitted to continue as a legal
21 nonconforming.

22 But here, you're right, mayor, the
23 educational uses would not even be considered
24 legal nonconforming. They're permitted by
25 state law, by operation of state law, in any

zoning Business District.

MAYOR KENNEDY: Thank you very much.

Trustees comments?

(No response was heard.)

MR. BROWNE: Thank you.

MAYOR KENNEDY: Thank you.

Madame Clerk, any comments.

THE CLERK: We have four speakers.

The first is Lavette Hooks.

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.

I have a few questions. I just want
to try to run through the questions before my
time is up.

I note the school district has been
utilizing Cleveland for over 70 years, and
the Village actions were precipitated by a
deal with Amazon.

1
2 When did the contract discussions
3 with Amazon verbally or written take place?
4 How can a copy of this contract and/or
5 agreement be obtained? And are there any
6 other entities interested in the subject
7 property?

8 MAYOR KENNEDY: Any other questions?

9 MS. HOOKS: The next one is, I
10 noticed that the negative declaration notice
11 was amended with the June 24th date. But I'm
12 wondering, with the Industrial B District
13 zoning classification, that permits a wide
14 range of impact uses on that property. And
15 I'm noticing that the notice is saying it
16 will not have a significant impact on the
17 environment and it does not require a
18 preparation of an environmental impact
19 statement, and there are at least 100
20 families right across the street from that.

21 So, the fact that you can have a
22 broad range of impactful uses on that
23 property, I'm not sure how they are coming up
24 with it not being an impact to the
25 environment.

1
2 MAYOR KENNEDY: Any other questions?

3 MS. HOOKS: That's my questions.

4 MAYOR KENNEDY: I'm going to turn
5 that over to the Village attorney on the
6 question of Amazon and how to obtain a copy
7 of the agreement with Amazon and the negative
8 dec amendment.

9 MR. COLTON: With Amazon, there is no
10 agreement with Amazon. The Village of
11 Freeport has had no discussion with Amazon
12 for close to four months.

13 MR. BROWNE: Mr. Browne. I guess the
14 best way to answer that is, the term negative
15 declaration is a legal term of art under the
16 state Environmental Quality Review Act. How
17 it's applied depends upon the context of the
18 matter you're considering. Here, what the
19 Village is considering is a change of zone
20 that would make this -- would place this
21 property in a similar zoning district to the
22 other properties that surround it and to
23 other uses that surround it.

24 So, when the Village looks at the
25 environmental impact through the SEQRA

1
2 process, it's not really a determination to
3 say that one particular use might bring
4 certain traffic or might have certain other
5 effects; that's not the intent. The intent
6 is really to look at, given the amount of
7 land we're talking about and what surrounds
8 the land, from a legal prospective, is it
9 considered -- is the action considered one
10 that could have a negative environmental
11 impact. And the recommendation of the
12 Building Department is to say no not again,
13 not in this context, because it's not a big
14 enough piece of property, and because the
15 uses that are around it already allow for
16 these types of uses, those uses exist as a
17 matter of fact.

18 So, the idea is that it's not
19 feasible to build single family homes in that
20 area, and this proposal would bring the
21 zoning for that area into conformity with
22 other parcels that surround it. So, your
23 land use plan would be much for sensible than
24 having an island of residential property
25 amongst other manufacturing and industrial

1
2 parcels.

3 MR. COLTON: Like I said, we have not
4 had discussion with Amazon in probably over
5 four months. At this point, we're not
6 entertaining discussions with them. We have
7 had discussion with the Panattoni Group, a
8 group by the name BEB, and another group Blue
9 Water.

10 As far as those discussions, I can't
11 go into detail, as that could impact of what
12 we're discussing. We also have a
13 nondisclosure agreement. There is no Amazon.
14 Amazon is not in the picture.

15 MS. HOOKS: So, would the companies
16 that you listed, you're saying you have a
17 nondisclosure?

18 MR. COLTON: We have.

19 MS. HOOKS: But as the Village
20 governmentship over our community, shouldn't
21 you be transparent in communication with us
22 as your constitutes.

23 MR. COLTON: You would. Any
24 agreement, to the extent there might be an
25 agreement, still has to go to the public,

1
2 still has to be voted on by the Board, and is
3 still subject to public comment, public
4 discussion.

5 MR. HOOKS: That's after you go
6 through whatever process you're in now.

7 MR. COLTON: That would be correct.

8 MS. HOOKS: Okay. Thank you.

9 MAYOR KENNEDY: Thank you. Madame
10 Clerk.

11 THE CLERK: John Gross.

12 I ask, if anyone else has any comment
13 slips, to put them in now, so I have them
14 all, please.

15 MAYOR KENNEDY: If you have a
16 comment, please fill out a slip, hand it up
17 to the clerk.

18 MR. GROSS: Good evening. I'm here
19 on behalf of the Freeport School District to
20 oppose this attempt to rezone the property.
21 One of the items not mentioned in the
22 previous conversation is that the property
23 has been designated as parkland. In fact,
24 the Village attempted, through legislation
25 through the State of New York to be permitted

1 to sell it for parkland. The property has
2 been used and identified for 70 years by the
3 school children of the school district. And
4 I must admit that my client finds it
5 appalling. There's an effort by the
6 governmental agency in charge of the entire
7 Village to try and change that, to eliminate
8 the right of the district to utilize that
9 property by sale of the property to a
10 commercial enterprise.
11

12 I just began with that. I initially
13 intended to begin by reflecting on the
14 decision of Justice Muraca who not, too long
15 ago, in the Nassau Supreme Court determined
16 that the Village had violated the open
17 meetings law and actually joined the
18 proceedings subject to be done correctly. An
19 unfortunately, we believe that you are not
20 doing it correctly. You may have met the
21 requirements of the open meetings law,
22 Section 7-706 of the Village law requires
23 that any amendment to the District of the
24 zoning code be given ten days notice. In
25 fact, I believe the first publication of

1
2 tonight's hearing was on, I believe it was
3 indicated the 23rd, which, obviously, is not
4 ten days. So, in a sense, there's an
5 argument that you complied with the open
6 meetings law, that may be correct, but you
7 did not comply with the Village law.

8 Also, I'd like to briefly touch on, I
9 have very few seconds left, the SEQRA
10 procedure. The SEQRA procedure is totally
11 cursory. The SEQRA regulations require
12 villages and other municipalities to contact
13 effected municipalities, which is the school
14 district. The school district was not
15 contacted to participate in the SEQRA
16 process, we believe is a significant impact,
17 obviously, on the school district and the
18 children of the district.

19 In closing, I have a letter that I'd
20 like to submit for the record, I have copies
21 sufficiently for the Board. I'd like to have
22 marked into the record of the public hearing.

23 MR. McLAUGHLIN: We're going to mark
24 that as Exhibit T.

25 MAYOR KENNEDY: Exhibit T is accepted

1
2 by Board.

3 (WHEREUPON, the above-referred to
4 document was marked as Witness's Exhibit T,
5 as of this date.)

6 THE CLERK: Peggy Moran.

7 P E G G Y M O R A N,
8 having been first duly sworn by a Notary
9 Public of the State of New York, was
10 examined and testified as follows:

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

13 MS. MORAN: Peggy Moran for my
14 brother, Ed Brennan. 98 East Bedell Street,
15 Freeport.

16 MAYOR KENNEDY: Could you keep the
17 microphones close, please. Please proceed.

18 MS. MORAN: My name is Edward
19 Brennan. I reside in Freeport, in close
20 proximity to Cow Meadow Park. I am unable to
21 attend tonight due to a previously planned
22 week away, but I have asked sister, Peggy
23 Moran, to speak on my behalf.

24 I wanted to speak about why I support
25 the sale of the Cleveland Street property.

1
2 As a kid, I grew up in Queens and attended
3 St. Gregory's Catholic School. The baseball
4 field we played on was all weeds, rocks and
5 divots, an unmaintained field due to the
6 school's lack of funding and ability the
7 maintain it. As a kid, the scariest moments
8 were, when a ground ball was hit to you, you
9 weren't sure where it was going to go,
10 whether it hit you in the chest, face,
11 etcetera, and sometimes it actually made it
12 into the glove. Or if you were going to run,
13 you might turn your ankle after stepping into
14 a hole in the dirt ground.

15 There was no such thing as a well
16 maintained field for us kids to play back in
17 the early 70's in to the 80's. We were just
18 happy to have a rundown field. We would
19 dream about a well maintained field like
20 Yankee or Shea Stadium with lights and a
21 scoreboard. Instead, due to no funding, day
22 games were on mostly all dirt, rocky fields,
23 and that's how we played.

24 When I went to high school at Thomas
25 Edison in Jamaica, Queens, I was unable to

1
2 join the baseball team, actually due to
3 mugging that were going on after school, if
4 you walked down the hill alone to take the
5 bus home. The lack of security and policing
6 robbed me of my chances to play high school
7 and maybe college baseball, and, who knows,
8 maybe professional ball.

9 The Guardian Angels were actually
10 patrolling our neighborhoods back then. But
11 as a young teenager, there was no way I was
12 walking down that hill to catch the bus home,
13 without a large group of people with me.
14 It's a shame how things were back then.

15 I went to work for the MTA at age 18
16 and retired chief electrical officer after 37
17 years. I saw some poor conditions on the
18 playing fields of every neighborhood I worked
19 in, such as Brooklyn, Bronx, Manhattan,
20 Queens, while at MTA. But over time, things
21 began to change. Focus was on after school
22 activities and sports for children and
23 improved funding to support those activities.
24 Where they play and the conditions that they
25 play under have improved tremendously.

1
2 Parents may also be more motivated to have
3 their children join more team sports and,
4 furthermore, take more time to watch and
5 support their children at sporting events,
6 nurturing parent/child and other special
7 relationships and family time are needed more
8 than ever in our family today.

9 MAYOR KENNEDY: Ms. Moran, would you
10 like to --

11 MS. MORAN: I can submit the letter
12 then?

13 MAYOR KENNEDY: Yes, you can submit
14 it to the Board.

15 MR. McLAUGHLIN: Mr. Mayor, we're
16 going to mark this document as Exhibit U, as
17 in union.

18 MAYOR KENNEDY: U as in union exhibit
19 is accepted by the Board.

20 (WHEREUPON, the above-referred to
21 document was marked as Witness's Exhibit U,
22 for identification, as of this date.)

23 THE CLERK: Ivan Sayles.

24 I V A N S A Y L E S,
25 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.

MR. SAYLES: Ivan Sayles. 3635
Tonopah Street, Seaford 11783.

Good evening, Mayor Kennedy, members
of Freeport School Board, Trustees. My is
address is to Dr. Kuncham who is not here,
but Mr. Gross is, parents, concerned
citizens.

My name is Ivan Sayles. 26 years ago
I staked my claim in Freeport and bought the
Texas Ranger on the Nautical Mile. Since
1996 I built my business into an icon on the
mile, and with each passing year I got
blessed with more and more success. As I got
more successful, I gave back more and more to
the wonderful community that supported me.

In 26 years, we have never turned
down a charitable organization looking for
help. 20 years ago, I joined the Freeport
Chamber of Commerce and the Nautical Mile
Merchant Association, both of which I have

1
2 had the honer of serving as president. I am
3 also a proud member of the board of directors
4 of the Woodward Children's school, located
5 right here in the Village.

6 I say these things not to brag about
7 my accomplishments, but to give you an
8 understanding of why I do it. An
9 understanding that I every confidence
10 everyone on the Board, Mayor Kennedy,
11 Dr. Kuncham, Mr. Gross, and trustees of the
12 Freeport Trustees and the Freeport School
13 Board. I don't need to tell you the level of
14 commitment it takes to be successful, the
15 hours and volunteer work to do a good job on
16 these committees, but that's irrelevant.
17 What is relevant is the answer is why we do
18 it. We do it because we care. We do it
19 because we care about our community, about
20 our children's welfare and the safety and
21 happiness. We care so much, we devote hours
22 of our time to it.

23 It's 8:00 or 8:30 p.m. I don't know
24 what time it is right now. I want to be home
25 with my kids and my family tonight, and so

1
2 does everybody else. That's where we belong.
3 We are here, because we care. The only thing
4 that is constant in this life is change. And
5 when I look around the Village and look at
6 what has changed in the past 10 or 20 years
7 in our communities, and then I hear that this
8 field has been the same for 70 years. It's
9 time for change. It's time to change the
10 Cleveland field.

11 For me, serving my community is about
12 one thing and one thing only: Leaving this
13 world a better place than it has been before.
14 I walked the field today and I walked after a
15 ran storm in the mud. We have an opportunity
16 to have a field with lights. How do you see
17 a ball when the sunsets at 4:00 p.m.? Cow
18 Meadow Park has lights. How do you relieve
19 yourself at Cow Meadow? Do you do so in the
20 woods? I'm sorry, in Cleveland Avenue. Cow
21 Meadow has restrooms. If you're hungry, what
22 do you do, drive to 7-Eleven or The Pit Stop
23 on Merrick to eat something. There will be
24 concession stands.

25 I have will close with one question

and a statement to Mr. Gross.

MAYOR KENNEDY: Madame Clerk. You'll have to use that as the last exhibit.

MR. SAYLES: I can ask a question?

MR. COLTON: Now, that's your time.

MAYOR KENNEDY: Thank you. We'll mark that as V, as in Victor.

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

THE CLERK: Meta Mereday.

M E T A M E R E D A Y,
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

MAYOR KENNEDY: Good evening.

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

MS. MEREDAY: Meta Mereday. 758 Wesley Street, Baldwin, New York.

I was told I would be able to speak here. I'm curious, because I was told I cannot speak because I'm not a Freeport resident.

1
2 MAYOR KENNEDY: No, anybody can
3 speak.

4 MS. MEREDAY: I just want to be
5 assured of that. And I want to know if all
6 the Bard members have to swear in because
7 it's a public hearing. You're searing in
8 residents. Are all the Board members sworn,
9 because it's a public hearing. So, in case
10 this situation has to go to court, if my
11 statements have to be proven to be true,
12 because I swore them to be true, is that the
13 same for the board members? It's simple
14 question. Yes or no?

15 MAYOR KENNEDY: Does the attorney
16 want to respond to this.

17 MR. COLTON: Actually, it's a very
18 interesting question.

19 MS. MEREDAY: I thought so.

20 MR. COLTON: I would say no, because
21 they've already made an oath of office and
22 was sworn to uphold the Constitution to the
23 State of New York, the Constitution of the
24 United States, and the Rules and Regulations
25 of the Village of Freeport. I would argue

1
2 that they are already sworn.

3 MS. MEREDAY: Okay. I just found it
4 curious, because I have been in other
5 municipal hearings, and this is the first
6 time I have ever been sworn in. Then again,
7 there are so many elected officials in the
8 State of New York who have broken that oath.
9 That's why I was curious if it's happening
10 here.

11 I am against the rezoning. I have
12 issues with the whole process. I am glad
13 Mr. Colton did clear up the issue about
14 Amazon, because that is one of the major
15 rumors going around. That really heightened
16 my concern about the development in that
17 particular area, because of the major traffic
18 concern.

19 Secondly, I'm concerned and I'm
20 hearing again tonight that there is some
21 ambiguity or indecision with regard to the
22 second parcel of Moxey Rigby property. My
23 family knew the Rigby family and Judge Rigby
24 very well, and it concerns me because we have
25 a housing crisis, particularly affordable

1 housing crisis in Long Island. And the last
2 I checked, Freeport is a part of Long Island
3 and Nassau County. So, maybe Freeport knows
4 the secret to affordable housing that maybe
5 every other location does not have, and maybe
6 you can share it with the rest of the world.
7

8 I also want to point out again,
9 someone mentioned earlier about the lack of
10 facilities and development at Cleveland
11 schools and protecting our children. I found
12 it interesting that school district itself
13 that has been charged with taking care of our
14 children is opposed to this rezoning and has
15 been opposed to the rezoning, and were not
16 taking that into consideration.

17 As a godparent of children who had
18 participated in sporting event -- and yes,
19 they had to go on those muddy fields to
20 practice at Cleveland Avenue school and many
21 of them did not have transportation. So,
22 while we might have all of these features at
23 Cow Meadow Park, it still lacks, in terms of
24 transportation and safety of students.

25 So, I think you might want to listen

1
2 to the residents, feed the issues of those
3 who are addressing their concerns and
4 speaking directly to those who need them, ask
5 the residents, poll the residents about how
6 they feel about the situation of an
7 industrial park in the area that would have
8 traffic, sanitation, water, sewer, all of
9 that. Thank you.

10 MAYOR KENNEDY: Thank you, ma'am.
11 Have a great day.

12 THE CLERK: Jacqueline Harris. Our
13 last speaker.

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

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

20 MS. HARRIS: Jacqueline Harris. 75
21 South Brooksite Avenue. Hi.

22 MAYOR KENNEDY: Good evening.

23 MS. HARRIS: Good evening. The last
24 time I was here for a meeting where this
25 topic was not really discussed but it was

1
2 bought up, I left with a lot of questions.
3 And tonight, I had more questions.

4 As I shared the last time, I think
5 I'm a third generation Freeporter. I've been
6 here a long time. My family has been here a
7 long time. If I'm third, that means my
8 nieces and nephews and kids and grand kids
9 are fifth. You know, we have been here a
10 long time.

11 It's interesting and disappointing to
12 me that all the information comes in rumor.
13 It's hard to make an opinion, when you don't
14 have any facts. And I don't know how to get
15 information about what is being proposed, why
16 it's being proposed. I just don't know how
17 to get information, after being here so many
18 years and never having this challenge before.

19 As I heard someone say, it's an
20 industrial area. Maybe there's a study that
21 say it should be zoned that way. I too grew
22 up in the Moxey Rigby apartments. I played
23 in that field. It was good enough for me.
24 And I'm not opposed to change, if I
25 understand why. What and why.

1
2 But to try to get information seems
3 so concerning, not just for me, but for my
4 entire family. Every event I went to from
5 April to last week, people are saying the
6 same thing: Why? What's the plan and why is
7 it happening? I don't know how to get an
8 answer. So, I'm hoping someone can tell me,
9 so I can tell my family, what's going on and
10 why is it happening. And if you want to make
11 an opinion, do it based on facts, not on
12 rumors and innuendoes.

13 I don't think it's industrial space.
14 I beg to differ. I played in that field. I
15 loved it. So...

16 MAYOR KENNEDY: Village attorney.

17 MR. COLTON: The Village is in the
18 process of putting together a document
19 basically a mailer which will be going to
20 every village resident explaining everything
21 that is on this property. Everything we can
22 possibly ask. We are going to put in every
23 discussion we had with all the parties, every
24 discussion we had with this Board.
25 Everything will be fully detailed and sent to

1
2 every single resident in the Village. We are
3 meeting on this, this week.

4 MS. HARRIS: Thank you. Okay, thank
5 you.

6 When will a decision be made about
7 exactly what's going to happen, when it's
8 going to happen, why it will or will not
9 happen? Do the residents get the vote? Is
10 this something we vote on, or is it the
11 elected officials that make the decision?

12 MR. COLTON: Right now there's a
13 court case that is currently ongoing as to
14 the interest of the alleged property interest
15 at Cleveland Avenue. We have to wait for a
16 decision from the Court.

17 MS. HARRIS: Do the residents get an
18 opportunity have an opinion expressed, other
19 than this public forum? Is it just voted on,
20 or once you decide and the Courts decide
21 that's it? Do we have a say?

22 MR. COLTON: It's our opinion under
23 the Village Law of the State of New York,
24 Villages are not permitted to hold
25 referendums unless they are explicitly stated

1
2 under New York State law. I know, because I
3 teach a course on it. So, ultimately, they
4 can't.

5 That being said, there is some issues
6 as to who has what interest, and that will be
7 determined by the Court. That will make the
8 determination as to your question as well.

9 MS. HARRIS: My question was, if I
10 parents have an opinion, they want to vote on
11 this, can you do that? How do people get
12 your opinions heard, once we have the facts?
13 I appreciate you're going to give us the
14 facts in a week. When we have the facts, how
15 do we express our opinions? What is the
16 process?

17 MR. COLTON: We have public comment
18 meetings where you can come in and have a
19 discussion with the Board. You can always
20 see the mayor, who is available on Tuesdays
21 as well.

22 At this point, like I said, we have a
23 long way to go, since we have a court
24 proceeding that is still pending. Other than
25 that, I definitely recommend if anyone has

1
2 questions or concerns, contact the Village,
3 come here for public comment meetings and to
4 express any issues you might have.

5 MAYOR KENNEDY: If I could add
6 something to that. The Board is required to
7 have public debate on anything before a
8 contract is signed. So, this would be
9 brought to the regular Board meeting and we
10 welcome any discussion. However, you are
11 welcome to come to the mayor's office every
12 Tuesday from 12:00 to 5:00. I am in there.
13 You are more than welcome to come in there.
14 You don't need a meeting, you don't have to
15 have a time appointment, just walk in. I'll
16 be glad to sit down and discuss the entire
17 project with you. And then it would be
18 brought before public meeting, before any
19 contacts are signed.

20 MS. HARRIS: I appreciate your open
21 door. I just understand that my parent, my
22 aunts, uncles, they can't, it's just not
23 possible for them. So, sending information
24 and allowing them to know factually what is
25 really happening and allowing them to find

another forum, other than coming to your office.

MAYOR KENNEDY: That will be going out shortly. Like I said, you're more than welcome to come in and have a cup of coffee, no appointment is necessary. We have good coffee here.

MS. HARRIS: Thank you so much.

MAYOR KENNEDY: You're welcome, Ms. Harris. Thank you so much.

Madame Clerk.

THE CLERK: There are no other speakers.

MAYOR KENNEDY: Village attorney.

MR. COLTON: Mayor, at this time, I'll entertain a motion to close this hearing to further evidence and testimony.

MAYOR KENNEDY: Do we have a motion to close to further evidence and testimony?

TRUSTEE MARTINEZ: So moved.

TRUSTEE SQUERI: Second.

MAYOR KENNEDY: Madame Clerk.

THE CLERK: All in favor.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

TRUSTEE SANCHEZ: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

MR. COLTON: Mayor, at this time, we request that the Board reserve decision, make no determination on this application tonight. Is there a motion?

MAYOR KENNEDY: We need a motion.

TRUSTEE SANCHEZ: So moved.

TRUSTEE SQUERI: Second.

MAYOR KENNEDY: Madame Clerk.

THE CLERK: All in favor.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

TRUSTEE SANCHEZ: Aye.

THE CLERK: Any opposed?

(WHEREUPON, the hearing was concluded at 8:11 p.m.)

* * *

June 27, 2022

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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 5th day of July, 2022.


BETHANNE MENNONNA