

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, September 19, 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 6:32 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 6:33 P.M., it was moved by Deputy Mayor Ellerbe, seconded by Trustee Sanchez 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	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

At 7:00 P.M., motion was made by Trustee Sanchez, seconded by Deputy Mayor Ellerbe 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 two (2) residents were present.

Deputy Mayor Ellerbe led in the Pledge of Allegiance.

It was moved by Trustee Squeri, seconded by Deputy Mayor Ellerbe, and unanimously carried to approve the Board of Trustees Minutes of September 6, 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 Squeri, seconded by Trustee Sanchez, and carried to approve the Board of Trustees Minutes of September 1, 2022.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Abstain
Trustee Martinez	Abstain
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 Filming/Photography application, submitted by Human Design, to film exterior shots at Al Grover's High and Dry, 500 S. Main Street, on September 20 and 21, 2022 from 7:00 A.M. to 7:00 P.M.

The Clerk polled the Board as follows:

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

It was moved by Trustee Sanchez, seconded by Trustee Martinez and unanimously carried to approve the Parade and Public Assembly Permit Application submitted on behalf of the Freeport Public Schools to host a one Day Peace Walk on Saturday, September 24, 2022, from 9:00 A.M. to 11:00 A.M. assembling at the Bayview Avenue School.

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 Martinez that the following resolution be adopted:

**WHEREAS**, in October 2018, the Assessment Department made a clerical error in

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merging a parcel to the wrong address; the error was due to merging 62-187-89 of 55 Prospect Street to the parcel 62-187-808 of 51 Prospect Street; and

**WHEREAS**, the tax bills for the properties located at 51 and 55 Prospect St have to be corrected from 2020/2021 to 2022/2023, and based on the error, 51 Prospect St overpaid their taxes and 55 Prospect St underpaid their taxes; and

**WHEREAS**, this clerical error may be corrected by the Board in accordance with the provisions of the Real Property Tax Law §556(1)(a) wherein a refund or credit may be given “within three years from the annexation of the warrant for such tax;” and

**WHEREAS**, listed below is the current property tax paid by 51 Prospect St. excluding refuse and including 62-187-89 that is due to the clerical error in the total assessed value 7,987; and

Section / Block / Lot	Address	Tax Year	Current Assessed Value	Current Tax Payment
62 / 187 / 808,820 & 89	51 Prospect St	2020/2021	7,987	\$4,975.58
		2021/2022	7,987	\$4,975.58
		2022/2023	7,987	\$4,975.58

**WHEREAS**, the property tax payment of 51 Prospect St excluding refuse and 62-187-89 should be a total of assessed value 7,439; and

Section / Block / Lot	Address	Tax Year	Adjusted Assessed Value	Adjusted Tax Payment
62 / 187 / 808,820	51 Prospect St	2020/2021	7,439	\$4,634.20
		2021/2022	7,439	\$4,634.20
		2022/2023	7,439	\$4,634.20

**WHEREAS**, listed below is the difference in current to adjusted assessed value that results in the refund amount by year due to the property owner at 51 Prospect St and amount to bill at 55 Prospect St.; and

Section / Block / Lot	Address	Tax Year	Total Assessed Value	Tax Refund Due 51 Prospect
62 / 187 / 89	55 Prospect St	2020/2021	548	\$341.38
		2021/2022	548	\$341.38
		2022/2023	548	\$341.38
			<b>TOTAL</b>	<b>\$1,024.14</b>

**WHEREAS**, the following reflects the necessary adjustment to 55 Prospect St. merged parcel of 62-187-89 to correct what is due to the Village by year (2020/2021, 2021/2022 and 2022/2023); and

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Section / Block / Lot	Address	Tax Year	Total Assessed Value by Year	Tax Payment Due Each Year	Total Current Tax Paid by Year	Total Adjusted Tax after the Merger of 62/187/89
62 / 187 / 89	55 Prospect St	2020/21-23	548	\$341.38		
62 / 187 / 90	55 Prospect St	2020/21-23	6,675		\$4,158.26	
To lot 93 & 149	<b>New Assessed Value</b>	<b>TOTAL</b>	<b>7,223</b>			\$4,499.64

**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 in the merged section blocks and lots recommended by the Assessor; and

**BE IT FURTHER RESOLVED**, that the Board authorize the Village Treasurer to issue a refund of \$1,024.14 to 51 Prospect Street and bill same amount to the new merged property at 55 Prospect Street through restored and corrected property tax bills for 2020/2021, 2021/2022, and 2022/2023.

The Clerk polled the Board as follows:

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

It was moved by Deputy Mayor Ellerbe, seconded by Trustee Sanchez 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 2022/2023 Final Assessment Roll; and

S / B / L	Address	Exemption Code	Exemption Amount	Reason
62-144-5	22 Westside Ave	41121 Veteran War Time/Non-Combat	544	Property Sold 08/03/2022

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62-156-772 Unit 403	31 Casino St	41121 Veteran War Time/Non- Combat	270	Property Sold 04/01/2022
54-313-120	510 Ray St	41101 Veteran Eligible Funds	4,978	Property Sold 05/26/2022
54-493-113	191 Wilson Pl	41101 Veteran Eligible Funds	41101 – 5,000	Property Sold 09/06/2022
		41141 Veteran War Time/ Disable	41141 -173	
55-241-127	109 Frederick Ave	41121 Veteran War Time/Non- Combat	41121 – 544	Property Sold 09/02/2022

**WHEREAS**, the Assessor reviewed the application and made recommendation that the exemptions be removed from the 2022/2023 Final Assessment Roll 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 changes recommended by the Assessor to be made to the 2022/2023 Final Assessment Roll and that the Treasurer issue 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

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Motion was made by Trustee Squeri, seconded by Trustee Sanchez and unanimously carried to approve the recommendation of the Freeport Fire Council and the membership be granted to Kareem McKnight, Hose Co. #2.

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**, the Village of Freeport Emergency Management seeks to enter into an agreement with the U.S. Geological Survey for the operation and maintenance of the Tidal Gage with telephone and satellite telemetry at Hudson Bay at the end of Guy Lombardo Avenue; and

**WHEREAS**, this agreement would provide for a joint funding agreement between the Village of Freeport and the U.S. Geological Survey; and

**WHEREAS**, the agreement is in the amount of \$6,850.00, of which \$1,590.00 will be contributed by USGS and \$5,260.00 will be contributed by the Village of Freeport, covering the time period from March 1, 2023 to February 29, 2024; and

**WHEREAS**, this information, along with the surge predictions from FEMA is utilized to make tide predictions; and

**WHEREAS**, the funds are available from account A348904-542800 as per the approved budget; and

**NOW THEREFORE BE IT RESOLVED**, that based on the recommendation of the Executive Director of the Freeport Fire Department, the Board approve and the Mayor be authorized to execute any and all documentation necessary to enter into an agreement with U.S. Geological Survey, New York Water Science Center, 425 Jordan Road, Troy, New York, 12180 for a period running from March 1, 2023 to February 29, 2024 for \$6,850.00, of which \$1,590.00 will be contributed by USGS and \$5,260.00 will be contributed by the Village of Freeport.

The Clerk polled the Board as follows:

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

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

**WHEREAS**, the Freeport Recreation Center needs an individual to conduct tumbling classes for children; and

**WHEREAS**, Cheryl A. Gayle, 300 St. Marks Avenue, Freeport, NY 11520, is an individual that is licensed and qualified to provide these services and teach these classes; and

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

**WHEREAS**, the contract renewal is for a term retroactive to September 1, 2022 through February 28, 2023, at an hourly rate of \$45.00 for a not to exceed amount of \$2,500.00; and

**WHEREAS**, there are sufficient funds in budget line A714004 545700 (Non-Employee Salaries) to cover the cost of this expense; and

**NOW THEREFORE BE IT RESOLVED**, that based upon the recommendation of the Recreation Center Manager, Board approve and the Mayor be and is hereby authorized to execute a Personal Services Agreement with Cheryl A. Gayle, 300 St. Marks Avenue, Freeport, NY 11520, for a term retroactive to September 1, 2022 through February 28, 2023 at an hourly rate of \$45.00 for a not to exceed amount of \$2,500.00.

The Clerk polled the Board as follows:

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

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

**WHEREAS**, the Village of Freeport filed a claim against Keyspan Gas East Corporation d/b/a National Grid (“National Grid”) based on an incident that took place on May 28, 2022; and

**WHEREAS**, the incident was a manhole explosion which occurred on the sidewalk located at the southwest corner of W. Sunrise Highway and S. Bayview Avenue in Freeport, New York adjacent to a car dealership know as BMW of Freeport with an address of 291 W. Sunrise Highway, Freeport NY (“Manhole Incident”); and

**WHEREAS**, the Village alleges that the cost of repair as a result of the Manhole Incident was \$39,000.00; and National Grid has agreed, without admitting any liability to pay the Village

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of the amount of \$39,000.00 in full settlement of the claim made by the Village; and

**WHEREAS**, the Village Attorney is requesting Board approval to the Settlement Agreement and Release effective September 19, 2022 with Keyspan Gas East Corporation d/b/a National Grid (“National Grid”), 175 East Old Country Road, Hicksville, New York, 11801, for the cost of repair as a result of the Manhole Incident in the amount of \$39,000.00 (“Village Damage Claim”); and

**NOW THEREFORE BE IT RESOLVED**, that based upon the recommendation of the Village Attorney, Board approve and the Mayor be and hereby to execute the Settlement Agreement and Release effective September 19, 2022 with Keyspan Gas East Corporation d/b/a National Grid (“National Grid”), 175 East Old Country Road, Hicksville, New York, 11801, for the cost of repair as a result of the Manhole Incident in the amount of \$39,000.00 (“Village Damage Claim”).

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:

**RESOLVED**, that the Board of Trustees of the Incorporated Village of Freeport, by virtue of the authority invested by law, shall conduct a public hearing to be duly held on the 19th day of October 2022, to consider amending §185-19 and §185-46 of the Village code increasing the maximum income eligible to \$50,000 for seniors age 65 and older and individuals with disabilities.

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

STATE OF NEW YORK, COUNTY OF NASSAU, VILLAGE OF FREEPORT, ss: I, PAMELA WALSH BOENING, Clerk of the Village of Freeport, Nassau County, New York, do hereby certify that the foregoing is a true and correct copy of said notice duly authorized by the Board of Trustees of the said Village at a meeting of the Said Board of Trustees, calling for a public hearing to be duly held in the Main Conference Room of the Municipal Building of the Village of Freeport, New York on the 19th day of October 2022 at 7:15 P.M., and of the whole thereof, as entered upon the minutes of the proceedings of the said Board kept by me as Village Clerk.

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate seal of said Village this 19th day of September 2022.

Pamela Walsh Boening  
Village Clerk

The Clerk polled the Board as follows:

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

**CLERK’S NOTE:**

Motion by Deputy Mayor Ellerbe, seconded by Trustee Squeri to place number 5c on the agenda:

Accept the proposal from Mercury to provide lobbying services for the Village of Freeport for \$6,000 per month for a period of 6 months.

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 by Trustee Squeri, seconded by Deputy Mayor Ellerbe to accept the proposal from Mercury to provide lobbying services for the Village of Freeport for \$6,000 per month for a period of 6 months.

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 sidewalk resolution be adopted:

Re:	Miscellaneous Sidewalk Resolution	
Location:	Various	
Contractor:	Armond Cement Construction, Co. Inc.	Total \$12,654.22

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

**WHEREAS**, said installation work not having been made within the time specified in official notice, namely, 30 days from the date of service thereof, and

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

**NOW THEREFORE, BE IT RESOLVED**, that there shall be assessed upon the lands affected or improved, the amount as noted above which is found to be just and reasonable and not exceeding the amount stated in the notice, and be it,

**FURTHER RESOLVED** that the Board of Trustees hereby authorizes that the amount thus assessed, if not paid within thirty (30) days hereafter, will be included in the next annual tax levies of the aforesaid premises unless the property owner selects the option of payment with interest over a five (5) year period.

Sidewalk Survey # MSW 261-2020

**Owner:** **Sydney Bennett in care of Jacqueline Harris**  
371 N. Columbus Ave  
Freeport NY, 11520  
Sec, Blk., Lot (s): 55-359-522

**Location:** **371 N. Columbus Ave**  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$832.00

\*\*\*

Sidewalk Survey #MSW 262-2020

**Owner:** **Marion E. Douglas in care of Ryan E. Cooke**  
663 Parsonage Place  
Baldwin NY, 11510  
Sec, Blk., Lot (s): 55-359-479

**Location:** **385 N. Columbus Ave**  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$347.20

\*\*\*

Sidewalk Survey # MSW 143-2021

**Owner:** **Diogenes Quiroz**  
170 Jay Street  
Freeport NY, 11520  
Sec, Blk., Lot (s): 55-253-190

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**Location:** 170 Jay Street  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$4,559.69

\*\*\*

Sidewalk Survey # MSW 211-2021  
**Owner:** Janine & Thomas Wisnowski  
173 Wallace Street  
Freeport NY, 11520  
Sec, Blk., Lot (s): 55-384-46

**Location:** 173 Wallace Street  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$872.40

\*\*\*

Sidewalk Survey # MSW 225-2021  
**Owner:** James Smith & Nancy Davis  
177 Wallace Street  
Freeport NY, 11520  
Sec, Blk., Lot (s): 55-384-45

**Location:** 177 Wallace Street  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$825.60

\*\*\*

Sidewalk Survey # MSW 166-2021  
**Owner:** Shavon Smith  
86 Whaley Street  
Freeport NY, 11520  
Sec, Blk., Lot (s): 62-121-16

**Location:** 86 Whaley Street  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$2,132.80

\*\*\*

Sidewalk Survey #MSW 170-2021  
**Owner:** Ottys & Cleon Simpson  
101 Whaley Street  
Freeport NY, 11520  
Sec, Blk., Lot (s): 62-122-2

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**Location:** 101 Whaley Street  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$625.40

\*\*\*

Sidewalk Survey #MSW 181-2021  
**Owner:** Darleyne E. Mayers  
78 Woodside Ave  
Freeport NY, 11520  
Sec, Blk., Lot (s): 55-067-440

**Location:** 78 Woodside Ave  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$849.75

\*\*\*

Sidewalk Survey #MSW 183-2021  
**Owner:** Martene Overton  
82 Woodside Ave  
Freeport NY, 11520  
Sec, Blk., Lot (s): 55-067-442

**Location:** 82 Woodside Ave  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$731.20

\*\*\*

Sidewalk Survey #MSW 188-2021  
**Owner:** Fabian Cameron  
194 Woodside Ave  
Freeport NY, 11520  
Sec, Blk., Lot (s):55-352-486

**Location:** 194 Woodside Ave  
**Contractor:** Armond Cement Construction Co., Inc.  
**Charges:** \$878.18

The Clerk polled the Board as follows:

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

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

- Residential Street Parking

Lou Telano, President of the New York Veteran Police Association presented Mayor Kennedy with a plaque in honor of his father and for the Mayors support of the Police Department and Law Enforcement.

At 7:22 P.M. Trustee Squeri left the Legislative Session.

It was moved by Deputy Mayor Ellerbe, seconded by Trustee Sanchez, 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	Not Present
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

The meeting was closed at 7:24 P.M.

At 7:25. Mayor Kennedy called the public hearing to order to consider the Cablevision Franchise Agreement, for which a full stenographic record was taken.

Howard Colton, Village Attorney conducted the hearing.

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

**RESOLUTION TO ADJOURN PUBLIC HEARING –  
Cablevision Systems Long Island Corporation**

WHEREAS, legal notice of a public hearing was duly authorized, published and posted for a public hearing to be duly held on May 26, 2022 at 7:15 pm, to hear testimony on ta proposed cable television franchise renewal agreement between the Village of Freeport and Cablevision Systems Long Island Corporation for a term of ten years, commencing upon confirmation of the agreement by the New York State Public Service Commission., and

WHEREAS, at the public meeting on May 26, 2022, the public hearing was duly adjourned to June 27, 2022 at 7:15 pm, and thereafter by subsequent resolutions further adjourned to various dates, most recently to September 19,2022 at 7:15 pm,

WHEREAS, in order to permit additional time for the Village and Cablevision Systems finalize the terms and conditions of the proposed franchise agreement, and to facilitate public

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discussion of the final agreement, , it is

RESOLVED, that the said public hearing, having been duly opened on May 26, 2022, and duly adjourned from time to time thereafter, most recently to September 19, 2022 at 7:15 pm, is hereby further adjourned for all purposes to October 19, 2022 at 7:15 pm.

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

The meeting was closed at 7:26 P.M.

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