

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

2023-1

2023-1

A meeting of the Board of Trustees of the Incorporated Village of Freeport was held on Monday, May 15, 2023 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 6:33 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 6:34 P.M., it was moved by Trustee Sanchez, seconded by Deputy Mayor Ellerbe and unanimously carried to adjourn this portion of the Legislative Meeting and return to the Mayor's Conference Room to continue in Executive Session to consult with Counsel.

The Clerk polled the Board as follows:

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

At 6:35 P.M Trustee Squeri entered Executive Session.

At 7:03 P.M., motion was made by Trustee Squeri, seconded by Trustee Martinez and unanimously carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

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

Approximately four (4) residents were present.

Deputy Mayor Ellerbe led in the Pledge of Allegiance.

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2023-2

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It was moved by Trustee Sanchez, seconded by Deputy Mayor Ellerbe, and unanimously carried to approve the Board of Trustees Minutes of May 1, 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 Trustee Martinez, seconded by Trustee Sanchez, and unanimously carried to approve the Dangerous/Nuisance Building Board of Trustees Minutes of May 4, 2023.

The Clerk polled the Board as follows:

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

Motion was made by Trustee Squeri, seconded by Deputy Mayor Ellerbe and unanimously carried to approve the Carnival, Festival, Bazaar Public Assembly Permit Application submitted on behalf of the Nassau County Office of Youth Services, to hold a public assembly at Cow Meadow Park, on Wednesday, May 24, 2023, from 9:00 A.M. to 3:00 P.M.

The Clerk polled the Board as follows:

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

Motion was made by Trustee Squeri, seconded by Trustee Sanchez and unanimously carried to approve the Carnival, Festival, Bazaar Public Assembly Permit Application, submitted on behalf of the Nassau County Legislature, to hold a Back to School Book Bag and Supplies Give Away, in Municipal Lot # 10, on August 19, 2023 (rain date: September 16, 2023), from 9:00 A.M. to 5:00 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

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Motion was made by Trustee Martinez, seconded by Trustee Sanchez and unanimously carried to approve the Parade and Public Assembly Permit Application, submitted by the Long Island Arts Council at Freeport, to hold a summer concert series at the Woodcleft Avenue Esplanade, on various Thursday evenings, from July 6, 2023 through August 31, 2023, from 7:00 P.M. to 8:30 P.M., pending the submission of the proper insurance.

The Clerk polled the Board as follows:

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

Motion was made by Deputy Mayor Ellerbe, seconded by Trustee Squeri and unanimously carried to approve the Parade and Public Assembly Permit Application, submitted by the Veterans Service Agency, to hold a Veterans Stand Down, at the Freeport Armory, on June 6, 2023, from 7:00 A.M. to 2:00 P.M.

The Clerk polled the Board as follows:

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

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

WHEREAS, recently there was a fire at 30 Commercial Street; and

WHEREAS, a fire investigation is being done to determine the cause of the fire; and

WHEREAS, South Shore LI Contracting has been hired to assist in moving of steel beams at the south west corner of the property; and

WHEREAS, to assure that South Shore LI Contracting is able to safely perform its tasks and assure safety to the public, South Shore LI Contracting will need to block access to 10 spaces in the Village parking lot located at the south west corner of the building located at 30 Commercial Street; and

WHEREAS, the Village requires that a Hold Harmless Agreement be signed on behalf of the Village in order to facilitate such usage; and

NOW THEREFORE BE IT RESOLVED, be it resolved that the Mayor be and hereby is authorized to sign a Hold Harmless Agreement to allow South Shore LI Contracting, 214

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2023-4

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Miller Avenue, Freeport, New York 11520 to block access and use 10 parking spaces in the Village parking lot at the south west corner of commercial street on May 15, 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 Trustee Squeri, seconded by Deputy Mayor Ellerbe 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 and 2023/2024 Final Assessment Rolls; and

S / B / L	Address	Exemption Code	Exemption Amount	Reason
55-348-39	27 Forest Ave	41101 – Veterans	\$2,650.90	Property Sold 09/08/2022
62-163-208	286 Miller Ave	41101 – Veterans	\$770.61	Property Sold 03/22/2023

WHEREAS, the Assessor reviewed the application and made a recommendation that the exemptions be removed from the 2022/2023 and 2023/2024 Final Assessment Rolls as listed above; and

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

NOW THEREFORE BE IT RESOLVED, that the Board of Assessment Review comprised of members of the Board of Trustees, be authorized to retroactively approve the changes recommended by the Assessor to be made to the 2022/2023 and 2023/2024 Final Assessment Rolls and that the Treasurer issue restored and corrected tax bills.

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

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

WHEREAS, the firm Forchelli Deegan Terrana LLP represented the tax certiorari petitioner in the below settlement negotiation:

Petitioner: Nestani, LLC
 49 Merrick Road
 62/075/251, 267,266

Total Refund: 2017/2018 to 2023/2024 – Refund: **\$13,314.86** – AV: **48,000**
 going forward 2024/2025, 2025/2026, and 2026/2027

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2017/18	0.0181	54,400	57,920	0	0.62296	0
2018/19	0.018	54,400	57,600	0	0.62296	0
2019/20	0.0172	54,400	55,040	0	0.62296	0
2020/21	0.0162	54,400	51,840	2,560	0.62296	\$1,594.78
2021/22	0.0151	54,400	48,320	6,080	0.62296	\$3,787.60
2022/23	0.0150	54,400	48,000	6,400	0.62296	\$3,986.94
2023/24	0.0150	54,400	48,000	6,400	0.61649	\$3,945.54
	Current MV	\$3,626,667	Settled MV	\$3,200,000	Refund	\$13,314.86

WHEREAS, the Stipulation of Settlement will be prepared for the above-referenced matter; and

WHEREAS, permission is requested giving the Village Attorney authorization to sign the stipulation of settlement; and

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NOW THEREFORE BE IT RESOLVED, that the above-listed tax certiorari settlement be approved and that the Assessor is hereby authorized to adjust the 2023/2024 Final Assessment Roll and that the Treasurer be approved to issue said refund for the amounts cited hereinabove, for a total of \$13,314.86.

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 Martinez that the following resolution be adopted:

WHEREAS, on April 30, 2018, the Village of Freeport awarded the bid for the Uniformed Guard Services for Power Plant 1 (Bid #18-03-ELEC-443) to Arrow Security (Arrow), 300 West Main Street, Smithtown, NY 11787 for a term from May 1, 2018 through February 28, 2021 at a cost of \$546,840.00 with an option to extend the contract for up to two (2) years; and

WHEREAS, on November 30, 2020, the Board of Trustees approved the first extension term from March 1, 2021 through February 28, 2022 at a cost of \$203,112.00; and on November 1, 2021, the Board of Trustees approved the second and final extension for a term from March 1, 2022 until February 28, 2023 at a cost of \$203,112.00; and

WHEREAS, on April 3, 2023, the Board approved to extend the contract with Arrow Security, 300 West Main Street, Smithtown, NY 11787 for Guard Services at Power Plant 1 with the rate remaining fixed (Second Renewal Term Rate) for the period retroactive to March 1, 2023 until April 30, 2023, in the amount of \$33,852; and

WHEREAS, four (4) bid proposals were received in response to the new advertisement and they were rejected by the Board on May 1, 2023; and

WHEREAS, the Superintendent of Electric Utilities is requesting Board approval that the guard services contract be retroactively extended for two months with Arrow Security, 300 West Main Street, Smithtown, NY 11787, for guard services at Power Plant 1 with the rate remaining fixed (Second Renewal Term Rate) for the period May 1, 2023 until June 30, 2023, in the amount of \$33,852; and

WHEREAS, the cost for these services shall be charged to E 7191001 511100 (Security Contract – PP1) and there are sufficient funds available to cover this expense; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric, the Board approve and the Mayor be and hereby extend the contract

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2023-7

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with Arrow Security, 300 West Main Street, Smithtown, NY 11787 for Guard Services at Power Plant 1 with the rate remaining fixed (Second Renewal Term Rate) for the period retroactive to May 1, 2023 until June 30, 2023, in the amount of \$33,852.

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, on April 3, 2023, the Board authorized the Village Clerk to publish a Request for Proposals for the Water Testing Services, RFP #23-04-ELEC-660; and

WHEREAS, nineteen (19) specifications were picked up and (1) response was received by the due date, May 1, 2023; and

WHEREAS, the only responsive and responsible proposer was Pace Analytical Services, LLC., 575 Broad Hollow Road, Melville, NY 11747, for the not to exceed cost of \$8,110.00 per year; and

WHEREAS, the contact term will be from June 1, 2023 through February 28, 2026, with an option for renewal for up to two (2) additional years; and

WHEREAS, the cost of this service will be charged to the following accounts: #E 7143151 510000 (Regulatory Agency PP1), #E 7143152 510000 (Regulatory Agency PP2), and #E 7143156 510000 (Regulatory Agency CT2); and there are sufficient funds available for this expense; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utilities, the Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to award the Request for Proposals for the Water Testing Services, RFP #23-04-ELEC-660, to Pace Analytical Services, LLC., 575 Broad Hollow Road, Melville, NY 11747, for the not to exceed cost of \$8,110.00 per year, for a contact term from June 1, 2023 through February 28, 2026, with an option for renewal for up to two (2) additional years.

The Clerk polled the Board as follows:

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

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Mayor Kennedy

In Favor

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

WHEREAS, AECOM Technical Services, Inc. has provided environmental consulting to Freeport’s Electric Utility for over fifteen years on an as needed basis for various environmental management issues; and

WHEREAS, AECOM assists the Utility with the submittal of certain reports and certifications required by the New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA); 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, AECOM serves as an agent for Freeport Electric in emissions markets such as EPA’s Clean Air Market Program and the Regional Greenhouse Gas Initiative; and

WHEREAS, \$35,283.96 was spent on services from AECOM in the 2022/2023 fiscal year; and

WHEREAS, the cost of AECOM Technical Services Inc., 250 Apollo Drive, Chelmsford, Massachusetts 01824, on an as needed basis for the performance of general environmental services pertaining to Freeport’s Plants 1 and 2 for a cap of \$45,000 retroactively from March 1, 2023 to February 29, 2024; and

WHEREAS, although hourly rates are increasing by \$15-35 per hour, the total contract cap of \$45,000 will remain the same as the 2022/2023 contract: and

WHEREAS, these services will be charged to E7143151 510000 – Power Plant 1; E7143152 510000 – Power Plant 2 and E7143156 510000 – LM6000 and there are sufficient funds in the referenced accounts to cover these costs; and

NOW THEREFORE BE IT RESOLVED, that the Mayor be and hereby is authorized to execute the renewal agreement between the Village of Freeport and AECOM Technical Services Inc., 250 Apollo Drive, Chelmsford, Massachusetts 01824, on an as needed basis for the performance of general environmental services pertaining to Freeport’s Plants 1 and 2 for a cap of \$45,000 retroactively from March 1, 2023 to February 29, 2024.

The Clerk polled the Board as follows:

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

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2023-9

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Trustee Sanchez
Mayor Kennedy

In Favor
In Favor

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

WHEREAS, the Village of Freeport’s Electric Utility requires the performance of specialized legal services with regard to an upcoming electric rate case before the New York Public Service Commission; and

WHEREAS, the Village of Freeport has been represented by the law firm of Duncan, Weinberg, Genzer, & Pembroke, P.C., 1615 M Street, NW, Suite 800, Washington DC 20036 (DWGP) since approximately 1990; and

WHEREAS, DWGP is qualified to provide the services required, and the Superintendent of Electric Utilities has recommended that the Village retain the services of DWGP for the legal representation associated with the filing of a rate case; and

WHEREAS, DWGP will assist staff with preparing for the filing, briefing the PSC staff, attending pre-file meetings, preparing the case for trial, attending the hearing before the Administrative Law Judge, attending the public statement hearing, and negotiating a settlement

WHEREAS, the not to exceed amount for these services is \$100,000 plus expenses, and expenses will be charged to WO #2508 (E110000); and

NOW THEREFORE BE IT RESOLVED that the Board retroactively approves and the Mayor be authorized to execute any documentation necessary to enter into an agreement with Duncan, Weinberg, Genzer, & Pembroke, P.C. to provide legal representation related to a rate case filing for a term effective March 10, 2023 through February 29, 2024 at a not to exceed cost of \$100,000, plus expenses payable at the rates contained in the letter of agreement.

The Clerk polled the Board as follows:

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

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

WHEREAS, the Village is in the process of preparing and filing a rate case with the New York State Public Service Commission (PSC); this process requires the assistance of rate case consultants; and

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2023-10

2023-10

WHEREAS, the Superintendent of Electric Utilities is requesting Board approval to enter into a contract with a professional consulting and engineering firm with the expertise of technical assistance with electric, natural gas, water, and wastewater utility projects or studies; 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, GDS Associates, Inc., 1850 Parkway Place, Suite 800, Marietta, GA 30067 possesses those certain skills, knowledge, and expertise of a specialized nature; and

WHEREAS, GDS Associates, Inc., will be assisting the Village with the preparation and filing of the rate case; and GDS’s scope of work will include the following duties:

- Assist staff in preparation of rate case cost of service and rate base exhibits associated with filing a rate application with the PSC.
- Review cost of service and exhibits necessary for rate case filing with the PSC.
- Assist in developing rate case testimony in support of any rate case filing.
- Review the rate case, direct, and rebuttal testimony, including exhibits.
- Participate in discussions with PSC staff and attorneys, as requested.
- Review and develop responses to PSC staff interrogatories and/or information data requests.
- Attend and participate in any judicial proceedings, as ordered by the PSC.
- If requested, be available to provide expert testimony in support of any rate case filing.

WHEREAS, the rate case consulting services agreement with GDS Associates, Inc. will be for a term from May 15, 2023 through February 29, 2024 for the estimated cost of \$100,000.00 plus expenses; and

WHEREAS, this service shall be funded through budget line E110000 WO #2508 and there are sufficient funds available to cover this cost; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utilities, the Board approve and the Mayor be authorized to execute any documentation necessary to effectuate a rate case consulting services agreement with GDS Associates, Inc., 1850 Parkway Place, Suite 800, Marietta, GA 30067, for a term from May 15, 2023 through February 29, 2024 for the estimated cost of \$100,000.00 plus expenses.

The Clerk polled the Board as follows:

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

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Trustee Sanchez
Mayor Kennedy

In Favor
In Favor

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

WHEREAS, the Village of Freeport’s Electric Utility has not requested an electric rate increase since 2019, at which time, the Department of Public Service (DPS) declined the Village’s filing; and

WHEREAS, the current rate structure has been in place since July 1, 2014; and

WHEREAS, a rate increase is necessary to cover increased operating expenses and to recover from declining revenues associated with the following:

- Increase in the cost of health insurance and retirement benefits.
- Increase in labor cost as a result of the CSEA approved contract.
- Increase in training requirements to meet OSHA regulations.
- Increase in regulatory cost to meet the New York State Clean Energy Act and the Climate Leadership and Community Protection Act.
- Revenue lost from the 40% discount for Village electric accounts.

WHEREAS, the Utility must file by July of 2023 in order to stay within the 150-day requirement for the use of fiscal year end 2023 data; if the Village misses this date, the Utility will be required to develop new data for a filing at a later date; and

WHEREAS, while a rate case is a costly expense, the cost is typically a recoverable expense, and the anticipated cost for this rate case will be close to \$200,000.00; and

WHEREAS, the Utility does not have the necessary personnel to administer this rate case, so the Department is looking to hire the following two consulting firms to assist the Utility with this rate case:

- GDS Associates, Inc.
- Duncan, Weinberg, Genzer and Pembroke

WHEREAS, the Superintendent of Electric Utilities is requesting Board approval to file a rate increase for the Electric Utility from the above two consulting services; and

WHEREAS, all expenses related to the rate case shall be charged to WO#2508 (E110000) and there are sufficient funds available for this expense; and

NOW THEREFORE BE IT RESOLVED, that the Superintendent of the Electric Utility is authorized to file for an electric rate increase as soon as possible and that the Mayor be authorized to execute any and all documents necessary and proper to

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procure the two consulting services.

The Clerk polled the Board as follows:

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

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

WHEREAS, the deck roof on the west side of Hose 5 is in need of emergency repair; and

WHEREAS, if not repaired quickly, it could present a dangerous and unsafe condition for the firefighters; and

WHEREAS, All Quality Construction, 94 12th Ave, Holtsville, NY 11742, secured a quote with the Village to make the repairs; and

WHEREAS, All Quality Construction has done work for the Village in the past at a number of facilities, and the experience of their workmanship and reliability has been extremely favorable; and

WHEREAS, the quote is for \$13,000.00, in line with industry standards, and they are available to execute the repairs immediately; and

WHEREAS, funding will be from Account A341104 540300 Maintenance of Buildings and Grounds; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Executive Director of the Fire Department, the Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to retroactively approve the emergency repair with All Quality Construction, 94 12th Ave, Holtsville, NY 11742, for the cost of \$13,000.00.

The Clerk polled the Board as follows:

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

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

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2023-13

2023-13

WHEREAS, the Village of Freeport offers a Fire Service Length of Service Award Program (LOSAP) to the members of its Volunteer Fire Department; and

WHEREAS, one of the administrative procedures required under General Municipal Law Article 11-A is Board approval of the list of Firefighters' accumulated points and a thirty-day posting of the approved list; and

WHEREAS, the list prepared by the Village's LOSAP coordinator for the Fire Service Award Program Year 2022 has been reviewed by the Board of Trustees; and

WHEREAS, said list has been posted in each firehouse for a period of thirty (30) days; and

NOW THEREFORE BE IT RESOLVED, that the Mayor be and hereby is authorized to complete the paperwork to finalize the Fire Service LOSAP Year 2022.

The Clerk polled the Board as follows:

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

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

WHEREAS, on January 23, 2023, the Board approved a contract with LA Dell Marketing LP, One Dell Way, Round Rock, TX 78680 for Microsoft 365 licenses and Barracuda e-mail protection for a cost of \$9,348.60 for a term beginning March 1, 2023 and ending February 29, 2024; and

WHEREAS, the Chief of Police is requesting Board approval of a price adjustment for the purchase of Microsoft 365 from Dell Technologies; and

WHEREAS, Microsoft 365 will provide the department with updated versions of each tool in the Microsoft suite; however, the current version of Outlook being utilized by the department is obsolete and will soon be no longer supported by Microsoft; and

WHEREAS, there was a slight price increase of \$179.22, for a total of \$9,527.82; and

WHEREAS, the contract will be in effect retroactive to May 1, 2023 through February 29, 2024; and

WHEREAS, this service will be budgeted in account A312004 542800 – Service Contracts; and

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2023-14

2023-14

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Chief of Police, Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to approve a contract amendment with LA Dell Marketing LP, One Dell Way, Round Rock, TX 78680, for Microsoft 365 licenses and Barracuda e-mail protection for a cost of \$9,527.82 for a term in effect retroactive to May 1, 2023 through February 29, 2024.

The Clerk polled the Board as follows:

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

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

WHEREAS, the Superintendent of Public Works is requesting Board approval to authorize the Village Clerk to publish a Notice to Bidders for the Exterior Repairs to Residential Houses; and

WHEREAS, plans and Specifications for the above-referenced project are completed; and

WHEREAS, the project calls for the repairs to the following residences that are in a state of disrepair and are now considered nuisance buildings:

- 60 Meister Blvd, Freeport, NY
- 68 Ann Drive South, Freeport, NY
- 82 President Street, Freeport, NY
- 115 North Bergen Place, Freeport, NY
- 213 Maxson Avenue, Freeport, NY
- 216 Sportsman Avenue, Freeport, NY
- 332 South Brookside Avenue, Freeport, NY

WHEREAS, the estimated cost for this project is \$175,000.00; and

WHEREAS, funding for this project will come from the Village General Fund with the account number to be determined at a later date; the Village will bill the property owner for all work performed along with associated Village costs, not to exceed ten percent of the cost of the work performed; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Public Works, the Village Clerk be and hereby is authorized to publish a Notice to Bidders for the “Exterior Repairs to Residential Houses”, in the Freeport Herald and

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other relevant publications on May 18, 2023, with the specifications available from May 22, 2023 through June 2, 2023, with a return date of June 6, 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 Trustee Squeri, seconded by Deputy Mayor Ellerbe that the following resolution be adopted:

WHEREAS, on October 3, 2022, the Board awarded the Cow Meadow Park Fence Replacement Rebid to GTX Construction Associates Corp., 80 Henry Street, Freeport, NY 11520, in the amount of \$152,000.00; and

WHEREAS, GTX Construction Associates Corporation has been unresponsive in performing the work; and

WHEREAS, the Village contacted their bonding company; however, the bonding company informed the Village that the submitted bond was falsified by GTX Construction Associates Corp.; and

WHEREAS, due to the breach of contract, the Superintendent of Public Works is requesting the Board to terminate the contract for the Cow Meadow Park Fence Replacement Rebid with GTX Construction Associates Corp., 80 Henry Street, Freeport, NY 11520; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Public Works, the contract for the Cow Meadow Park Fence Replacement Rebid with GTX Construction Associates Corp., 80 Henry Street, Freeport, NY 11520, be terminated.

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

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

2023-16

2023-16

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

WHEREAS, the Superintendent of Public Works is requesting Board approval to authorize the Village Clerk to publish a Notice to Bidders for the Cow Meadow Park Fence Replacement Rebid 2; and

WHEREAS, plans and Specifications for the above-referenced project are completed; and

WHEREAS, the project calls for the installation of approximately 520 linear feet of new six foot high ornamental fence along with two motorized gates and two manual gates at Cow Meadow Park along South Main Street; and

WHEREAS, the estimated cost for this project is \$175,000.00; and

WHEREAS, funding for this project will come from a bond resolution that was authorized by the Village Board of Trustees on February 28, 2022 in the amount of \$2,500,000.00; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Public Works, the Village Clerk be and hereby is authorized to publish a Notice to Bidders for the “Cow Meadow Park Fence Replacement Rebid 2”, in the Freeport Herald and other relevant publications on May 18, 2023, with the specifications available from May 22, 2023 through June 2, 2023, with a return date of June 6, 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 Squeri that the following resolution be adopted:

WHEREAS, on March 13, 2023, the Board authorized the Village Clerk to publish a Notice to Bidders for the Rehabilitation of the Freeport Armory Building- Phase 2; and

WHEREAS, forty-five (45) bids were picked up and five (5) bids were received on April 11, 2023 for the referenced project; and

WHEREAS, the bids ranged from a high of \$782,000.00 to a low bid of \$509,300.00 and the Department of Public Works has reviewed and checked all bids and found them in good order; and

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2023-17

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WHEREAS, the lowest and responsible bidder was submitted by Talty Construction Inc., 180 Powell Avenue, Rockville Centre, N.Y. 11570, in the amount of \$509,300.00; and

WHEREAS, funding for this project will come from a bond resolution approved by the Village Board of Trustees on July 29, 2020 for \$700,000.00; the Village anticipates full reimbursement of the project cost through grant funding; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Public Works, the Board approve and the Mayor be and hereby is authorized to sign any paperwork necessary to award the bid for the Rehabilitation of the Freeport Armory Building- Phase 2 to Talty Construction Inc., 180 Powell Avenue, Rockville Centre, N.Y. 11570, in the amount of \$509,300.00.

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 Deputy Mayor Ellerbe that the following resolution be adopted:

WHEREAS, the Annual Nautical Festival on Woodcleft Avenue is scheduled for Saturday, June 3, 2023; and

WHEREAS, the Village wishes to provide children’s amusement park rides for the Nautical Festival in the parking lot adjacent to the museum on Woodcleft Avenue; and

WHEREAS, All Star Midway, 2 Charm City Drive, Port Jefferson Station, New York, 11776, is a company that is qualified to provide amusement rides for the Nautical Mile Festival; and

WHEREAS, All Star Midway will pay the Village the sum of twenty-five percent (25%) of the gross ride receipts revenue; and

WHEREAS, All Star Midway will provide a current Certificate of Insurance, and the policy will be for \$2,000,000; and will list the Village as additionally insured; and

WHEREAS, the rides will be in operation on Saturday, June 3, 2023 from 10 am until 8 pm; and

WHEREAS, All Star Midway will begin the breakdown process with all rides and events at 9 pm, on Saturday, June 3, 2023; and all rides/equipment will be removed by Monday, June 5,

May 15, 2023

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2023; and

NOW THEREFORE BE IT RESOLVED, that the Board approve and the Mayor be permitted to execute any documentation to enter into an agreement between the Village of Freeport and All Star Midway, 2 Charm City Drive, Port Jefferson Station, New York, 11776, for the 2023 Nautical Mile Festival from June 3, 2023 until June 5, 2023.

The Clerk polled the Board as follows:

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

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

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

WHEREAS, the lease between the Village of Freeport, Landlord, and Freeport Kayak, Tenant, will be from May 27, 2023 through September 3, 2023; and

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

WHEREAS, the rent will be prorated at \$87.50 per day for May 27, 28, and 29; and September 2, 3, and 4 of 2023 (a total of 6 days), and any additional paddling days will be prorated and paid after September 3, 2023; and

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

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Village Attorney, the Board approve and the Mayor be and is hereby authorized to enter into an agreement with Freeport Kayak Rentals, 33 Waterview Place, Lynbrook, New York 11563 for a term from May 27, 2023 through September 3, 2023 for use of Waterfront Park for a cost of \$700 per month, a security deposit of \$1,100, and will be prorated at \$87.50 per day for May 27, 28, and 29; and September 2, 3, and 4 of 2023 (a total of 6 days), and any additional paddling days will be prorated and paid after September 3, 2023.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor

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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 Attorney’s Office is requesting retroactive Board approval to enter into a contract with H&B Marine Service, 71 E 2nd Street, Freeport, New York 11520, for the purpose of performing maintenance inspections and repairs, removals of abandoned boats, removal of underwater debris, repairs to boats, and other associated duties at the Village’s properties and marinas; and

WHEREAS, the Personal Services Agreement with H&B Marine Service, 71 East Second Street, Freeport, New York 11520, is for a term retroactive to February 18, 2023 through February 29, 2024 for a not to exceed amount of \$50,000; 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, this expense will be charged to various accounts or capital projects, depending on where the work is being done; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Village Attorney, the Board approve and the Mayor be authorized to execute any documentation necessary to effectuate a Personal Services Agreement with H&B Marine Service, 71 East Second Street, Freeport, New York 11520, for a term retroactive to February 18, 2023 through February 29, 2024 for a not to exceed amount of \$50,000.

The Clerk polled the Board as follows:

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

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

Re:	Miscellaneous Sidewalk Resolution	
Location:	Various	
Contractor:	Armond Cement Construction, Co. Inc.	Total \$13,146.23

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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 60-2022

Owner: **Eugene & Mildred Reese**
100 Lena Avenue
Freeport, NY 11520
Sec, Blk., Lot (s): 55-475-24

Location: **100 Lena Avenue**

Contractor: Armond Cement Construction Co., Inc.

Charges: \$860.00

Sidewalk Survey: #MSW 216-2022

Owner: **Wenda Bertrand**
122 Randall Avenue
Freeport, NY 11520
Sec, Blk, Lot(s): 55-271-9

Location: **122 Randall Avenue**

Contractor: Armond Cement Construction Co, Inc.

Charges: \$2,017.60

Sidewalk Survey: #MSW 218-2022

Owner: **I. Monaco LLC**
29 W Main Street
Oyster Bay, NY 11771
Sec, Blk, Lot(s): 54-068-14

Location: **145 Randall Avenue**

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Contractor: Armond Cement Construction Co, Inc.
Charges: \$9,067.55

Sidewalk Survey: #MSW 218-2021
Owner: **M. Yisrael and D. Rose**
105 Shonnard Aveune
Freeport, NY 11520
Sec, Blk, Lot(s): 55-223-191
Location: **105 Shonnard Avenue**
Contractor: Armond Cement Construction Co, Inc.
Charges: \$522.68

Sidewalk Survey: #MSW 194-2021
Owner: **Roosevelt- Freeport Church**
PO Box 515
Roosevelt, NY 11575
Sec, Blk, Lot(s): 55-468-26
Location: **6 W. Woodbine Drive**
Contractor: Armond Cement Construction Co, Inc.
Charges: \$678.40

The Clerk polled the Board as follows:

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

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

WHEREAS, the Village of Freeport will file an application with the New York State Comptroller seeking the exclusion of \$29,344,841 of outstanding indebtedness as of Fiscal Year Ended February 28, 2023 for the electric utility; and

WHEREAS, Section 123(h) of the Local Finance Law requires that notice of the application be published in the local newspaper within fifteen days after filing of the exclusion application with the State Comptroller; and

WHEREAS, the exclusion application has to be filed with the State no later than May 31, 2023; and

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2023-22

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of Village Treasurer, approval be granted to file an application with the New York State Comptroller seeking an exclusion of electric utility indebtedness; and

BE IT FURTHER RESOLVED, that the Treasurer and/or Village Clerk be authorized to publish the required notice of the above-referenced debt exclusion application in The Freeport Herald.

The Clerk polled the Board as follows:

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

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

- Traffic at Armory
- Armory Tenants

It was moved by Trustee 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	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

The meeting was closed at 7:27 P.M.

At 7:28 P.M. Mayor Kennedy called the public hearing to order for which a full stenographic record was taken and indicated the purpose of the hearing is to consider an increase in the water rate.

Howard Colton, Village Attorney entered nine (9) exhibits into the record.

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

WHEREAS, the Board of Trustees of the Incorporated Village of Freeport, as lead agency, has determined that the proposed action described below, will not have a significant

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effect on the environment and neither a draft environmental impact statement nor a final environmental impact statement will be prepared; and

WHEREAS, the proposed action is to consider a Water Rate Change in the Village of Freeport; and

WHEREAS, this Board determines that the proposed action is an unlisted action, as that term is defined in the New York State Environmental Quality Review Act, herein after referred to as SEQRA. After careful consideration, the Board has concluded that the proposed action will not have a significant effect on the environment for the following reasons:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality, traffic or noise level, will not affect solid waste production, and will not affect erosion, flooding, leaching or drainage problems.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna nor interfere with the movement or any resident or migratory fish or wildlife species, nor impact on a significant habitat area, nor result in any other significant adverse effect to natural resources.

3. The proposed action will not encourage or attract a large number of people.

4. The proposed action is consistent with the community's current plans and goals for enforcement of Village laws.

5. The proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources of the Village.

6. The proposed action will not bring about a major change in the use of either the quantity or type of energy.

7. The proposed action will not create a hazard to human health.

8. The proposed action will not produce a substantial change in the use or intensity of land, including cultural or recreational resources, or its capacity to support existing uses.

9. The proposed action will not create a material demand for other actions that would result in any of the above consequences.

10. The proposed action will not change two or more elements in the environment, which when considered together could result in a substantial adverse impact on the environment.

11. When considered cumulatively with other actions, the proposed action will not have a significant effect on the environment or meet one of the above criteria.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Freeport, after reviewing the above criteria has determined that the proposed action is not environmentally significant.

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2023-24

The Clerk polled the Board as follows:

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

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

The Clerk polled the Board as follows:

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

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

WHEREAS, due to increased costs of the administration, enforcement, and inspection process associated with the Freeport Water Department, the Department requests that the water rates for metered sales of the Village of Freeport be changed as follows:

<u>In Village</u>	<u>Current Rate</u>	<u>New Rate</u>
Service Charge	\$39.00 per quarterly billing cycle	\$39.00 per quarterly billing cycle
First 50,000 gallons	\$2.08 per 1000 gallons	\$2.27 per 1000 gallons
50,001 to 100,000 gallons	\$4.27 per 1000 gallons	\$4.51 per 1000 gallons
100,001 and up	\$5.50 per 1000 gallons	\$5.80 per 1000 gallons
<u>Outside Village</u>	<u>Current Rate</u>	<u>New Rate</u>
Service Charge	\$46.80 per quarterly billing cycle	\$46.80 per quarterly billing cycle
First 50,000 gallons	\$2.50 per 1000 gallons	\$2.73 per 1000 gallons
50,001 to 100,000 gallons	\$5.12 per 1000 gallons	\$5.41 per 1000 gallons
100,001 and up	\$6.60 per 1000 gallons	\$6.96 per 1000 gallons

And,

WHEREAS, pursuant to relative case law, the Water Department, through the Department of Public Works, conducted a study to determine if the changes are rationally related to the costs of administration, enforcement and inspection of the Department's functions, licensing and permitting programs; and,

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WHEREAS, such study was presented at the public hearing on May 15, 2023, and placed into the record; and,

WHEREAS, the Board of Trustees took comment from the public on the proposed changes,

NOW THEREFORE BE IT RESOLVED, that the Board makes the following findings of facts:

1. The study conducted by the Water Department demonstrates that the requested increases to metered water rates within the Village of Freeport are rationally related to the costs associated with the administration, enforcement, and inspection of what is the Department’s functions and permitting programs; and,
2. The last increase to water rates was in 2012 and there have been steady expenditure increases within the Water Department’s budget since then

BE IT FURTHER RESOLVED, that upon such evidence and testimony, the Board of Trustees hereby sets the water rates for metered service within the Village of Freeport as follows:

<u>In Village</u>	<u>Current Rate</u>	<u>New Rate</u>
Service Charge	\$39.00 per quarterly billing cycle	\$39.00 per quarterly billing cycle
First 50,000 gallons	\$2.08 per 1000 gallons	\$2.27 per 1000 gallons
50,001 to 100,000 gallons	\$4.27 per 1000 gallons	\$4.51 per 1000 gallons
100,001 and up	\$5.50 per 1000 gallons	\$5.80 per 1000 gallons
<u>Outside Village</u>	<u>Current Rate</u>	<u>New Rate</u>
Service Charge	\$46.80 per quarterly billing cycle	\$46.80 per quarterly billing cycle
First 50,000 gallons	\$2.50 per 1000 gallons	\$2.73 per 1000 gallons
50,001 to 100,000 gallons	\$5.12 per 1000 gallons	\$5.41 per 1000 gallons
100,001 and up	\$6.60 per 1000 gallons	\$6.96 per 1000 gallons

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 7:40 P.M. the hearing ended.

Pamela Walsh Boening
Village Clerk

May 15, 2023