

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, November 27, 2023 at 5:00 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 5:03 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 5:04 P.M., it was moved by Trustee, seconded by Trustee and unanimously carried to adjourn this portion of the Legislative Meeting and return to the Mayor’s Conference Room to continue in Executive Session to consult with Counsel.

The Clerk polled the Board as follows:

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

At 5:32 P.M., motion was made by Deputy Mayor Ellerbe, seconded by Trustee Sanchez and unanimously carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

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

Approximately sixty (60) residents were present.

Deputy Mayor Ellerbe led in the Pledge of Allegiance.

The Mayor presented the Freeport Little League with a citation as the Fall League Champions. A citation was presented to Tihana Badurina on her retirement from public service.

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2023-2

2023-2

It was moved by Trustee Squeri, seconded by Trustee Martinez and carried to approve the Board of Trustees Minutes of November 13, 2023.

The Clerk polled the Board as follows:

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

It was moved by Trustee Sanchez, seconded by Deputy Mayor Ellerbe and carried to approve the Board of Trustees Dangerous/Nuisance Buildings Minutes of November 2, 2023.

The Clerk polled the Board as follows:

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

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

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

WHEREAS, the firm Schroder & Strom, LLP represented the tax certiorari petitioner in the below settlement negotiation:

Petitioner: Sigurd Feile
 v/l/s/o 137 Miller Avenue, 137, 149, 153, 157 Miller Avenue, 250 Atlantic Avenue, and v/l/w/o 250 Atlantic Avenue
 62/119/210, 213, 219, 225, 226, 62/124/8, 120, 117, 118

Total Refund: 2016/2017, 2018/2019 to 2023/2024 – Refund: **\$11,955.19** – AV: **35,900** going forward 2024/2025, 2025/2026, and 2026/2027.

Total SBL Proposed AV

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2016/17	0.0191	43560	45,682	0	0.62296	\$0.00
2018/19	0.018	43560	47,880	0	0.62296	\$0.00

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2019/20	0.0172	43560	48,504	0	0.62296	\$0.00
2020/21	0.0162	43560	40,662	2,898	0.62296	\$1,805.34
2021/22	0.0151	43560	38,958	4,602	0.62296	\$2,866.86
2022/23	0.0150	43560	39,450	4,110	0.62296	\$2,560.37
2023/24	0.0130	43560	35,900	7,661	0.61649	\$4,722.62

Current MV \$3,350,759 Settled MV \$2,761,500 Refund \$11,955.19

WHEREAS, the tax certiorari proceedings for 62/119/226 will be discontinued; and

WHEREAS, the assessed values for the remaining parcels will be adjusted on the 2024/2025 Tentative Assessment Roll and will be set for 2024/2025 as follows:

Section/Block/Lot	2023/24 Final Roll & 2024/25 Tentative Roll AV	2024/25 Adjusted AV
62/119/210	2,040	1,681
62/119/213	2,040	1,681
62/119/219	3,290	2,711
62/119/225	520	428
62/124/8, 120	2,632	2,169
62/124/117	30,011	24,735
62/124/118	3,027	2,495
TOTAL	43,560	35,900

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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2023-4

NOW THEREFORE BE IT RESOLVED, that the above-listed tax certiorari settlement be approved and that the Assessor is hereby authorized to adjust the 2016/2017 through the 2023/2024 Final Assessment Rolls and that the Treasurer be approved to issue said refund for the amounts cited hereinabove, for a total of \$11,955.19.

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, permission is requested for the Assessor to retroactively correct the total assessed value by removing the demolished building assessed value (31,547) and only valuing the land assessed value (24,900) on this property; and

WHEREAS, since the building was demolished in January 2022, the clerical error was due to the property owner demolishing the building and the total assessed value remained and included the building and land for the property for the above years; and

WHEREAS, a Land Appraisal was done to correct the market value of the land for the 2024/2025 Tentative Roll; and

WHEREAS, this clerical error may be corrected by the Board in accordance with the provisions of the Real Property Tax Law; and

WHEREAS, this error was brought to the Assessor’s attention after the adoption of the 2024/2025 Tentative Assessment Roll; and

WHEREAS, listed below is the correct status of the property:

S / B / L	Address	2024 Tentative Roll Land Assessed Value	Correction of 2024 Tentative Roll Assessed Land Value
62 / 126 / 196	267 Merrick Rd	19,742	24,900

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 above changes recommended by the Assessor to be made to the 2024/2025 Tentative Assessment Roll.

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2023-5

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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 Deputy Mayor Ellerbe that the following resolution be adopted:

WHEREAS, on May 31, 2023, the Village sold the properties known as 80-84 Albany Avenue (55/190/51-55) and 3 Buffalo Avenue (55/190/63) to The Gardens at Buffalo LLC; and

WHEREAS, a request has been made based on the Agreement between parties to remove the exemptions from this property, the assessment must be changed to vacant land only for the tax years of 2024/2025, 2025/2026 and 2026/2027 and the total assessed value of the vacant land properties is 37,418 going forward for the tax years indicated; and

WHEREAS, these properties were owned by the Village and were tax exempt; and

WHEREAS, at the current combined AV of 227,500, the property was sold for \$17,500,000, at closing of 5/31/2023, it was agreed that the property would be assessed at vacant land value (the sale price) through February 29, 2024; and

WHEREAS, on August 22, 2023, an agreement was signed to reduce the assessed value starting 3/1/2024 to 37,418; and

WHEREAS, the Assessor is requesting that the assessed values be decreased and updated as below for the Final Assessment Roll of 2024/2025:

S/B/L	Address	Current Assessed Value a/o 5/31/2023	New Assessed Value Effective 3/1/2024
55/190/51-55	80-84 Albany Avenue	7,591	7,168
55/190/63	3 Buffalo Avenue	219,909	30,250
	Total	227,500	37,418

NOW THEREFORE BE IT RESOLVED, that the Board of Assessment Review, comprised of members of the Board of Trustees give the Assessor authorization that the assessed values be decreased and updated as stated above for the Final Assessment Roll of 2024/2025.

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 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 2023/2024 Final Assessment Roll and the 2024/2025 Tentative Assessment Roll; and

S / B / L	Address	Exemption Code	Exemption Amount	Reason
54 / 084 / 11	97 Lexington Ave	41800 Senior	1,964	Deceased 10/08/2023

WHEREAS, the Assessor reviewed the application and made the recommendation that the exemptions be removed from the 2023/2024 Final Assessment Roll and the 2024/25 Tentative 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 2023/2024 Final Assessment Roll and the 2024/2025 Tentative Assessment Roll and that the Treasurer issue a corrected tax bill.

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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2023-7

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

WHEREAS, on September 26, 2016, the Board of Trustees awarded the RFP for Auditing Services in Connection with Real Property Tax Certiorari Proceedings to BST & Co. CPA, LLP, 26 Computer Drive West, Albany, New York, 12205 and David F. Newton, CPA, 6 Roosevelt Avenue, Port Jefferson Station, New York, 11776; and

WHEREAS, said services were to be on an as-needed basis and carried a provision for a one-year renewal if mutually accepted; and

WHEREAS, since GML §103 does not require a bid for these professional services, the Village may opt to extend the contract without re-bidding the services; and

WHEREAS, the retainer fee for the engagement amount remains the same at \$2,500.00, and a minimum fee of \$1,000.00 (no increase) will apply to the matter regardless of time charges incurred, the standard hourly rates for billable travel time of this year agreement reflects an increase slightly from year to year as listed; and

	12/31/2022	12/31/2023	12/31/2024
Partners	\$350.00-\$400.00	\$365.00-\$400.00	\$365.00-\$400.00
Senior Managers	\$310.00-\$340.00	\$305.00-\$360.00	\$305.00-\$360.00
Managers	\$250.00-\$300.00	\$260.00-\$300.00	\$260.00-\$300.00
Analysts/Senior Analysts	\$190.00-\$240.00	\$190.00-\$255.00	\$190.00-\$255.00
Other Department Staff	\$110.00-\$180.00	\$115.00-\$180.00	\$115.00-\$180.00

WHEREAS, these services will be charged to A193004 545500 (Judgments and Claims) and reimbursable from tax certiorari bond proceeds; and

NOW THEREFORE BE IT RESOLVED, that the Mayor be and hereby is authorized to execute any documents necessary to approve the one-year renewal of the proposal of BST & Co. CPA, 10 British American Boulevard, Latham, NY 12110 to provide auditing services on an as-needed basis from March 1, 2024 to February 28, 2025.

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:

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WHEREAS, the Assessment Department has a need to renew a property sales program that covers Nassau County; and the Freeport property information will be used as a tool in decisions relative to property sales comparisons, detail property reports, liens, listings, property zoning maps, and used as part of the recertification process and grievance process; and

WHEREAS, this service is provided by ATTOM DATA, Dept. LA 24693, Pasadena, CA 91185-4693, in the amount of \$558.90; and

WHEREAS, the licensing period will run from March 1, 2024 through February 28, 2025 at a cost of \$558.90 with no increase for the 2024/2025 year; and

WHEREAS, this expense will be charged to budget line A135504 542800 Service Contracts & Repairs; and

THEREFORE BE IT RESOLVED, that based upon the recommendation of the Village Assessor, Board approve and the Mayor be and hereby is authorized to contract for the renewal of the subscription with ATTOM DATA, Dept. LA 24693, Pasadena, CA 91185-4693, in the amount of \$558.90 for a period running from March 1, 2024 through February 28, 2025.

The Clerk polled the Board as follows:

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

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

WHEREAS, on September 26, 2023, the Board authorized the Village Clerk to advertise a Notice to Bidders for the “Furnishing of Overhead, Pole Mounted, Single Phase, Single Voltage, Distribution Transformers, Bid #23-10-ELEC-674”; and

WHEREAS, at the bid opening on October 31, 2023, the Electric Department received one (1) bid in response to its advertisement; and

WHEREAS, the only bidder was submitted by Technology International Inc., 1331 S International Pkwy, Suite 2251, Lake Mary, FL 32746; and

WHEREAS, Technology International Inc. was non-responsive as this bidder failed to comply with the specifications; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utilities, the bid received on October 31, 2023 for the “Furnishing of

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Overhead, Pole Mounted, Single Phase, Single Voltage, Distribution Transformers”, Bid #23-10-ELEC-674, be rejected.

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 of Freeport is in need to replenish its supply of IT equipment, specifically 25 refurbished Dell Personal computers and 30 refurbished Dell monitors; and

WHEREAS, said purchase requires the use of competitive bidding as necessitated by General Municipal Law §103 and the Village’s Procurement Policy; and,

WHEREAS, this contract will be funded through A168002 520100 - Equipment; and

NOW THEREFORE BE IT RESOLVED, that based on the recommendation of the Superintendent of Electric Utilities, the Mayor and the Board hereby grant authorization for the Village Clerk to publish a Notice to Bidders for Bid #23-12-ELEC-680, “Furnishing of Refurbished Dell Personal Computers and Refurbished Dell LCD Monitors” in the Freeport Herald and other publications of general circulation on November 30, 2023, with bid documents available from December 4, 2023 through December 15, 2023, with a return date of December 19, 2023, with bids scheduled to be opened at 11:00 am.

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’s Electric Utility requires the performance of specialized legal services related to the New York Association of Public Power (NYAPP), the New York Independent System Operator (NYISO) and other matters that may arise from time to time; and

WHEREAS, the Village of Freeport has been represented by the law firm of Duncan,

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Weinberg, Genzer, & Pembroke, P.C. since approximately 1990; and

WHEREAS, the firm of Duncan, Weinberg, Genzer, & Pembroke, P.C. is qualified to provide the services required; 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 Superintendent of Electric Utilities has recommended that the Village continue to retain the services of Duncan, Weinberg, Genzer, & Pembroke, P.C.; and

WHEREAS, the Superintendent of Electric Utilities recommends that the contract be entered into from March 1, 2024 until February 28, 2025, for a not-to-increase cost of \$100,000.00; and

WHEREAS, the hourly fees increased for all titles for the March 1, 2024 agreement; and the attorney fee increases ranged from \$10.00 to \$25.00 per hour based on title; and

WHEREAS, this service shall be funded through various account numbers including E7222160 512200 (Purchase Power Legal Expense) 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 Utilities, the Board approve and the Mayor be and hereby is authorized to execute any documentation necessary to effectuate the agreement for legal services between the Village of Freeport and Duncan, Weinberg, Genzer, & Pembroke, P.C., 1667 K Street N.W., Suite 700, Washington, DC 20006, for a term effective March 1, 2024 through February 28, 2025 at a not-to-exceed cost of \$100,000.00 payable at the rates contained in the letter of agreement.

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 Superintendent of Electric Utilities is requesting Board approval for the Information Technology Center (ITC) to receive a secondary 1 gb internet connection that will be used by the Village, Police Department, Electric Utility, and Water Department; and

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2023-11

2023-11

WHEREAS, Cablevision Lightpath, Inc., 1111 Stewart Avenue, Bethpage, New York, 11714, is qualified to provide this service; and

WHEREAS, the contract will be for a five (5) year term from December 1, 2023 to November 30, 2028, for a cost of \$900.00 per month; and

WHEREAS, the expense code for this service is A168004 540600 (TELECOMMUNICATIONS); and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utilities, the Board approve and that the Mayor be and hereby is authorized to sign any and all documentation necessary to effectuate the agreement with Cablevision Lightpath, Inc., 1111 Stewart Avenue, New York, 11714, for a five (5) year term from December 1, 2023 to November 30, 2028, for a cost of \$900.00 per month.

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 Incorporated Village of Freeport requires bids for the “2023 Road Resurfacing Project” which provides for the cold-milling and asphalt overlaying of existing roadways where the road bed is in good condition, but the upper layer of asphalt is deteriorating and this will help extend the life of these roadways in a cost-effective manner; and

WHEREAS, the proposed roadways are as follows:

Road	From	To
Arthur Street	Dead End	Cornelius Street
Elliott Place	Southside Avenue	Archer Street
Triangle Place	South Brookside	Sigmond Street
North Long Beach	Merrick Road	Seaman Avenue
West End Avenue	Hampton Place	Atlantic Avenue
Facility	Location	
Parking Field #8	Guy Lombardo Avenue	
Parking Field #29	North of the Train Station	
Armory Parking Field	63 Babylon Tpke	

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2023-12

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WHEREAS, the estimated cost of this project is \$1,100,000.00; and

WHEREAS, partial funding for the road resurfacing will come from a \$750,000 bond resolution approved by the Board of Trustees on July 12, 2021 and the balance from an anticipated bond resolution to be approved by the Board; and

WHEREAS, the project is reimbursable with a Freeport Community Development Agency grant and the New York State Consolidated Local Street and Highway Improvement Program (CHIPS) funding; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Board hereby grant authorization to advertise a Notice to Bidders for the “2023 Road Resurfacing Project” in the Freeport Herald and other relevant publications on November 30, 2023 with specifications available from December 4, 2023 through December 15, 2023 with a return date of December 19, 2023, with bids scheduled to be opened at 11:00 AM.

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’s Annual Curb and Sidewalk Contract expires on February 29, 2024; and

WHEREAS, said purchase and repair requires the use of competitive bidding as necessitated by General Municipal Law §103 and the Village’s Procurement Policy; and,

WHEREAS, this program provides the contractual unit prices for the repair of concrete curb and concrete sidewalk and the current contract has an approximate annual cost of \$130,000 and funding for the repairs will be included in the 2024-2025 Fiscal Budget; and

WHEREAS, the contract will be for a term of one year beginning March 1, 2024 and ending February 28, 2025, with an option for two one-year extensions if mutually accepted; and

WHEREAS, this Contract can be utilized by any Department within the Village and therefore work done under this contract will be paid for under the appropriate account or budget line from the requesting Department; 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

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2023-13

2023-13

Notice to Bidders, for the “2024 Annual Curb and Sidewalk Contract” in the Freeport Herald and other relevant publications of general circulation on November 30, 2023, with bid documents available from December 4, 2023 through December 15, 2023, with a return date of December 19, 2023, with bids scheduled to be opened at 11:00 am.

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 Martinez that the following resolution be adopted:

WHEREAS, the Village of Freeport requires the services of a company able to perform under the annual Maintenance and Landscaping of Various Village Properties, including the Freeport Recreation Center, the Freeport Electric power plants, substations, transformer locations, Freeport Memorial Library, and Water Department well sites; and

WHEREAS, procurement of said maintenance and landscaping require the use of competitive bidding as necessitated by General Municipal Law §103 and the Village’s Procurement Policy; and

WHEREAS, funding for the landscaping will be included in the 2024-2025 Fiscal Budget as well as the Electric and Water Operating budgets; and

WHEREAS, this contract is anticipated to cost approximately \$38,000.00; and

WHEREAS, the contract term will run from March 1, 2024 and expire on February 28, 2025 with an option for two one-year extensions if mutually accepted; and

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Superintendent of Public Works, the Village Clerk be and hereby is authorized to publish a Notice to Bidders, for “2024 Annual Maintenance and Landscaping of Various Village Properties” in the Freeport Herald and other relevant publications of general circulation on November 30, 2023, with bid documents available from December 4, 2023 through December 15, 2023, with a return date of December 19, 2023, with bids scheduled to be opened at 11:00 am.

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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2023-14

2023-14

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

WHEREAS, the Village is seeking to retain the services of a licensed electrical contractor to perform a variety of electrical repairs to Village owned facilities on an as needed basis; and

WHEREAS, this contract provides contractual unit prices for electrical services and related materials with a term of one year beginning March 1, 2024 and end on February 28, 2025, with an option for a two one-year extensions if mutually accepted; and

WHEREAS, said contract requires the use of competitive bidding as necessitated by General Municipal Law §103 and the Village’s Procurement Policy; and

WHEREAS, the funding for this work will come from various Village accounts, depending on where the work is performed with an expected annual cost not to exceed \$75,000.00; and

NOW THEREFORE BE IT RESOLVED, that based on the recommendation of the Superintendent of Public Works, the Mayor and the Board hereby grant authorization for the Village Clerk to publish a Notice to Bidders for the “2024 Electrical Work Requirements Contract” in the Freeport Herald and other publications of general circulation on November 30, 2023, with bid documents available from December 4, 2023 through December 15, 2023, with a return date of December 19, 2023, with bids scheduled to be opened at 11:00 am.

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 Martinez that the following resolution be adopted:

WHEREAS, the Freeport Department of Public Works requires advertising for bids for its 2024 Security System Contract; and

WHEREAS, this contract provides unit prices for the repair and maintenance of the Village’s security systems and these systems include access and control systems, alarm systems, and video security systems for various Departments within the Village; and

WHEREAS, said procurement of said parts requires the use of competitive bidding as necessitated by General Municipal Law §103 and the Village’s Procurement Policy; and,

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2023-15

2023-15

WHEREAS, funding for this work will come from various Village accounts and the expected annual cost of this work is not to exceed \$70,000.00; and

WHEREAS, the contract will be for a term of one year beginning March 1, 2024, and ending February 28, 2025, with an option for two one year extensions if mutually accepted; and

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of Freeport Superintendent of Public Works, the Village Clerk be and hereby is authorized to publish a Notice to Bidders, for the 2024 Security System Contract in the Freeport Herald Leader and other relevant publications of general circulation on November 30, 2023, with bid documents available from December 4, 2023 through December 15, 2023, with a return date of December 19, 2023, with bids scheduled to be opened at 11:00 am.

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 requires the annual purchase of various auto parts for Village of Freeport vehicles; and

WHEREAS, said contract requires the use of competitive bidding as necessitated by General Municipal Law §103 and the Village’s Procurement Policy; and,

WHEREAS, this contract will have a term of one year beginning March 1, 2024 and ending February 28, 2025 with an option for a two one-year extensions if mutually accepted; and

WHEREAS, this contract will have an approximate cost of \$110,000.00 and will be charged to Village Garage (A164004 540400); and

NOW THEREFORE BE IT RESOLVED, that based on the recommendation of the Superintendent of Public Works, the Mayor and the Board hereby grant authorization for the Village Clerk to publish a Notice to Bidders for the “2024 Supply of Auto Parts” in the Freeport Herald and other publications of general circulation on November 30, 2023, with bid documents available from December 4, 2023 through December 15, 2023, with a return date of December 19, 2023, with bids scheduled to be opened at 11:00 am.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
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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

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 Department of Public Works and the Village Attorney would like to renew the contract with Operation SPLASH – an organization that provides the service of removing floatables, junk, and debris from waterways within the Incorporated Village of Freeport; and

WHEREAS, the mission of Operation SPLASH Inc., a not-for-profit corporation, is to provide the residents of the Incorporated Village of Freeport with the service of removing floatables, junk and debris from the Village’s waterways and to provide knowledge, awareness, and information relative to the protection of Freeport’s waterways, estuaries, groundwater, and salt marshes, through publications, educational programs, dissemination of rules, regulations, and other information concerning hazardous materials and illicit discharges, their prevention and abatement; and

WHEREAS, pursuant to Article 18 of the General Municipal Law, the legislative record of this Board hereby reflects disclosure of the fact that the Purchasing Agent’s spouse is the president of Operation SPLASH, Inc.; and

WHEREAS, no prohibited conflict of interest is created by entering into this agreement, as Operation SPLASH, Inc. is a not for profit corporation; and

WHEREAS, the agreement will be for a term of one year beginning March 1, 2024 through February 28, 2025 and will not exceed \$25,000.00; and

WHEREAS, the funding for this agreement has been budgeted in account A854104 540100; and

NOW THEREFORE BE IT RESOLVED, that the Mayor be and hereby is authorized to execute an agreement between the Village of Freeport and Operation SPLASH Inc., located at 202 Woodcleft Avenue, Freeport, New York, at a cost of \$25,000, payable in one lump sum at the onset of the fiscal year, March 1, 2024 and furthermore that said contract will run from March 1, 2024 through February 28, 2025.

The Clerk polled the Board as follows:

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

November 27, 2023

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

2023-17

2023-17

Mayor Kennedy

In Favor

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

WHEREAS, on March 11, 2019, the Board awarded a Request for Proposals for Stenographic Court Reporting Services contract to NY Reporting, Inc. of 82 Division Avenue, Massapequa, New York, 11758, at the per diem cost as provided in the proposal for a term running from March 1, 2019 to February 28, 2022 with the option to renew for 2 additional years; and

WHEREAS, on February 7, 2022, the Board awarded a Request for Proposals for Stenographic Court Reporting Services contract to NY Reporting, Inc. of 82 Division Avenue, Massapequa, New York, 11758, at the per diem cost as provided in the proposal for a term running from March 1, 2022 to February 29, 2024; and

WHEREAS, the Village Attorney is requesting approval from the Board to renew the contract for a term from March 1, 2024 through February 28, 2026 with no increase in price; and

WHEREAS, the cost for per diem appearances is \$100.00, \$395.00 for appearances with transcript after 6PM, and the charge for delivery of transcripts is \$4.75 per page for ten-day delivery, \$4.85 per page for five-day expedited delivery, and \$4.95 per page for overnight delivery, with all transcripts to be provided within a maximum of thirty days; and

WHEREAS, funding will be available through Budget line A111004-545700 Court Non-Employee Salaries; and

NOW, THEREFORE, BE IT RESOLVED, that the Board approve and the Mayor be and hereby is authorized to execute any and all documentation necessary to renew the contract with NY Reporting, Inc. of 82 Division Avenue, Massapequa, New York, 11758, for a term from March 1, 2024 through February 28, 2026 with no increase in price.

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, and unanimously carried that the meeting be closed.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	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.

2023-18

2023-18

Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

The meeting was closed at 6:03 P.M.

At 6:03 P.M. Mayor Kennedy called the public hearing to order for which a full stenographic record was taken and indicated that the purpose of the hearing was to consider amending Chapter 155 by adding “Post Deprivation Hearings - Vehicles Impounded for Unpaid Parking Tickets and Default Judgments”.

Jennifer Ungar, Deputy Village Attorney entered eight (8) exhibits into evidence and conducted the hearing.

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 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 amending Chapter 155 entitled Peace and Good Order, by amending Chapter XIV entitled “Post Deprivation Hearings – Vehicles Impounded for Unpaid Parking Tickets and Default Judgments”; 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.

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

2023-19

2023-19

- 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.

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 Sanchez and unanimously carried to close the hearing to further evidence and testimony.

The Clerk polled the Board as follows:

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

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

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

2023-20

2023-20

A LOCAL LAW TO AMEND CHAPTER 155, ARTICLE XIV, ENTITLED “POST DEPRIVATION HEARINGS – VEHICLES IMPOUNDED FOR UNPAID PARKING TICKETS AND DEFAULT JUDGMENTS” SECTION 155-107.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEPORT AS FOLLOWS:

Section 1: Chapter 155 Article XIV, §155-107 which reads as follows, is hereby repealed:

Article XIV Post Deprivation Hearings – Vehicles Impounded for Unpaid Parking Tickets and Default Judgments

§155-107 Procedure

1. Ascertainment of and notice to Interested Parties: Upon impoundment, removal or seizure of a vehicle for unpaid parking tickets and default judgments, the Village shall conduct a diligent inquiry to determine the identity of parties with interests in the seized vehicle (the “Interested Parties”), and within 10 days of the impoundment, removal or seizure shall provide written notice (“Notice of Seizure”) of the right to a retention hearing (the “Retention Hearing”) to those Interested Parties, defined as follows:
 - a. The driver in possession at the time of seizure;
 - b. The registrant of the vehicle;
 - c. The titled owner of the vehicle;
 - d. Any lessor of the vehicle; and/or
 - e. Any lienholder of the vehicle.
2. Written Notice of Retention Hearing Procedure and turnover to other Interested Party on event of Default:
 - a. The Notice of Seizure shall state that each Interested party has the right to a prompt post impoundment, removal or seizure hearing (“Retention Hearing”) before a neutral decision maker who shall review the legality of the seizure, the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle and determine the rights of possession in the vehicle at issue among the registered owner/ titled owner, lessor/lessee and shall be given by certified mail to the Interested parties in the vehicle.
 - b. The notice shall also inform owners of vehicles subject to liens, or lessees of leased vehicles—as applicable—that if they fail to participate in a Retention Hearing and are in default under the terms of their lease, that the seized vehicle may instead be released to a lienholder or lessor (as applicable) if a post-default review of indicates that such lienholder or lessor is entitled to take possession of the seized vehicle.
 - c. The Notice of Seizure shall be sent by certified mail, return receipt requested, to the Interested Parties at the address listed for each interested party on the license, registration and/or document of title for the vehicle in question or such other

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address as is reasonably calculated to give the Interested Party notice of the removal, seizure, impoundment or detention.

- d. The Notice of Seizure shall state the name and address of the Interested Party; make, model and vehicle identification number (“VIN”) of the seized vehicle; the purpose of the Retention Hearing is to determine the legality of the impoundment, removal or seizure, the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle and determine the rights of possession in the vehicle at issue and that each Interested Party shall have the option to request such hearing, which must be commenced within twenty-one (21) days from the time the Notice of Seizure is sent to all Interested Parties.
3. Independent Agent to Conduct Hearings and Procedure to be made public:
 - a. The procedure to obtain a Retention Hearing before a neutral decision maker shall be posted on the Village’s website.
 - b. The Village shall appoint an independent agent to conduct such Retention Hearings at the cost and expense of the Village.
 4. Conduct of the Retention Hearing:
 - a. Retention Hearings shall be scheduled in person and/or virtually at Village premises or locations in or outside the Village designated by the Village for such hearings.
 - b. The Retention Hearing shall be conducted promptly following the seizure, impoundment, and detention of any vehicle before a neutral decision maker who shall:
 - i. Review the legality of the seizure;
 - ii. Review the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle; and
 - iii. Determine the rights of possession in the vehicle at issue.
 - c. The neutral decision maker shall reserve continuing jurisdiction beyond the initially scheduled Retention Hearing in the event of the need to adjourn such hearing due to circumstances beyond the control of the parties, such as weather or public health events, but in no instance shall this provision result in the retention of a vehicle indefinitely without a hearing.
 5. Default and Post-Default Review: If no Interested Party requests a Retention Hearing or appears at the requested Retention Hearing, all Interested Parties will be deemed in default. In the event of a default, the Village Attorney shall conduct a post-default review of the seizure to determine:
 - a. The legality of the seizure,
 - b. The appropriateness of any fees and expenses charged in relation to the seizure and storage of the vehicle.
 6. Actions Post-Default: Following post-default review, the Village may take such further actions as are called for by its laws or other policies and procedures, including the imposition of fees, seeking forfeiture or otherwise disposing of the vehicle.

7. Proof of the Right of Titled Owner or Lienholder to retake possession: A vehicle will not be turned over to a titled owner, lessor or lienholder until the lessor or lienholder provides satisfactory proof of the right of a titled owner, lessor or lienholder to take possession of a vehicle in the form of an Affidavit of Right from an appropriate custodian of records of the titled owner, lessor or lienholder stating:
 - a. The reason(s) the titled owner, lessor or lienholder has a current right to take possession of the vehicle and attaching certified copy of the lease document or retail installment contract;
 - b. An agreement by the titled owner, lessor or lienholder to reasonably cooperate with the Village should a driver or registrant later make claims against the Village related to the Village 's turnover of the vehicle to the titled owner, lessor; and/or lienholder;
 - c. An agreement to release the Village for its conduct in towing the vehicle; and
 - d. An agreement that the titled owner, lessor or lienholder shall pay to the Village those fees which may imposed by a written disposition following the Retention Hearing.

8. This chapter shall not apply where a vehicle is impounded under authority granted pursuant to New York State Statute.

Section 2. Chapter 155 Article XIV, §155-107 which reads as follows, is hereby adopted:

Article XIV Post Deprivation Hearings – Vehicles Impounded

§155-107 Procedure

1. Ascertainment of and notice to Interested Parties: Upon impoundment, removal or seizure of a vehicle for unpaid parking tickets, violations of New York State Vehicle and Traffic Law §§ 319, 340, 355, 401, 402, or 512, and default judgments, the Village shall conduct a diligent inquiry to determine the identity of parties with interests in the seized vehicle (the “Interested Parties”), and within 10 days of the impoundment, removal or seizure shall provide written notice (“Notice of Seizure”) of the right to a retention hearing (the “Retention Hearing”) to those Interested Parties, defined as follows:
 - a. The driver in possession at the time of seizure;
 - b. The registrant of the vehicle;
 - c. The titled owner of the vehicle;
 - d. Any lessor of the vehicle; and/or
 - e. Any lienholder of the vehicle.

2. Written Notice of Retention Hearing Procedure and turnover to other Interested Party on event of Default:
 - a. The Notice of Seizure shall state that each Interested party has the right to a prompt post impoundment, removal or seizure hearing (“Retention Hearing”) before a neutral decision maker who shall review the legality of the seizure, the

appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle and determine the rights of possession in the vehicle at issue among the registered owner/ titled owner, lessor/lessee and shall be given by certified mail to the Interested parties in the vehicle.

- b. The notice shall also inform owners of vehicles subject to liens, or lessees of leased vehicles—as applicable—that if they fail to participate in a Retention Hearing and are in default under the terms of their lease, that the seized vehicle may instead be released to a lienholder or lessor (as applicable) if a post-default review of indicates that such lienholder or lessor is entitled to take possession of the seized vehicle.
 - c. The Notice of Seizure shall be sent by certified mail, return receipt requested, to the Interested Parties at the address listed for each interested party on the license, registration and/or document of title for the vehicle in question or such other address as is reasonably calculated to give the Interested Party notice of the removal, seizure, impoundment or detention.
 - d. The Notice of Seizure shall state the name and address of the Interested Party; make, model and vehicle identification number (“VIN”) of the seized vehicle; the purpose of the Retention Hearing is to determine the legality of the impoundment, removal or seizure, the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle and determine the rights of possession in the vehicle at issue and that each Interested Party shall have the option to request such hearing, which must be commenced within twenty-one (21) days from the time the Notice of Seizure is sent to all Interested Parties.
3. Independent Agent to Conduct Hearings and Procedure to be made public:
- a. The procedure to obtain a Retention Hearing before a neutral decision maker shall be posted on the Village’s website.
 - b. The Village shall appoint an independent agent to conduct such Retention Hearings at the cost and expense of the Village.
4. Conduct of the Retention Hearing:
- a. Retention Hearings shall be scheduled in person and/or virtually at Village premises or locations in or outside the Village designated by the Village for such hearings.
 - b. The Retention Hearing shall be conducted promptly following the seizure, impoundment, and detention of any vehicle before a neutral decision maker who shall:
 - i. Review the legality of the seizure;
 - ii. Review the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle; and
 - iii. Determine the rights of possession in the vehicle at issue.
 - c. The neutral decision maker shall reserve continuing jurisdiction beyond the initially scheduled Retention Hearing in the event of the need to adjourn such hearing due to circumstances beyond the control of the parties, such as weather or

public health events, but in no instance shall this provision result in the retention of a vehicle indefinitely without a hearing.

5. Default and Post-Default Review: If no Interested Party requests a Retention Hearing or appears at the requested Retention Hearing, all Interested Parties will be deemed in default. In the event of a default, the Village Attorney shall conduct a post-default review of the seizure to determine:
 - a. The legality of the seizure,
 - b. The appropriateness of any fees and expenses charged in relation to the seizure and storage of the vehicle.

6. Actions Post-Default: Following post-default review, the Village may take such further actions as are called for by its laws or other policies and procedures, including the imposition of fees, seeking forfeiture or otherwise disposing of the vehicle.

7. Proof of the Right of Titled Owner or Lienholder to retake possession: A vehicle will not be turned over to a titled owner, lessor or lienholder until the lessor or lienholder provides satisfactory proof of the right of a titled owner, lessor or lienholder to take possession of a vehicle in the form of an Affidavit of Right from an appropriate custodian of records of the titled owner, lessor or lienholder stating:
 - a. The reason(s) the titled owner, lessor or lienholder has a current right to take possession of the vehicle and attaching certified copy of the lease document or retail installment contract;
 - b. An agreement by the titled owner, lessor or lienholder to reasonably cooperate with the Village should a driver or registrant later make claims against the Village related to the Village 's turnover of the vehicle to the titled owner, lessor; and/or lienholder;
 - c. An agreement to release the Village for its conduct in towing the vehicle; and
 - d. An agreement that the titled owner, lessor or lienholder shall pay to the Village those fees which may imposed by a written disposition following the Retention Hearing.

8. This chapter shall not apply where a vehicle is impounded under authority granted pursuant to New York State Statute.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State’s Office.

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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2023-25

2023-25

Mayor Kennedy opened the meeting to questions and comments from those present; whereupon there were no questions or comments.

It was moved by Trustee Sanchez, seconded by Deputy Mayor Ellerbe, 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 6:07 P.M.

Pamela Walsh Boening
Village Clerk

November 27, 2023