

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

2024-1

2024-1

A meeting of the Board of Trustees of the Incorporated Village of Freeport was held on Monday, July 1, 2024 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	Excused
Jorge A. Martinez	Trustee	Excused
Christopher L. Squeri	Trustee	
Evette B. Sanchez	Trustee	
Howard E. Colton	Village Attorney	
Pamela Walsh Boening	Village Clerk	

At 5:00 P.M., Mayor Kennedy convened in the main conference room and Trustee Sanchez led in the Pledge of Allegiance.

No residents were present.

At 5:01 P.M., it was moved by Trustee Squeri, seconded by Trustee Sanchez and 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	Excused
Trustee Martinez	Excused
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

At 5:26 P.M., motion was made by Trustee Sanchez, seconded by Trustee Squeri and carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

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

Approximately four (4) residents were present.

Trustee Sanchez led in the Pledge of Allegiance.

It was moved by Trustee Squeri, seconded by Trustee Sanchez, and carried to approve the Board of Trustees minutes of June 17, 2024.

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The Clerk polled the Board as follows:

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

It was moved by Trustee Squeri, seconded by Trustee Sanchez, and carried to approve the Board of Trustees special meeting minutes from June 17, 2024.

The Clerk polled the Board as follows:

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

It was moved by Trustee Squeri, seconded by Trustee Sanchez, and carried to approve the Board of Trustees Dangerous/Nuisance meeting minutes of June 17, 2024.

The Clerk polled the Board as follows:

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

Motion was made by Trustee Squeri, seconded by Trustee Sanchez and carried to approve the request to hang one banner promoting the Freeport Tuna Club Fluke Tournament, on S. Main Street between Raynor Street and Archer Street, from July 27, 2024 through August 10, 2024 and that the Electric Department assist in hanging and removing the banner.

The Clerk polled the Board as follows:

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

Motion was made by Trustee Squeri, seconded by Trustee Sanchez and carried to approve the public assembly permit application, submitted by the Long Island Arts Council, to hold a summer concert series on various Thursday evenings, starting July 11, 2024 through August 29, 2024, at the Woodcleft Avenue Esplanade, from 7:00 P.M. to 8:30 P.M.

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The Clerk polled the Board as follows:

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

Motion was made by Trustee Squeri, seconded by Trustee Sanchez to approve the public assembly permit application, submitted by Freeport Family & Friends/Children of Hope Baby Safe Haven Inc., to hold a barbeque/picnic on Saturday, July 27, 2024 at Cow Meadow Park, from 10:00 A.M. to 6:00 P.M., pending the submission of the proper insurance.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Excused
Trustee Martinez	Excused
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:

**INCORPORATED VILLAGE OF FREEPORT  
BOARD OF TRUSTEES DECISION**

**DATE:** July 1, 2024

A hearing was noticed for May 6, 2024 for 700 South Long Beach Avenue pursuant to Chapter 128 of the Freeport Village Code. The property is owned by 700 S. Long Beach Ave Corp., and Al-Yeru Clarke is the representative of that company. The lender, Wilmington Savings Fund Society appeared as well. Superintendent of Buildings Sergio Mauras explained that the bulkhead on the property remains in major disrepair. It causes damage to neighboring properties and causes flooding in the streets.

Prior to this hearing, the Board had held hearings on this property related to the bulkhead and the main structure between March 2022 and January 2024. The Board had authorized that the Village replace the bulkhead, but had not acted on it because the property owner had been attempting to replace the bulkhead. The Board had also held hearings related to the dangerous building on the property. The main dwelling on the property was demolished in the spring of 2024 after being deemed to be dangerous. However the issue of the bulkhead remains open.

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At the May 2024 hearing, Deputy Village Attorney Mr. McLaughlin explained that Mr. Clarke had hired a person to do the bulkhead, but to date, no contract had been received. Mr. Clarke explained that work could start in a few weeks and would take 30-60 days to complete. Mr. Kitzen of Kitzen construction explained that he had entered into a contract with Mr. Clarke to replace the bulkhead. While permits are pending, he proposed to bring fill to the yard to create a berm to keep the water out of the street and neighboring properties.

Mr. Mauras explained that there are already DEC and Army Corps approvals. An executed contract with licenses and insurance is what is needed for the Village permit to be issued. Mr. Kitzen agreed to send all of the documents to Mr. Mauras, along with a timetable, including a hard start date. The Board proposed that work be completed by August 6, 2024. Mr. McLaughlin explained that the Board had previously approved that the Village do the work, so if everything was not received within a week, the Village would move forward. Mr. Kitzen understood.

Alina Levi, the attorney for the lender explained that the court had granted a default judgment foreclosure on April 8, 2024. A hearing with the referee was scheduled for May 17<sup>th</sup>. They will need a referee's report to final judgment of foreclosure and sale. The Board of Trustees adjourned the hearing to June 17, 2024.

On June 17, 2024, Mr. Mauras reported that the backfill placed in the property was not clean. It contained bricks, wiring, cables, and portions of fire sprinklers. He explained to the property owner and contractor that it needed to be removed and replaced. The bulkhead work had not yet begun due to financial matters. Ms. Levi, the attorney for the lender appeared again. The status of the foreclosure is that a referee was appointed and default judgment was granted. At the May 17<sup>th</sup> hearing to confirm the amount due, Mr. Clarke appeared without counsel and was unable to appear unrepresented on behalf of the borrowing entity. The hearing was to be continued on June 28<sup>th</sup>.

Due to the seeming inability for the bulkhead work to be completed in the timeframe anticipated, and the default on payment for demolition of the mains structure, the Board made a recommendation that the Village bid out and do the bulkhead work.

The Board made a motion to secure bids for the replacement of the bulkhead and to secure bids to remove the contaminated and unauthorized debris filling the foundation, and

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replacing it with proper fill. The motion was expanded to include any other repairs necessary for public safety. The Board approved the motion.

The Board approves, pursuant to 102-1-15b of the Freeport Village code that the Village is approved to remove and replace the bulkhead at 700 South Long Beach Avenue, as the bulkhead there constitutes a dangerous and unsafe condition, due to the flooding into neighboring properties and streets that it presently causes. The Board approves, pursuant to Chapter 128 of the Freeport Village code to remove the contaminated fill and replace with clean fill. Further, the Board approves, pursuant to Chapter 128 of the Village code, to make any other repairs necessary for public safety. Any expenditure by the Village for these repairs will be applied to the owner’s taxes, and if unpaid, will become a lien on the property.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Excused
Trustee Martinez	Excused
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 Assessor has negotiated tax certiorari settlements for the Assessment Years listed below; and

Petitioner Attorney: Jamie Alpern, Esq.  
Forchelli Deegan Terrana LLP

Petitioner: North Freeport Holdings LLC  
268 North Main Street, Freeport  
55/447/524

Total Refund: 2018/2019 to 2024/2025 – Refund \$2,808.30 – 55/447/524

55/447/524

Year	Current AV	Proposed AV	Reduction	Refund
2018/19	18,947	18,947	0	\$0.00
2019/20	18,947	18,947	0	\$0.00
2020/21	18,947	18,947	0	\$0.00

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2021/22	18,947	18,947	0	\$0.00
2022/23	18,947	18,947	0	\$0.00
2023/24	18,947	17,196	1,751	\$1079.19
2024/25	18,947	16,138	2,809	\$1,729.11
	Current MV: \$1,553,033	SettlementMV: \$1,322,805		Refund \$2,808.30

**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

**NOW THEREFORE BE IT RESOLVED**, that the above-listed tax certiorari settlement be approved and that the Assessor is hereby authorized to adjust the 2018/2019 through the 2024/2025 Final Assessment Rolls and that the Treasurer be approved to issue said refund for the amounts cited hereinabove, for a total of \$2,808.30.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Excused
Trustee Martinez	Excused
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 Assessor has negotiated tax certiorari settlements for the Assessment Years listed below; and

**WHEREAS**, the firm Maidenbaum & Sternberg, LLP represented the tax certiorari petitioner in the below settlement negotiation:

Petitioner: Subhash Sareen  
152 and 154 S Main Street  
62/053/354 and 62/053/355

Total Refund: 2018/2019 to 2024/2025 – Refund \$3,437.07 – 62/053/354 – AV: 4,270 and \$4,225.57 – 62/053/355 – AV: 3,782 going forward 2025/2026, 2026/2027 and 2027/2028

62/53/354

Year	Current AV	Proposed AV	Reduction	Refund
2018/19	6,100	6,100	0	\$0.00

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2019/20	6,100	6,020	80	\$49.84
2020/21	6,100	5,670	430	\$267.87
2021/22	6,100	5,285	815	\$507.71
2022/23	6,100	5,250	850	\$529.52
2023/24	6,100	4,550	1,550	\$955.56
2024/25	6,100	4,270	1,830	\$1,126.57
	Current MV: \$500,000	SettlementMV: \$350,000		Refund \$3,437.07

62/53/355

Year	Current AV	Proposed AV	Reduction	Refund
2018/19	5,700	5,580	120	\$74.76
2019/20	5,700	5,332	368	\$229.25
2020/21	5,700	5,022	678	\$422.37
2021/22	5,700	4,681	1,019	\$634.80
2022/23	5,700	4,650	1,050	\$654.11
2023/24	5,700	4,030	1,670	\$1,029.54
2024/25	5,700	3,782	1,918	\$1,180.74
	Current MV: \$467,213	Settlement MV: \$310,000		Refund: \$4,225.57

Total Refund: \$7,662.64

**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

**NOW THEREFORE BE IT RESOLVED**, that the above-listed tax certiorari settlement be approved and that the Assessor is hereby authorized to adjust the 2018/2019 through the 2024/2025 Final Assessment Rolls and that the Treasurer be approved to issue said refund for the amounts cited hereinabove, for a total of \$7,662.64.

The Clerk polled the Board as follows:

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Deputy Mayor Ellerbe	Excused
Trustee Martinez	Excused
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**, on February 28, 2022, the Board approved the contract for the Furnishing of Aqueous Ammonia under Bid #22-02-ELEC-596 to Airgas Specialty Products, Inc., 2530 Sever Road, Suite 300, Lawrenceville, GA 30043 with a Tampa Index Adder Price of \$639.20 for a period of two years and shall be on an as needed basis not to exceed \$25,000.00 per year starting March 1, 2022, with the option to renew for up to one (1) additional year at the same adder price; and

**WHEREAS**, this contract was due to expire February 29, 2024; and

**WHEREAS**, the Utility is requesting Board approval to retroactively extend the contract term to February 28, 2025, with Airgas Specialty Products, Inc., 2530 Sever Road, Suite 300, Lawrenceville, GA 30043, from March 1, 2024 to February 28, 2025, the price being the Tampa Index plus \$639.20 per short ton, for the not to exceed cost of \$25,000.00 during the extension period; and

**WHEREAS**, the cost of the aqueous ammonia will be charged to E 7143316 510000 (LM6000 Production Supplies); and

**NOW THEREFORE BE IT RESOLVED**, that based upon the recommendation of the Acting Superintendent of Electric Utilities, Board approves and the Mayor be and hereby is authorized to sign any paperwork necessary to extend the contract for the Furnishing of Aqueous Ammonia, Bid #22-02-ELEC-596, with Airgas Specialty Products, Inc., 2530 Sever Road, Suite 300, Lawrenceville, GA 30043, for a retroactive term from March 1, 2024 to February 28, 2025, the price being the Tampa Index plus \$639.20 per short ton, for the not to exceed cost of \$25,000.00.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Excused
Trustee Martinez	Excused
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:

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**WHEREAS**, the GE LM6000 generating unit, located at Power Plant 2, is committed to providing energy to the electrical grid as well as to the Village of Freeport; and

**WHEREAS**, the Utility is requesting Board approval for the purchase of eight (8) four-hour blocks of routine and emergency remote support time for the GE LM6000 control system, from GE Vernova Operations LLC, One Neumann Way, M/D S158, Cincinnati, OH 45215, for the total cost of \$20,000 for a retroactive term from March 1, 2024 to February 28, 2025; and

**WHEREAS**, the support will come from Woodward Governor, Inc., a controls supplier approved by GE Vernova; and

**WHEREAS**, this support is critical to quickly resolve any pressing issues that may occur and optimize the efficient performance of the GE LM6000 unit; and

**WHEREAS**, the cost of this purchase will be charged to E7157006 510000 (Repairs to Misc. Power Plant Equipment); and

**NOW THEREFORE BE IT RESOLVED**, that based upon the recommendation of the Acting Superintendent of Electric Utilities, Board approves and the Mayor be and hereby is authorized to sign any paperwork necessary for the purchase of eight (8) four-hour blocks of routine and emergency remote support time for the GE LM6000 control system, from GE Vernova Operations LLC, One Neumann Way, M/D S158, Cincinnati, OH 45215, for the total cost of \$20,000 for a retroactive term from March 1, 2024 to February 28, 2025.

The Clerk polled the Board as follows:

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

Trustee Squeri offered the following resolution and moved its adoption:

RESOLUTION OF THE VILLAGE OF FREEPORT,  
NEW YORK, ADOPTED JULY 1, 2024 RESCINDING  
CERTAIN PRIOR BOND RESOLUTIONS OF THE  
VILLAGE ADOPTED ON THEIR RESPECTIVE  
DATES, WHICH AUTHORIZED THE ISSUANCE OF  
BONDS FOR VARIOUS PURPOSES IN AND FOR THE  
VILLAGE

THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEPORT, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

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Section 1. The resolution heretofore duly adopted by the Board of Trustees of the Village of Freeport, in the County of Nassau, New York (the “Village”), entitled:

“Bond Resolution of the Village of Freeport, New York, adopted February 3, 2020, authorizing the construction of water system improvements, stating the estimated maximum cost thereof is \$1,905,500, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$1,905,500 to finance said appropriation,”

is hereby rescinded to the extent of any authorized but issued indebtedness (indebtedness in the aggregate principal amount \$1,905,000 having been heretofore issued pursuant to said resolution). The amount of borrowing authorization hereby rescinded is \$500.

Section 2. The resolution heretofore duly adopted by the Board of Trustees of the Village, entitled:

“Bond Resolution of the Village of Freeport, New York, adopted February 3, 2020, authorizing the construction of pool improvements, stating the estimated maximum cost thereof is \$56,750, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$56,750 to finance said appropriation,”

is hereby rescinded to the extent of any authorized but issued indebtedness (indebtedness in the aggregate principal amount \$51,500 having been heretofore issued pursuant to said resolution). The amount of borrowing authorization hereby rescinded is \$5,250.

Section 3. The resolution heretofore duly adopted by the Board of Trustees of the Village, entitled:

“Bond Resolution of the Village of Freeport, New York, adopted February 3, 2020 and amended October 3, 2022, authorizing the replacement of the sewer pump at Buffalo Avenue, stating the estimated maximum cost thereof is \$293,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$293,000 to finance said appropriation,”

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is hereby rescinded to the extent of any authorized but issued indebtedness (indebtedness in the aggregate principal amount \$162,000 having been heretofore issued pursuant to said resolution).

The amount of borrowing authorization hereby rescinded is \$131,000.

Section 3. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Trustee Sanchez and duly put to a vote on roll call.

The Clerk polled the Board as follows:

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

The resolution was declared adopted.

It was moved by Trustee Squeri, seconded by Trustee Sanchez, and carried that the meeting be closed.

The Clerk polled the Board as follows:

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

The meeting was closed at 5:36 P.M.

\_\_\_\_\_  
Pamela Walsh Boening  
Village Clerk