

BOARD OF TRUSTEES MEETING MINUTES
INC. VILLAGE OF WESTBURY
VILLAGE HALL CONFERENCE & BOARD ROOM
THURSDAY, DECEMBER 5, 2024
6:30 P.M.

Present: Mayor Peter I. Cavallaro
Trustee Steven L. Corte
Trustee Beaumont A. Jefferson
Trustee Vincent Abbatiello
Trustee Pedro Quintanilla

Staff present: Chrissy Kiernan, Village Clerk-Treasurer
Anna Vikse, Village Attorney
Joe Brilliantino, Superintendent of Buildings
Pasquale Iannucci, Deputy Superintendent of Public Works

Mayor Cavallaro opened the Meeting of the Board of Trustees at approximately 5:30PM with a verification of a quorum.

1. Resolution to Approve Board of Trustees Meeting Minutes of November 21, 2024

On motion by Trustee Corte, seconded by Trustee Abbatiello, it was RESOLVED to approve the Meeting Minutes of November 21, 2024 as prepared, and distributed by Clerk-Treasurer Kiernan. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

2. Introduction of Bill 1 of 2025, authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C

Mayor Cavallaro introduced Bill 1 of 2025, which allows the Village of Westbury the option to adopt a budget with the real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-for the fiscal year commencing June 1, 2025.

The Board authorized Village Clerk-Treasurer to publish a legal notice to schedule a public hearing to hear the bill for January 2, 2025 where any interested parties may be heard.

3. Tax Certiorari Settlement Request- DeLucia Enterprises LLC- 167 Post Ave.

The following Resolution was offered by Trustee Corte:

RESOLVED, by the Board of trustees of the Incorporated Village of Westbury, to approve the following tax certiorari settlements:

Petitioner, DeLucia Enterprises LLC, has brought proceedings to review the Village's real property tax assessments for the years 2018/19 through 2024/25 at the property known as 167 Post Avenue, Westbury, NY 11590 (s/b/l 10/98/55), which will be settled for a refund of \$1,500, with a change in assessed value from \$565,590 to \$475,000.

Motion to adopt the foregoing Resolution was seconded by Trustee Abbatiello, and the roll call for adoption resulted in the following:

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

4. Approval of 2025 BOT Schedule

A 2025 Board Meeting Schedule was circulated to the Board and will be posted on the Village Website.

5. IT Committee Update

The IT Committee discussed with the Mayor and the Board its findings and recommendations for a website redesign and hosting services. Based on the recommendation from the IT committee, on motion by Trustee Jefferson, seconded by Trustee Abbatiello, the Board RESOLVED to award the website redesign contract for a three-year period with its legacy provider, Catalis. The roll call for adoption resulted in the following:

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

6. Employer Shared Responsibility Letter Update

Village Attorney Vikse explained that the that Village received a letter from the IRS stating that the Village owes an Employer Shared Responsibility Payment for failing to provide Nick Quattropani, a former Village employee, with affordable medical insurance. The original 1095-c form which is a form submitted to comply with the Affordable Care Act caused this mistake as it miscalculated the numbers of months Mr. Quattropani worked. The Affordable Care Act requires employers to provide affordable health insurance, which is defined as insurance coverage that costs under a certain percentage of the employee's wages (the amount differs slightly from year to year, but the safe harbor is approximately 9%). In the year 2022, Mr.

Quattropani was employed for 2 months and then resigned on February 25, 2022. Therefore, his form 1095-c should have shown that he was offered affordable insurance for 2 months but declined it, and for the other 10 months, that he was no longer employed here. (i.e. line 16 to the third document should have read 2F for Jan and Feb, and 2A for all the other months, but instead, it read 2F for all months, meaning that he was offered it but declined it for 12 months). His IRS wages were approximately \$6,396, and the two months of coverage would have cost approximately \$552. This is under 9.61% safe harbor. But since it appeared that he was employed here for 12 months, it looked like he made \$6,396 and was offered coverage that would have cost \$3,312 which is well over the safe harbor amount. As a result, the Village responded to the letter explaining same and submitted an amended 1095-c form for the calendar year 2022. The Village is awaiting a response back from the IRS to close the matter.

7. Maple/Union Streetscape - Tree Grate Change Order

Mayor Cavallaro discussed a possible tree grate change order with the Board for the Maple/Union Streetscape Project. The current tree grates ordered have an uncoated finish which looks orange/rust colored upon installation, but will eventually have a bronzing effect according to the Project Engineer. The Mayor expressed his desire to see pricing options to return the uncoated tree grates and re-order them black powder coated and if that is not an option, to receive a quote to powder coat the tree grates like the ones installed by 3TC on the Long Island Rail Road property. Mayor Cavallaro added that the trestle next to the Long Island Railroad similarly to the uncoated tree grates was supposed to have a bronze finish but looks rusted, and that he would not want to see that happen with the 187 tree grates that we are about to install as part of the Maple/Union Streetscape project.

8. Board Authorization to Suspend Post Avenue Meter Parking - December 2, 2024 through January 3, 2025

Mayor Cavallaro explained that every year the Village has suspended Post Avenue meter parking during the holiday season so promote small business patronage, and he recommended that the Village do so again this year. On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to suspend on-street meter parking on Post Avenue from December 2, 2024 through January 3, 2025 to promote and encourage commerce for downtown businesses during the holiday season. The Board was polled, all present voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

9. Review of Lease Agreement with Dennis Dillon Corner Man’s Foundation, Inc. (Boxing Gym at 346 Post Ave.)

The Board reviewed the lease agreement with Dennis Dillon Corner Man’s Foundation, Inc. which is a boxing gym located at 346 Post Avenue in the basement of the Phipps Sports Center Building on the Village’s recreation campus.

After discussion, on motion by Trustee Jefferson, seconded by Trustee Quintanilla, it was RESOLVED to approve the lease agreement between the Village of Westbury and Denis Dillon Cornerman’s Foundation, Inc. at 346 Post Avenue, Westbury, NY as presented by Village Attorney Vikse. The Board was polled, all present voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

10. Resolution to Waive the Public Benefit Fee for Non-profit Institutions

The Board of Trustees recognizes the important role that non-profit institutions play in the social fabric of the Village, and the difficult position they are in because of inflation and other financial burdens. Therefore, the Board believes it to be in the best interest of the Village and its residents to waive the Public Benefit Fee which are due to the Village under section 248-337 of the Code for all non-profits.

On motion by Trustee Corte, seconded by Trustee Jefferson, it was RESOLVED to waive the 2025 Public Benefit Fee in lieu of Parking for non-profit institutions which includes:

1. The Islamic Center of Long Island, located at 835 Brush Hollow Road, in the amount of \$6,400;
2. St. Brigid’s Roman Catholic Church, located at 75 Post Avenue, in the amount of \$450;
3. Spanish Church of God Prophecy of Westbury, located at 25A Post Avenue, in the amount of \$1,000; and
4. Genesis Assembly of God, located at 351 Scally Place (which is an annual amount owed to the Village pursuant to an Amended Stipulation of Settlement dated May 28, 2010, but which is functionally equivalent to the Public Benefit Fee in lieu of Parking), in the amount of 3,628.56.

11. OfTheEarthCanna

Mayor Cavallaro reported that we will have a presentation from Keston Karter who owns OfTheEarthCanna at the January 16, 2024 meeting. Meeting materials provided by Mr. Karter were circulated to the Board in advance of the presentation.

12. Resolution Expunging Tax Liens for 249 Post Avenue

Village Attorney Vikse reported that the Village Tax Department received a phone call from a lender for outstanding taxes for the property located at 249 Post Avenue. There were five outstanding tax liens in the Village's financial software system for this property still listed as pending from 1992-1996. Upon further investigation, it was discovered that the tax lien certificates were voided by the Nassau County Supreme Court because they were defective (Inc. Village of Westbury v. Goodwin Charitable Trust, et al., Index No. 12491/2003, May 5, 2005), although they remained in the system and interest continued to accrue, and taxes continued to be collected for subsequent years. The Board finds that the decision of the Supreme Court required that the liens be voided, and finds that it is in the best interest of the Village to expunge the tax liens from the tax records. After discussion, on motion by Trustee Abbatiello, seconded by Jefferson, it was RESOLVED to expunge the taxes liens for 249 Post Avenue for the years 1992-1996. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

13. Pledge of Allegiance

Mayor Cavallaro lead the Pledge of Allegiance.

14. Continuation of Public Hearing – Application of Alpine Residential, LLC

Mayor Cavallaro reported that Alpine Residential has asked to adjourn the public hearing in order to provide additional deliverables and responses to the Village. On motion by Trustee Abbatiello, seconded by Trustee Quintanilla, it was RESOLVED to adjourn the Public Hearing for the Application of Alpine Residential, LLC, for the development of a 187-unit multi-family project located at 357 Scally Place, Westbury, New York, pursuant to Article XXXIX of Chapter 248 of the Village Code to February 6, 2025.

15. Application of Crown Castle to upgrade/modify five existing wireless facilities on existing wooden poles within the Village's right of way

Mayor Cavallaro reported that the Board is in receipt of an application from Crown Castle to upgrade/modify five existing wireless facilities on existing wooden poles within the Village's right of way. Mayor Cavallaro reported that these are located at 580 Carle Road; 421 Powell's Lane; West on Advent Street; 336 Cross Street; and 375 Grand Street.

Lauren Berg appeared on behalf of Crown Castle and explained that the carrier equipment has run its lifecycle. This location accommodates two carriers. The company pushes customers for

consolidation when it can. The current shroud cabinet is 24"x27"x12" and the proposed shroud is 55"x36"x20". Antennas will be swapped like for like.

Mayor Cavallaro inquired as to how far off from the ground the equipment is. The response was 8'6" from the bottom.

Mayor Cavallaro expressed his concerns with the emissions compliance report report, because that the locations in the report do not match the locations in the application, and thus, he was uncertain if the report was correct. Given that, he stated that the Board would consider the 60 day FCC shot clock window to start when the application is complete (i.e. when the correct compliance reports are submitted). Ms. Berg agreed that Crown Castle would submit the correct reports and that the shot clock would begin when those documents are submitted.

Mayor Cavallaro then asked if anyone in the audience wanted to speak.

Chester McGibbon, Resident, inquired as to whether this would increase frequency and why the applicant is seeking modifications.

Mayor Cavallaro explained that the Village cannot deny an applicant that meets federal guidelines. The Village's job in this respect is to ensure that the application meets the guidelines. If the emissions are within the federal guidelines, the Village can only make modifications to aesthetic of ask for signage such as "radiation warning" type signs.

Mayor Cavallaro asked the representative from Crown Castle to follow-up on the emissions report and the Board will deliberate at its January 2, 2025 meeting.

16. Board Liaison/Committee Reports

A. Trustee Steven Corte

1. Assessor – Trustee Corte reported that all exemption paperwork needs to be submitted by January 2, 2025.
2. Seniors – Trustee Corte reported that the Westbury Seniors had a successful Bingo event.
3. Wishing everyone a happy holiday and healthy New Year!

B. Trustee Beaumont Jefferson

1. Recreation– The Village Holiday Tree Lighting will be on December 7th beginning at 4pm at 348 Post Avenue, Recreation Center. This year will be the 2nd Holiday Cookie Competition. We will also present Art awards to the after-school program child participants.
2. There will be a Toy Drive and Toy giveaway on December 13th through the Iron Gates Foundation from 6-8pm in the gymnasium, 346 Post Avenue.
3. Santa's mailbox will be out on Drexel Avenue and Post Avenue until December 18th.
4. Happy Holidays to everyone!

C. Trustee Abbatiello

1. Audit and Claims – Trustee Abbatiello reviewed the Claims and Expenditures for the period November 8, 2024 through December 5, 2024 in the amount of \$1,412,196.89, of which, \$991,660.54 is from Capital Expenses and \$420,536.35 is from the General Fund. Trustee Abbatiello made a motion to submit bills for payment, seconded by Trustee Jefferson. Motion to approve was passed; The Board was polled, all present voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

2. Trustee Abbatiello reported that Westbury Business Improvement District (BID) Dollars have been mailed. The BID will be reevaluating the program next year. Shoppers should take advantage of the free parking on Post Avenue.
3. The Westbury Fire Department had four fires from space heaters in the last week and a half. Please be mindful.
4. Happy Holiday and Merry Christmas!

D. Mayor’s Report

1. The Mayor reported that Laser, the Maple/Union Streetscape Contractor, is planting almost 200 trees. The island by the train station is complete with some sign installation that will still take place.
2. We are working on our Budget for next year.
3. Next month, the Village will have a public hearing on the tax cap override legislation. The Board always passes the legislation to give the Village the flexibility to override the tax cap. We have not needed to override it in the past.
4. Wishing everyone Happy Holidays! Life is short, rewind and look to next year. A healthy 2025 with good health and family.
5. DPW did a beautiful job decorating the Village Piazza in connection with BID funding for holiday decorations. We get many compliments this time of year.
6. We hope to see everyone at the tree lighting, and I will be a Judge this year for the Cookie Competition.

E. Trustee Pedro Quintanilla

1. Happy and healthy holidays on behalf of myself and my family.

17. Public Comment

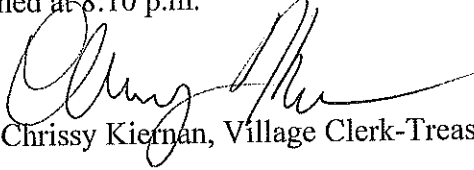
Mayor Cavallaro opened up the meeting to public comment.

- A. Chester McGibbon, Resident – Mr. McGibbon inquired as to trees that were removed on Union Avenue. Mayor Cavallaro responded that the Maple/Union Streetscape plan included removal of dead trees and those that needed to be removed due to the installation of new sidewalks and curbs. Close to 200 new trees were planted. Deputy Superintendent Iannucci added that the trees removed were unhealthy and you can still see them on google map images. Trustee

Jefferson added that he personally saw some were destroying the sidewalks and needed to be removed for pedestrian safety.

- B. Linda Troncoso, Resident – Ms. Troncoso wished everyone a Merry Christmas and Happy Holidays.

On a motion duly seconded, the Meeting was adjourned at 8:10 p.m.


Submitted by: Chissy Kiernan, Village Clerk-Treasurer