

BOARD OF TRUSTEES MEETING MINUTES  
INC. VILLAGE OF WESTBURY  
VILLAGE HALL CONFERENCE & BOARD ROOM  
THURSDAY, April 4, 2024  
6:30 P.M.

Present: Mayor Peter I. Cavallaro  
Trustee Steven L. Corte  
Trustee Beaumont A. Jefferson  
Trustee Vincent Abbatiello  
Trustee William B. Wise

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

**Mayor Cavallaro opened the Meeting of the Board of Trustees at approximately 6:30PM with a verification of a quorum.**

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

On motion by Trustee Corte, seconded by Trustee Abbatiello, it was RESOLVED to approve the Meeting Minutes of March 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 William Wise	Aye
Trustee Vincent Abbatiello	Aye

**2. Resolution Approving Engagement Letter for Preparation of the Annual Village Audit and Justice Court Audit with Nawrocki Smith LLP for the fiscal year ending May 31, 2024**

Clerk-Treasurer Kiernan presented the standard agreement letter for professional services for the annual village audit and justice court audit for the fiscal year ending May 31, 2024.

After discussion, on motion by Trustee Jefferson, seconded by Trustee Wise, it was RESOLVED to approve the engagement letter dated March 29, 2024, as proposed. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye

Trustee Vincent Abbatiello

Aye

**3. Resolution Approving LiRo Proposal for Preparation of Compliance Report for Municipal Separate Stormwater Sewer Systems (MS4), State Pollutant Discharge Elimination System**

Clerk-Treasurer Kiernan presented a consultant agreement provided by LiRo Engineers, Inc., for the preparation of a compliance report for municipal separate stormwater systems (MS4).

After discussion, on motion by Trustee Jefferson, seconded by Trustee Abbatiello, it was RESOLVED to approve the engagement letter as proposed. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

**4. Resolution to Approve One-Day Parking Permit Request by Maple Towers Condominium**

Clerk-Treasurer Kiernan reported that she had received a request from Marsha Grant, President of Grant Management Services, for one-day parking permits for residents of Maple Towers Condominium while they are cleaning the garage.

On motion by Trustee Corte, seconded by Trustee Wise, it was RESOLVED to approve the engagement letter as proposed. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

**5. Tax Certiorari – MFP OCR LLC and Nassau County Republican Committee**

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, MFP OCR LLC, has brought proceedings to review the Village's real property tax assessments for the years 2018/19 through 2023/24 at the property known as 453-459 Old Country Road, Westbury, NY 11590 (s/b/l 10/1/246-247, 248-249), which will be settled for a refund of \$7,500, with a change in assessed value from \$1,311,260 to

\$1,000,000, with the lot breakdown as follows: Lots 246-247: \$450,800, Lots 248-249 \$439,200.

Petitioner, MFP OCR LLC, has brought proceedings to review the Village's real property tax assessments for the years 2013/14 through 2023/24 at the property known as 473 Old Country Road, Westbury, NY 11590 (s/b/l 10/3/11-13, 10/3/71-72, 75-76), which will be settled for a refund of \$10,500, with a change in assessed value from \$1,367,350 to \$900,000, with the lot breakdown as follows: Lots 11-13: \$187,900, Lots 71-72 and 75-76 \$712,100.

Petitioner, MFP OCR LLC, has brought proceedings to review the Village's real property tax assessments for the years 2018/19 through 2023/24 at the property known as 473B Old Country Road, Westbury, NY 11590 (s/b/l 10/3/14-16, 77-78), which will be settled for a refund of \$7,700, with a change in assessed value from \$1,198,740 to \$800,000, with the lot breakdown as follows: Lots 14-16: \$207,800, Lots 77-78 \$592,200.

Petitioner, MFP OCR LLC, has brought proceedings to review the Village's real property tax assessments for the years 2013/14 through 2023/24 at the property known as 469-471 Old Country Road, Westbury, NY 11590 (s/b/l 10/3/73-74), which will be settled for a refund of \$3,700, with a change in assessed value from \$747,750 to \$550,000.

Petitioner, Nassau County Republican Committee, has brought proceedings to review the Village's real property tax assessments for the years 2018/19 through 2023/24 at the property known as 164 Post Avenue, Westbury, NY 11590 (s/b/l 10/228/104-105), which will be settled for a refund of \$3,000, with a change in assessed value from \$899,050 to \$740,000.

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

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

The Board was polled, all present voting "Aye" (5-0).

**6. Facilities Use Request – Westbury Seniors Bingo Nights – 5/24, 6/21, and 7/12**

Clerk-Treasurer Kiernan presented a facilities use request from the Senior Citizens of Westbury for bingo nights on May 24, June 21, and July 12 at the Senior Center, from 7-9 p.m. on those nights.

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to approve the facilities use request. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

#### 7. CDBG 48<sup>th</sup> Year Budget Amendment

Clerk-Treasurer Kiernan reported that Nassau County had granted the Village of Westbury an additional \$966,000, to be spent this year, for the CDBG 48<sup>th</sup> year. On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to authorize the Mayor to sign the amended contract with the additional funds as provided by Nassau County. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

#### 8. Moratorium on Issuance of Deeds for Unredeemed Tax Liens

Village Attorney Vikse recommended that the Board issue a resolution formally declaring a moratorium on the Village Treasurer's conveyance of the title of any real property which would have otherwise resulted from an unredeemed tax lien certificate, pursuant to RPTL § 1464 and Article VI of the Village Code, due to the Supreme Court's decision last year in Tyler v. Hennepin County, 598 U.S. 631 (2023). Mayor Cavallaro reminded the Board that they had discussed the matter previously and that he was in agreement with the recommendation.

The following Resolution was offered by Mayor Cavallaro:

RESOLVED, by the Board of Trustees of the Incorporated Village of Westbury, that the power of the Village Treasurer to convey real property pursuant to RPTL § 1464 and Article VI of Chapter 223 of the Village Code, which might have otherwise resulted from an unredeemed tax lien certificate, (sometimes known as a "Treasurer's Deed"), is hereby suspended indefinitely, until further notice.

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 William Wise	Aye
Trustee Vincent Abbatiello	Aye

The Board was polled, all present voting “Aye” (5-0).

## 9. Pledge of Allegiance

Mayor Cavallaro led the Pledge of Allegiance.

## 10. Public Hearing – Bill 4 of 2024– A proposed local law to repeal Local Law 3-2024 and to repeal the override of the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Westbury

Mayor Cavallaro opened the public hearing to hear bill 4 of 2024, a proposed local law to repeal authorizing a property tax levy in excess of the limit established in general municipal law §3-C

The Clerk read the following notice aloud:

Notice is hereby given that the Board of Trustees of the Inc. Village of Westbury will hold a Public Hearing at the Village Hall, 235 Lincoln Place, Westbury, New York, on Thursday, April 4, 2024, at 7:30 p.m. The Board will consider a proposed local law repealing Local Law No. 2024-3, which authorized a property tax levy in excess of the limit established in General Municipal Law §3-c. At the hearing, all interested persons will be given an opportunity to be heard.

Mayor Cavallaro reported that this bill is a proposed repeal of Local Law 3, which authorized the Village to exceed the tax cap, in case the budget required breaching the cap. However, since the proposed budget is now final, and the Village will not exceed the tax cap, we will now repeal that law.

The text of Bill 4 is as follows:

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Westbury as follows:

### **SECTION 1. Legislative Intent.**

It is the intent of this Local Law to repeal Local Law 3-2024 which authorized the adoption of a budget for the fiscal year commencing June 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c, and thus to reinstate the limits on the amount of real property

taxes that may be levied by the Village of Westbury pursuant to General Municipal Law §3-c.

**SECTION 2. Effect.**

This local law hereby repeals in its entirety Local Law 3-2024, and declares the same of no force or effect, and thus reinstates the tax levy limits imposed by General Municipal Law §3-c for the fiscal year commencing June 1, 2024.

**SECTION 3. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 4. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

Mayor Cavallaro asked for comments from the Board and seeing none, opened the public hearing to public comment. Seeing none, Mayor Cavallaro then asked for a motion to close the public hearing.

On motion by Trustee Abbatiello, seconded by Trustee Wise, it was RESOLVED to close the public hearing. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

**11. Adoption of Bill 4 of 2024 as Local Law 4 of 2024**

On motion by Trustee Jefferson seconded by Trustee Corte, it was RESOLVED to adopt bill 4 of 2024 as local law 4 of 2024. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

**12. Public Hearing to consider the Budget for the fiscal year commencing June 1, 2024 and ending May 31, 2025**

Mayor Cavallaro opened the hearing by ensuring that everyone present who wanted a copy of the budget had a copy to review, and stating that the proposed budget has been one of the most challenging to develop while staying under the tax cap. The tax increase will be 3.62%, which leaves us between three and four thousand dollars under the cap. This is the thirteenth consecutive budget in which the Village is under the tax cap—the Village has never exceeded the tax cap since its inception. This tax increase will result in an average increase of \$46 per year for the average house (which is valued at \$659,000).

Mayor Cavallaro reported that the increase in taxes was necessitated by a range of factors, including inflation, an increase of \$150,000 in health care costs (13% increase), which represents about 10% of the budget, an increase in salaries due to the collective bargaining agreement negotiation (this was a five year contract, and salary increases were front loaded so that employees can meet their expenses), a 27% increase in the cost of NYS retirement, a \$146,000 increase in tax certiorari settlements, and insurance premium increases of over \$30,000 (12% increase). The Village has also done some cost savings measures, such as not funding certain open positions, and has allocated \$125,000 from the American Rescue Plan Act (“ARPA”) funds to the general fund. The Village contemplated piercing the tax cap but ultimately decided not to.

Mayor Cavallaro asked for comments or questions from the Board.

Trustee Jefferson stated that he believed the budget to be fair and responsible. With needed salary increases, the average homeowner only pays \$1,285 for the services we provide which includes refuse, snow removal and all Village services.

Mayor Cavallaro asked for public comment.

Chester McGibbon stated that he would have liked to see the budget in advance, to which the Mayor responded that the budget is available for public viewing in the Clerk’s office, or upon request. Mr. McGibbon asked a question about the school tax. Mayor Cavallaro responded that the Village has no control over the school tax, and that the Village tax is about 1% of the overall tax on residents. Mr. McGibbon inquired about ongoing litigation, and Mayor Cavallaro responded that the Village has dozens of lawsuits against us at any one time, many of which are covered by insurance. To the extent that any are not covered by insurance, the Village has a fund balance that could be used. In fact, since Mayor Cavallaro came into office, the fund balance grew from around \$200,000 to upwards of \$4,000,000. Those funds have in the past allowed the Village to react quickly in case of emergency (during Superstorm Sandy, for instance).

Ray Muntz stated that the library budget hearing was last night, and that they are projecting a 4% tax increase.

Seeing no further comment, the Mayor asked for a motion to close the hearing. On motion by Trustee Jefferson, seconded by Trustee Abbatiello, it was RESOLVED to close the public hearing. The Board was polled, all present voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

**13. Adoption of Budget for the fiscal year commencing June 1, 2024 and ending May 31, 2025**

The following resolution was offered for adoption by Trustee Jefferson:

WHEREAS, the Budget Officer presented the Tentative Budget to the Board of Trustees, who reviewed and revised the same, and noticed a public hearing to be held on the Tentative Budget, on April 4, 2024; and

WHEREAS, the Budget Officer filed the Tentative Budget for fiscal year 2024-2025 with the Village Clerk-Treasurer on March 20, 2024; and

NOW THEREFORE BE IT RESOLVED that the Adjusted Base Proportion as calculated for the fiscal year 2024-2025 Village Budget is 79.01% for Homestead, and 20.99% for Non-Homestead;

FURTHER RESOLVED that pursuant to Village Law §5-508(4), that the said Tentative Budget, as presented, is hereby adopted as the official Village of Westbury Budget for the fiscal year starting June 1, 2024 and ending May 31, 2025.

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

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

The Board was polled, all present voting "Aye" (5-0).

**14. Resolution to allocate certain funds to the budget**

Mayor Cavallaro asked for a motion to allocate \$125,000 from the ARPA funds to the budget for personnel and other matters, and to allocate the remaining balance of ARPA funds to the capital fund, to be used to repave the DPW yard.

After discussion, on motion by Trustee Abbatiello, seconded by Trustee Corte, it was RESOLVED to allocate \$125,000 from the ARPA funds to the budget for personnel and other



matters, and to allocate the remaining balance of ARPA funds to the capital fund. The Board was polled, all present voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

### 15. Resolution to Declare April as Fair Housing Month

Mayor Cavallaro stated that, as a recipient of Community Development Block Grant (“CDBG”) funds from the United States Department of Homes and Urban Development (“HUD”), the Village has a duty to affirmatively further fair housing. This is something that the Village would do anyway, as a diverse community with a Board that believes in housing opportunities for all. The Village is currently in the process of being certified as a “Pro-Housing Community” by New York State. As part of its duty to affirmatively further fair housing, the Village declares each April as Fair Housing Month.

The following Resolution was offered by Trustee Jefferson:

**WHEREAS**, on April 11, 2024 we will commemorate the 56th anniversary of the passage of the Fair Housing Act, the landmark civil rights law signed by President Lyndon B. Johnson in 1968, that made discrimination in housing because of race, color national origin, religion, sex (including gender identity and sexual orientation), disability, and familial status illegal, and encourages fair housing opportunities for all citizens; and

**WHEREAS**, the Village of Westbury is committed to highlight the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, and to affirmatively further fair housing within the Village, by continuing to address discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every American of their right to fair housing.

**NOW, THEREFORE**, the Board of Trustees of the Incorporated Village of Westbury hereby resolves that the Village of Westbury will celebrate the month of April, 2024 as Fair Housing Month, in commemoration of the passage of the Fair Housing Act.

Motion to adopt the foregoing Resolution was seconded by Trustee Wise. The Board was polled, all present voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye

Trustee William Wise                      Aye  
Trustee Vincent Abbatiello              Aye

## 16. Board Liaison/Committee Reports

### A. Trustee Steven Corte

1. Seniors – Trustee Corte reported that the seniors will hold some Bingo Nights during the spring and summer as a fundraiser. There are three dates planned on May 24, June 21 and July 12, from 7-9 p.m.
2. Assessor – Trustee Corte reported that the final assessment roll has been published, and is available to view in the Clerk’s office.

### B. Trustee Beaumont Jefferson

1. Recreation – Trustee Jefferson reported that the Village Easter Egg Hunt took place last Saturday, March 30, 2024 and expressed his thanks to Gail Reese and the local chapter of Omega Phi Psi, who helped with the event. The Summer Recreation Program with Westbury Arts is nearly full.
2. Westbury Arts – Westbury Arts will host a wine tasting on May 3, 2024 at 7 p.m. at the Bristol.

### C. Trustee William Wise

1. NCPD 3rd Precinct Report – Trustee Wise reported that in the month of March, Nassau County reported 4 auto accidents, 7 moving violations, and 18 parking violations.

### D. Trustee Vincent Abbatiello

1. Audit and Claims – Review and approval of Claims and Expenditures for the period March 8, 2024 through April 4, 2024 in the amount of \$162,649.58 of which, \$29,882.00 is from Capital Expenses and \$132,767.58 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 William Wise	Aye
Trustee Vincent Abbatiello	Aye

2. Westbury BID – Trustee Abbatiello reported that the Westbury BID will hold their semi-annual street fair on May 4<sup>th</sup> from 10 a.m. to 4 p.m. The BID will be installing cameras on Post Avenue for business and resident safety.
3. Water District – Trustee Abbatiello reported that the Carle Place Water District will be replacing water meters in the area. Westbury Water District is inspecting lead and copper piping.
4. Trustee Abbatiello thanked Clerk-Treasurer Kiernan for all her had work in preparing the budget.

E. Mayor’s Report

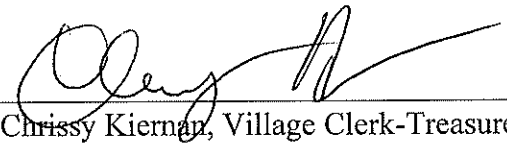
1. Finance & Public Works – Mayor Cavallaro reported that there are a lot of physical projects happening in the next several months, including the state repairing Jericho Turnpike, the Village beginning a streetscape project on Maple and Union Avenues which will largely replicated the work already done on Post Avenue and which was funded by a grant from Nassau County obtained by Legislator Bynoe, repaving the DPW yard, and repaving certain streets in the area as a result of extra funding provided by the Community Development Block Grant (CDBG) program.

**17. Public Comments**

Mayor Cavallaro opened the meeting up to public comments.

- A. Mrs. Mobius inquired as to the Village’s e-cycling program, and Superintendent Fulgieri responded accordingly.
- B. Ray Muntz informed those in attendance that the Children’s Library will soon be celebrating its 100th anniversary, and that the Library is looking for personal photos throughout the years, for an exhibition.
- C. A resident thanked the Department of Public Works for cutting trees on Jericho Turnpike, and that the electrical poles on Post Avenue look good. Mayor Cavallaro responded that the utilities have been trimming trees and slowly removing double poles.

On a motion by Mayor Cavallaro, duly seconded, the Meeting was adjourned at 8:30p.m.

Submitted by:   
Chrissy Kiernan, Village Clerk-Treasurer