

BOARD OF TRUSTEES MEETING MINUTES
INC. VILLAGE OF WESTBURY
VILLAGE HALL BOARD ROOM
THURSDAY, MARCH 16, 2023
5:30 P.M.

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

Staff present: Chrissy Kiernan, Village Clerk-Treasurer
Anna Vikse, Village Attorney

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

1. Public Hearing - The Board will propose a program for the use of Community Development Block Grant funding that may be allocated to the Village in the 49th year of the Nassau County Consortium with public input to follow

Mayor Cavallaro opened up the public hearing to propose a program for the use of Community Development Block Grant (“CDBG”) funding that may be allocated to the Village in the 49th year of the Nassau County Consortium. This is Federal funding that flows to local municipalities through Nassau County, to be used in CDBG eligible census tracts.

Mayor Cavallaro then described the Village’s proposed application, which includes \$75,000.00 for the Westbury Seniors Inc. senior program; \$442,281.00 in street improvements; \$100,00.00 in sidewalk improvements; and \$55,000.00 for the purchase and implementation of code enforcement cloud-based software for a total funding allocation of \$672,281.00.

The Mayor then opened the public hearing to public comment and hearing none, called for a motion to close the public hearing regarding the application of Community Development Block Grant program for the 49th year, September 1, 2023 through August 31, 2024.

On motion by Trustee Abbatiello, seconded by Trustee Corte, it was RESOLVED to close the public hearing for the Community Development Block Grant program for the 49th year, September 1, 2023 through August 31, 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

2. Resolution to Approve Filing of Application for Community Development Block Grant program for the 49th year, September 1, 2023 through August 31, 2024

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to file the Application for Community Development Block Grant program for the 49th year, September 1, 2023 through August 31, 2024 based on the project outlined by the Board during its public hearing, for a total of \$672,281.00. 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 to Approve Board of Trustees Meeting Minutes of March 2, 2023

On motion by Trustee Corte, seconded by Trustee Jefferson, it was RESOLVED to approve the Work Session/Regular Meeting Minutes of March 2, 2023 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

4. Approval of Abstract of Vouchers – Claim Period 3/3/2023-3/16/2023

The Board reviewed claims for the period March 3, 2023 through March 16, 2023, in the amount of \$269,628.65 of which, \$15,177.87 is from Capital Expenses and \$254,450.78 is from the General Fund. Trustee Abbatiello made a motion to submit bills for payment, seconded by Trustee Wise. 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

5. Review of Proposals for Actuarial Services for Post Employment (GASB 75 Full Valuation)

Clerk-Treasurer Kiernan sought proposals for Actuarial Services for Post Employment (GASB 75 Full Valuation). Statement 75 requires local governments that prepare GAAP-compliant financial statements to report the total OPEB liability in the statement of net position in their government-wide financial statements.

Clerk-Treasurer Kiernan sought proposals from USI Consulting Group, Millman, and Danziger & Markhoff LLP. The board received two proposals in response to its request: USI Consulting Services Inc. and Danziger & Markhoff. Clerk-Treasurer Kiernan noted in response to the Mayor’s inquiry, that the firms sought for this service were recommended by the Village’s Auditing firm.

After discussion, on motion by Trustee Jefferson, seconded by Trustee Corte, it was RESOLVED to approve the proposal of Danziger & Markhoff LLP, in the amount of \$3,675.00 for a full valuation for fiscal year-end May 31, 2023 and \$1,400.00 for an update for fiscal year-ending May 31, 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

6. Introduction of Bill 3 of 2023

Village Attorney Vikse summarized the legislative intent of Bill 3 of 2023 which was introduced by Mayor Cavallaro. Certain parking revisions were made to the Vehicle and Traffic Code in advance of LIRR third track construction. Prior to the start of the construction, however, the covid emergency resulted in fewer commuters, which obviated the need for the restrictions. Residents of certain areas desired the restrictions to be lifted, while residents of other areas desired the restrictions to be maintained. The Board finds that it is in the best interest of the Village safety and welfare to lift certain restrictions in certain areas. The legislation would satisfy those parking interests.

Mayor Cavallaro added that a letter will be hand-delivered to residents on March 30, 2023 summarizing the parking changes and reminding them of the public hearing for the bill on April 6, 2023 at 7:30pm.

7. Introduction of Bill 4 of 2023

Mayor Cavallaro introduced Bill 4 of 2023, which gives the Village of Westbury the authorization to breach the property tax cap levy in General Municipal Law §3-c. Mayor Cavallaro explained that the Village of Westbury allowable property tax levy growth factor is the lesser of one plus the inflation factor or 2%.

8. Resolution to Approve the Proposal of The Liro Group for the Preparation and Filing of the Village of Westbury MS4 (Small Storm Water Systems) Report

On motion by Trustee Abbatiello, seconded by Trustee Corte, it was RESOLVED to approve the proposal of The Liro Group for the preparation and filing of the Village of Westbury MS4 (Small Storm Water Systems) Report in the amount of \$1,500.00. 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

9. Resolution Approving Extension of 2022/2023 Road Improvements Contract with Metro Paving Inc.

Mayor Cavallaro explained that the Village of Westbury has the option to extend and renew its 2022/2023 Road Improvements contract with Metro Paving for an additional year at the same rate and with the same terms.

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to approve the extension of the 2022/2023 Road Improvements contract with Metro Paving for a one year period. 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

10. Resolution to Approve Maria SS. Dell' Assunta Society 112th Annual Feast of the Assumption Event

On motion by Trustee Jefferson, seconded by Trustee Wise, it was RESOLVED to approve the Maria SS. Dell' Assunta Society 111th Annual Feast of the Assumption Event at the Our Lady of Hope School 101 Maple Ave. Westbury from Wednesday, August 11, 2023 to Tuesday August 15, 2023, which will include fireworks, as well as the Tuesday, August 15th Procession immediately following the 5:00 P.M. Mass at St. Brigid's Church located on Post Avenue which will proceed North on Post Ave. and west on Maple Ave., with the procession ending at the Our Lady of Hope School 101 Maple Ave.

11. Resolution to Approve St. Brigid's Church Outdoor Stations of the Cross Procession on Friday, April 15, 2023

On motion by Trustee Abbatiello, seconded by Trustee Wise, it was RESOLVED to approve a request from St. Brigid's Church to hold two outdoor events, as follows: a procession on April 6,

2023 at approximately 10:00 p.m., and an Outdoor Stations of the Cross Procession on Friday, April 7, 2023 beginning at 5:15pm. 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

Clerk-Treasurer Kiernan reported that Nassau County Police have been notified and confirmed the event and their availability.

12. 2023 Budget Workshop

Mayor Cavallaro reported that the proposed budget includes a 3.65% tax increase, which is under the state tax cap. He also reported that building permit fee revenues for transit-oriented development projects are expected which would maintain revenues. Further, Mayor Cavallaro reported that there were steep increases in healthcare, retirement, and insurance liability costs. The Village’s union contract will be negotiated post budget adoption. Mayor Cavallaro noted that this will be a tough budget, but that it will still come in under the tax cap. The budget hearing will be held on April 6, 2023 at 7:30 p.m.

13. Mayor Cavallaro noted that there were members of the public in the audience, and that although this is a meeting at which the Board does not typically allow public comments, he asked whether they would like to be heard on anything. A member of the public inquired as to how to get an agenda item on the agenda. Mayor Cavallaro explained that the Clerk prepares the Agenda and that agenda items come either from issues discussed organically or at the request of the Mayor, or elsewhere, including members of the public. Another member of the public inquired about how the code is changed, and the Mayor responded that there are several ways in which a resident might request a code change.

14. Executive Session

Mayor Cavallaro made a motion to enter into Executive session to discuss an open litigation (Ottavino v. Village of Westbury) which was seconded by Trustee Corte.

At 6:30pm, Mayor Cavallaro stated that, on motion by Trustee Corte, seconded by Trustee Abbatiello, it was RESOLVED to appoint Sahn Ward counsel for said Litigation, and that the Board was polled, all present voting “Aye” (5-0).

On a motion, duly seconded, the Board exited executive session and resumed the public meeting.

15. Amnesty Program for Expired Building Permits

Clerk-Treasurer Kiernan reported that in order to resolve expired Village building permits that remained unclosed for various reasons such as unfinished project work, or failure to complete

required inspections, the Board must take action to authorize an amnesty program offering to close out expired permits.

After deliberation, on motion by Mayor Cavallaro, seconded by Trustee Corte, it was RESOLVED to approve an amnesty program as follows:

WHEREAS, there are a significant number of unclosed, expired building permits, which exist for various reasons, including unfinished project work, incomplete inspections, property owner failure to complete paperwork, and, in some cases, a lack of awareness of the circumstance (e.g. abandonment of projects prior to or during construction, sales of parcels to new owners unaware of the expired permits, etc.); and

WHEREAS, the Board of Trustees desires to resolve such matters, and finds that the creation of an amnesty program offering discounted fees to take the steps needed to formally close out such expired permits will inform all affected property owners and will induce many property owners to close out their expired permits; and

WHEREAS, the Board has determined that it is in the best interests of the Village to undertake such an amnesty program; and

NOW, THEREFORE, the Board hereby determines that the Village of Westbury shall offer an amnesty program (the "Amnesty Program"), to allow unclosed, expired building permits from the calendar years 2021 and 2022 to be finalized and closed out, during the period from the date of this Resolution through December 31, 2023 (the "Amnesty Period"), on the following terms and conditions:

(a) To qualify, a property owner must hold an unclosed, expired building permit from calendar year 2021 or 2022, must file a new building permit application with the Village, and must pay a fee of \$100.00 by not later than 90 days of the date of the notice published by the Building Department (the "Deadline Date"), and thereafter comply with the terms and conditions of the new building permit issued; and

(b) If an unclosed, expired building permit remains unclosed after the conclusion of the Amnesty Period, and the affected property owner has either not participated in the Amnesty Program or has participated, but failed to satisfy the terms and conditions of the new building permit issued under the Amnesty Program, then the Village Building Department will investigate and pursue enforcement as warranted, including by requiring new permits to be filed, and the payment of all applicable fees, under the current fee schedule (with no discount available), the completion of required work, including remediation work, and the opening of apparently completed work to allow inspection (where there is no record of inspection by the Village Building Department, and/or by prosecution in the Village Justice Court), prosecution in the Village Justice Court, or other actions as may be required in the discretion of the Building Superintendent; and

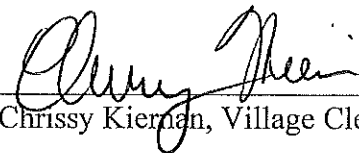
(c) The Village Clerk, working in conjunction with the Building Superintendent, is hereby authorized to prepare, complete and deliver to each record owner of property in the

Village for which there is an expired, unclosed building permit, a letter notifying such owner of the Amnesty Program.

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

On a motion, duly seconded, the Meeting was adjourned at 7:00p.m.

Submitted by: 
Chrissy Kieran, Village Clerk-Treasurer