

BOARD OF TRUSTEES MEETING MINUTES
INC. VILLAGE OF WESTBURY
VILLAGE HALL CONFERENCE & BOARD ROOM
THURSDAY, OCTOBER 5, 2023
6:30 P.M.

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

Staff present: Anna Vikse, Village Attorney
Joe Brilliantino, Superintendent of Buildings
Pasquale Iannucci, Deputy Superintendent of Public Works

Excused: Trustee Steven L. Corte
Chrissy Kiernan, Village Clerk-Treasurer

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 September 7, 2023

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to approve the Work Session/Regular Meeting Minutes of September 7, 2023 as prepared and distributed by Clerk-Treasurer Kiernan. The Board was polled, all present voting "Aye" (4-0).

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

2. Resolution Appointing Harix Linares from Provisional to Permanent Code Enforcement Officer Trainee, Bi-lingual

Mayor Cavallaro noted that Harix Linares had done very well on his civil service test, having been placed number one on the list for Code Enforcement Officer Trainee, Bi-Lingual. On motion by Trustee Abbatiello, seconded by Trustee Wise, it was RESOLVED to appoint Harix Linares from Provisional to Permanent Code Enforcement Officer Trainee, Bi-lingual. The Board was polled, all present voting "Aye" (4-0).

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

3. ZBA Referral for Variance in the TOD Zone

Mayor Cavallaro explained that the application of Triple S Group, of 478 Maple Avenue had been referred this matter to the Board of Trustees by the Zoning Board of Appeals after it was mistakenly placed on the Zoning Board's agenda for the September 18, 2023 meeting. Superintendent Brillantino explained that since the property is located in the TOD Zone, it falls within the jurisdiction of the Board of Trustees, and not the Zoning Board. Mayor Cavallaro noted that the Board of Trustees has the power to refer matters to the Zoning or Planning Board, and that it may do that in this case. The Board will reconsider the matter at its October 19, 2023 meeting. The Village Attorney will notify the Applicant that the matter will not be heard at the Zoning Board's October 16, 2023 meeting, but that the Zoning Board should continue the matter to its November meeting, in anticipation that the Board may refer the matter back to the Zoning Board.

4. GPS for Village Vehicles

Village Attorney Vikse provided details about the quote provided. This would be a piggy-back contract on a Nassau County contract. There are various capabilities of the GPS units which would be beneficial to the Village. Mayor Cavallaro asked that at the next meeting, the Superintendent of DPW provide details about the vehicles in which the Village intends to place GPS units. No action was taken.

4. Crowne Castle Eligible Facilities Request for Upgrade to Equipment on Rutland Street

Village Attorney Vikse explained that Crown Castle is seeking to upgrade certain equipment on a pole in the right of way on Rutland Street. There will be an increase in the size of the shroud; the height will decrease by 2", the width will increase by 2", and the depth will increase by 5". It appears that this would fall under the FCC Eligible Facilities Request. Mayor Cavallaro provided a brief explanation of the FCC regulations in this regard. The Board usually approves such applications by resolution. Trustee Abbatiello asked about the rendering provided by the Applicant. Trustee Jefferson asked about the RF Emissions. Mayor Cavallaro instructed Village Attorney Vikse to reach out to the Applicant, for a narrative which explains the request, including all of the equipment replacements, the size changes, and the difference in RF output between the old and the new fixtures. The Board will take up the matter at its meeting of October 19, 2023 if the Applicant provides the requested material before that date.

5. Insurance Requirements / Empire Athletics

Mayor Cavallaro explained that Empire Athletics, who rents certain space from the Village for sporting practices, is having trouble obtaining the required insurances. Upon examination, it appears that many renters have trouble obtaining the insurance required by the Village. Village Attorney Vikse and Clerk/Treasurer Kiernan consulted with our Salerno Insurance, our broker, who provided recommendations as to amended insurance requirements, which included a decrease from a total of \$6,000,000 per occurrence and umbrella coverage to a total of

\$3,000,000 per occurrence and umbrella coverage; requiring automotive insurance only if the user transports participants to or from the facility, and requiring \$1,000,000 in sexual abuse and molestation coverage if the user has participants who are minors.

On motion by Trustee Jefferson, seconded by Trustee Wise, it was RESOLVED to amend the insurance requirements for groups who rent the Village's facilities, as outlined above. The Board was polled, all present voting "Aye" (4-0).

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

6. Correction of Errors in Tax Roll: 425 Railroad Avenue, 461 Railroad Avenue and 14 Melrick Court

Village Attorney Vikse briefly explained that these properties should have exemptions, but were not properly inputted on the tax rolls, and therefore the Assessor would be requesting an amendment to the rolls. However, as Trustee Corte is the Assessor, and was absent from the meeting, the matter was tabled until October 19, 2023.

7. Update on water line issues Ellison Avenue

Trustee Abbatiello reported on the continuing issue with the water lines on Ellison Avenue, which are continuing to get pinholes, causing leaks which need to be repaired. It is thus far unclear where the leaks are coming from, although the various utility companies are working together to try to figure it out. The most likely answer is that PSEG LI is having an issue. The Village will meet with the utilities again on October 11, 2023 to discuss further. No action was taken.

8. September 11 Memorial Street Sign Request in Honor of Firefighters who passed due to 9/11 related illnesses

Mayor Cavallaro reported that he had received an email requesting that certain streets be ceremonially renamed in honor of local firefighters who passed away due to 9/11 related illnesses. He stated that the Village's policy had always been that we should not spend public funds on this type of matter, but perhaps the Board should reconsider. Trustee Abbatiello stated that the family who is requesting the street sign no longer resides on that street. No action was taken.

9. Sanitation Mailing Update

Mayor Cavallaro spoke about the mailer that had been prepared to alert residents about the new Solid Waste Code. It will go out on November 1, which should give residents enough time to get new receptacles if needed for when the code goes into effect. Trustee Abbatiello asked some

clarifying questions about landscaping barrels, and Mayor Cavallaro stated that they are allowed, only if they are 45 gallons or under, and they have a lid. If they are over that size, they are too heavy to pick up, and if they do not have a lid, the materials may get wet, which will cause the load to become too heavy to pick up. No action was taken.

10. Myrtle Avenue Parking Update

Mayor Cavallaro reviewed certain complaints received by the Village from residents on Myrtle Avenue. He asked Village Attorney Vikse to prepare a local law to change the parking restrictions on that street, in preparation for a public hearing to be held in November or December. No action was taken.

11. CBF Reimbursement Program

Mayor Cavallaro provided an update to the Board on the Village’s applications to the Community Benefit Fund, which is a part of the LIRR Third Track Project. No action was taken.

12. IT Committee Update

The IT Committee was unable to meet to provide the Board with a final report, and this matter was put over to the October 19, 2023 meeting.

13. JCAP 2023 Grant Application Resolution

Mayor Cavallaro explained that Village Court Justice Boylan had asked the Board for a resolution for the Justice Court Assistance Program Grant, authorizing her to apply for a grant in the 2023-24 grant cycle, which is intended to be used to purchase ticket writing software and attend certain training events.

RESOLVED, by the Board of Trustees of the Incorporated Village of Westbury, that the Village Justice is authorized to apply for a New York State Justice Court Assistance Program Grant in the 2023-24 grant cycle, in an amount of up to \$30,000.00.

Motion to adopt the foregoing Resolution was made by Trustee Jefferson and was seconded by Trustee Wise. The Board was polled, all present voting “Aye” (4-0).

Mayor Cavallaro	Aye	
Trustee Corte		Absent
Trustee Jefferson	Aye	
Trustee Wise	Aye	
Trustee Abbatiello	Aye	

14. Pledge of Allegiance

Mayor Cavallaro led the Pledge of Allegiance.

15. Resolution Approving Request from Westbury Business Improvement District (BID) for Street Fairs to take place on Saturday, May 4, 2024 (Sunday, May 5, 2024 rain date) and Saturday, September 7, 2024 (Sunday, September 8, 2024 rain date)

The Westbury Business Improvement District submitted a request to use Post Avenue and the Piazza for its semi-annual street fair.

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to approve the request from the Westbury BID for permission to hold their semi-annual street fairs on Saturday, May 4, 2024 (Sunday, May 5, 2024 rain date) and Saturday, September 7, 2024 (Sunday, September 8, 2024 rain date). The Board was polled, all present voting "Aye" (4-0).

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

16. Resolution to Reject Bids for Maple/Union Avenue Streetscape Project

Mayor Cavallaro reported the Village had contracted PS&S for engineering services, who had issued bid specifications in anticipation of sealed bids, which were due to the Village on September 7, 2021. After the sealed bids were opened, but before the Village determined who was the lowest responsible bidder, the Village became aware that several requests for information had not been responded to, or had been responded to late, and that several bid specifications were unclear, and that Nassau County DPW had not formally approved the bid specifications. As a result of that, Mayor Cavallaro recommended that the bids be rejected. Mayor Cavallaro read the following proposed resolution:

WHEREAS, the Village is a party to an Inter-Municipal Agreement with Nassau County which provides that the Village will contract for and oversee a streetscape project on Maple and Union Avenues in the Village of Westbury and the Town of North Hempstead (the "Project"); and

WHEREAS, as part of the Project, the Village contracted with PS&S for engineering services; and

WHEREAS, PS&S prepared certain bid specifications for the construction work to be done on the Project; and

WHEREAS, on August 9, 2023, based on the representation of PS&S that the bid was ready to go forward, the Village advertised for the submission of bids in its official newspaper as required by the General Municipal Law; and

WHEREAS, following the release of the bid specifications, several potential bidders sent in Requests for Information (“RFIs”) to PS&S, which caused PS&S to realize that some of the specifications needed amendment; and

WHEREAS, after the bid specifications had been released, Nassau County Department of Public Works (“NCDPW”) submitted additional comments to the plans which were part of the bid specifications, which necessitated amendments to said specifications; and

WHEREAS, as a result of the issues surfaced by the foregoing, PS&S submitted an addendum to all bidders at 4 a.m. on the day that the bid was due; and

WHEREAS, five sealed bids were accepted and all bids were opened at 2:00 p.m. on September 7, 2023; and

WHEREAS, after the bid was opened, the Village became aware that NCDPW had not officially approved the bid specifications, and that PS&S had prematurely allowed the bidding to proceed prior to it being fully ready;

NOW, THEREFORE, it is hereby resolved that:

1. The Board finds that it was premature to issue the request for bids and bid specifications at the time they were issued because NCDPW had not yet formally approved the specifications and because PS&S had not yet addressed all the RFIs it had received.
2. The Board further finds that the fact that PS&S had issued an addendum to the bid specifications at 4:00 a.m. the same day the bid was due made it impossible for potential bidders to properly account for the changes and additional information required by the addendum, as it left the bidders only five business hours in which to revise their bids.
3. The Board further finds that several RFIs were not responded to by PS&S in a timely manner, leaving bidders to guess as to certain specifications.
4. Based upon all of the above findings, the Board finds that it was impossible to receive realistic and fair bids which would serve the public interest.
5. Therefore, the Board hereby rejects all bids received pursuant to the authority granted to it by Section 103(1) of the General Municipal Law, which provides that the Board “may, in...its discretion, reject all bids or offers and readvertise for new bids or offers in the manner provided by this section.”
6. The Board directs the Clerk/Treasurer to readvertise for bids only when the bid specifications from PS&S have been formally and finally approved by NCDPW.

Mayor Cavallaro asked for a motion to approve the foregoing.

On motion by Trustee Jefferson, seconded by Trustee Abbatiello, it was RESOLVED to adopt the foregoing resolution as read by Mayor Cavallaro. The Board was polled, all present voting "Aye" (4-0).

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

17. Resolution to Approve Iron Gates Foundation Use of Facilities Request for Holiday Toy Drive and Waiver of Facility Fees

The Iron Gate Foundation submitted a request to use the Village Recreation Facilities for its annual holiday toy drive, and requested that the Board waive the usual fees.

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to approve the request from the Iron Gates Foundation for permission to use the Village Recreation Facilities for its annual holiday toy drive, and requested that the Board waive the usual fees. The Board was polled, all present voting "Aye" (4-0).

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

18. Resolution to Approve Block Party Request on Earl Street between Longwood Avenue and Carle Road on Saturday, October 28, 2023 with a rain date of Sunday, October 29, 2023

Residents of Earl Street between Longwood Avenue and Carle Road submitted a request for a block party to be held on Saturday, October 28, 2023 with a rain date of Sunday, October 29, 2023. Mayor Cavallaro noted that the required signatures were present on the application.

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to approve the request for a block party to be held on Saturday, October 28, 2023 with a rain date of Sunday, October 29, 2023 on Earl Street, between Longwood Avenue and Carle Road. The Board was polled, all present voting “Aye” (4-0).

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

19. Board Liaison/Committee Reports

- A. Trustee Steven Corte- absent
- B. Trustee Beaumont Jefferson
 - 1. WAC- Trustee Jefferson reported that Westbury Arts will host their annual Gala fundraiser at Westbury Manor on October 24, 2023. We encourage you to attend and support Westbury Arts by purchasing a ticket. It is their largest fundraising event and we would love to see you there.
 - 2. Recreation – Trustee Jefferson reported that on October 31, 2023, the Recreation Department will hold a Halloween event for children. Although this is part of the afterschool program, all neighborhood children are invited to attend from 4-6 p.m.
 - 3. Trustee Jefferson noted that the Hispanic Heritage Festival took place the previous Sunday, and was a successful event.
- C. Trustee William Wise
 - 1. NCPD 3rd Precinct Report – In September, there was 1 automobile accident, 8 moving violations, and 8 parking tickets.

D. Trustee Vincent Abbatiello

1. Audit and Claims – Review and approval of Claims and Expenditures for the period September 8, 2023 through October 5, 2023 in the amount of \$286,141.97 of which, \$42,739.08 is from Capital Expenses and \$423,402.89 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” (4-0).

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

2. Trustee Abbatiello reported that the BID’s street fair was a successful event, and that residents should mark their calendars for next year’s fairs.
3. Trustee Abbatiello also reminded residents that October is fire prevention month, and that they should check the batteries in their smoke and carbon monoxide detectors.

E. Mayor’s Report

1. Finance
2. Public Works

Mayor Cavallaro reported that the Village has been busy with events in September. We had an event at the LIRR station that showcased the artist who designed the art-glass at the station, which includes scenes from Westbury. We also had the Hispanic Heritage Festival. The Latino Advisory Committee did a great job organizing the event. Some events had to be cancelled due to bad weather. The Film Concert was postponed twice, and had to be cancelled for this year. The Governor was supposed to join us for a ribbon cutting of the DRI projects, and that will be rescheduled for a later date.

The Nassau County Police Department will be holding a community forum at the Library on November 9, 2023 at 7p.m.

The \$7 million streetscape project on Union and Maple Avenues will be slightly delayed due to the bidding issue we discussed earlier. The project will be full steam ahead come spring. The Village thanks Legislator Bynoe for obtaining the grant and having the vision for the project.

20. Public Comments

Mayor Cavallaro opened the meeting up to public comments.

A Hofstra journalism student asked questions about water leaks on Ellison Avenue. Mayor Cavallaro responded that the matter was unrelated to the recent flooding. As an aside, Mayor Cavallaro noted that since we have done resurfacing and drainage projects, we have had very little flooding in the Village, including during the historic rainfall that took place last week. Mayor Cavallaro stated that the Village had repaved Ellison Avenue in the past year, and almost immediately had several leaks that required Westbury Water to cut into the newly paved roads. The leaks are caused by electricity running through the metallic lines, but it is unclear where the electricity is coming from. Westbury Water has been replacing damaged lines with PVC piping, which will not conduct electricity and will not develop this type of pinhole. Meanwhile, the Village is working with the utilities in the area to determine the cause of the problem.

Mrs. Mobius, of 484 Winthrop Street asked whether there are any laws on ebikes. Mayor Cavallaro responded that NYS recently authorized the use of ebikes on roadways, and that some local municipalities have chosen to regulate them. The Village of Westbury did not choose to regulate them. Any enforcement of the laws would have to be done by Nassau County Police Department because they are moving violations.

Ms. Delphine Way inquired about the status of her complaint about rats. Mayor Cavallaro stated that the building department had inspected 7-Eleven and would continue to monitor.

Ms. Denair Strom stated that there was high water in the middle of the block on Sudbury Lane during the recent storm event, but no damage to any buildings or cars. Mayor Cavallaro stated that we will be clearing the storm basins in that area soon with our new vacuor truck.

Mr. Chester McGibbon of 502 Alicia Drive asked about the closing of Chateau Briand. Mayor Cavallaro stated that the location is not within the Village, but that he is aware that they are closing it, and probably DSW as well. Mayor Cavallaro stated that more shopping would probably replace these stores. Mr. McGibbon asked about several other locations, and Mayor Cavallaro responded that he does not know what will go into the old CVS store, and that a preschool was going into the old bank building at 341 Post Avenue.

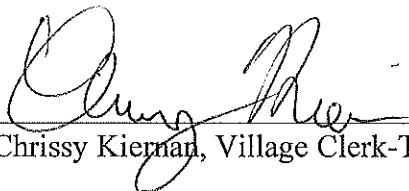
Mr. Byron Campbell complained about trucks parked near 7-Eleven on the sidewalk and double parked, which prevents traffic from flowing. The Mayor stated that code enforcement have responded to this, and that police were asked to address the matter. Mr. Campbell asked about the enforcement of overnight parking in Sherwood, and Mayor Cavallaro responded that the Code Enforcement Officers were shifting their hours in order to better address the issue. Mr. Campbell reported that there is a daycare being operated out of a house at 609 Blair Drive. Superintendent Brilliantino responded that the Village is aware of the daycare, and that they are allowed to operate there; NYS licenses daycares. Mr. Campbell asked about the number of handicapped parking spaces at 265

Post Avenue, and Superintendent Brilliantino said that he would look into it. Mr. Campbell asked whether it was possible for the DPW employees to pick up trash before they cut the grass in Sherwood. Deputy Superintendent Iannucci stated that they usually do, and that he apologized if that was not done.

Another Hofstra Student asked about the request of Crown Castle to upgrade their equipment. Mayor Cavallaro stated that Crown Castle had requested to modify their antennae, and that the Board had asked for more information before they can take up the matter. He noted that the FCC rules and Federal Law prevents the Village from considering any health effects of RF, because the FCC has conclusively determined that the health effects of RF are negligible. We have very little authority over such applications, and can only condition approvals on aesthetics, and making sure the installations are properly installed and fall within the allowed limits.

Mr. Campbell stated that garbage trucks from Floral Park often turn up Rockland Street, which is not a truck route. Mayor Cavallaro stated that Clerk/Treasurer Kiernan will reach out to Floral Park on the matter.

On a motion by Mayor Cavallaro, duly seconded, the Meeting was adjourned at 8:45 p.m.

Submitted by: 
Chrissy Kiernan, Village Clerk-Treasurer