

BOARD OF TRUSTEES MEETING MINUTES  
INC. VILLAGE OF WESTBURY  
VILLAGE HALL CONFERENCE & BOARD ROOM  
THURSDAY, FEBRUARY 1, 2024  
6:30 P.M.

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

Absent: Trustee William B. Wise

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 6:30PM with a verification of a quorum.**

**1. Resolution to Approve Board of Trustees Meeting Minutes of January 18, 2024**

On motion by Trustee Corte, seconded by Trustee Abbatiello, it was RESOLVED to approve the Work Session/Regular Meeting Minutes of January 18, 2024 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	Aye	
Trustee Beaumont Jefferson	Aye	
Trustee William Wise		Absent
Trustee Vincent Abbatiello	Aye	

**2. Westbury Summer Arts Program Fee Schedule**

Mayor Cavallaro discussed with the Board the current fee schedule for the six-week Westbury Arts Summer Program. Trustee Jefferson offered an analysis of different rates. The Board decided to keep the same rates as last year as written in the Village's Schedule of Fees, \$125 per week for residents and \$200 per week for non-residents. No action was taken.

**3. Westbury Arts Request to Serve Wine – March through December Events**

The Board reviewed a request from Westbury Arts to serve wine at certain events from March through December 2024. After discussion, on motion by Trustee Jefferson, seconded by Trustee Abbatiello, it was RESOLVED to approve the request from Westbury Arts dated January 18,

2024 to serve wine at events taking place at 255 Schenck Avenue. The Board was polled, all present voting “Aye” (4-0).

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

**4. CSEA Dental Contract Renewal Agreement**

Mayor Cavallaro explained that the renewal agreement for the CSEA Dental Contract extends an original agreement with the CSEA Employee Benefit Fund dated June 29, 1988 for the Dutchess Dental Plan. The plan rates changes as proposed are:

- (i) from June 1, 2023 to June 30, 2023, \$165.35;
- (ii) from July 1, 2023 to June 30, 2024, \$167.00;
- (iii) from July 1, 2024 to June 30, 2025, \$168.67;
- (iv) from July 1, 2025 to June 30, 2026, \$170.36;
- (v) from July 1, 2026 to June 30, 2027, to be determined pursuant to Paragraph 3 of the Agreement;
- (vi) from July 1, 2027 to May 31, 2028, to be determined pursuant to Paragraph 3 of the Agreement.

On motion by Trustee Jefferson, seconded by Trustee Corte, it was RESOLVED to approve the renewal agreement as presented. The Board was polled, all present voting “Aye” (4-0).

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

**5. Settlement of Claim of George Lawrence Merklon for Towing of Vehicle**

The following Resolution was offered for adoption by Trustee Abbatiello:

WHEREAS, the Village of Westbury is authorized to tow vehicles in certain circumstances outlined in Section 237-62 of the Village Code and Sections 1204 and 1224 of the NYS Vehicle and Traffic Law; and

WHEREAS, the Village contracts with Pete’s Towing & Autobody for towing and storage services; and

WHEREAS, on January 4, 2024 the Building Department asked Pete’s Towing to tow a certain car, namely a 2002 BMW with license plate KZX6168, VIN WBSDE93462BZ99861, from 295 Fulton Street; and

WHEREAS, the given reason for towing the vehicle was abandonment; and

WHEREAS, the car did not meet the criteria of “abandoned” as laid out in the Village Code or State Vehicle and Traffic law, since it was legally parked and had a valid registration and was not disabled; and

WHEREAS, the owner of said car, George Lawrence Merklon, threatened the Village with litigation due the fact that the car was towed; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Clerk is hereby authorized to pay Pete’s Towing & Autobody for the towing and storage, in the amount of \$245.00, in order to prevent threatened legal action by the owner of the car.

Motion to adopt the foregoing Resolution was seconded by Trustee Corte 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	Absent
Trustee Vincent Abbatiello	Aye

**6. Soil Testing and Pavement Cores Proposals & Recommendation from Liro**

The Board received a recommendation from Liro Engineering, the project engineer for the Village 2024-2025 Roadwork Program and Village DPW Lot Reconstruction for soil testing on certain Village roadways and pavement core testing on the Village DPW lot. No action was taken for the soil testing of the roadways.

After discussion, on motion by Trustee Abbatiello, seconded by Mayor Cavallaro, it was RESOLVED to approve the pavement core proposal for the DPW lot repaving project submitted by Universal Drilling in the amount of \$2,173,99 as prepared and procured by Liro Engineering. The roll call for adoption of the motion resulted in the following:

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

**7. Maple/Union Streetscape Change Order**

The Board discussed a Change Order from PS&S the Engineer for the Maple/Union Streetscape dated August 2, 2023. Clerk-Treasurer Kiernan reported that the Village received a bill from August with payments that were applied to this change order. When questioning PS&S staff, she was told that the change order was approved by former Sr. Building Inspector Bill Mello. Mayor Cavallaro inquired as to more detail relating to the proposed changes. No action was taken.

**8. Phipps Gym (346 Post Avenue) Staircase Repair**

The Board discussed repairing the staircase leading from the 1<sup>st</sup> floor to the basement of the Phipps Building, 346 Post Avenue. Deputy Superintendent Iannucci offered that the Department of Public Works could procure the necessary materials and retread the stairs.

**9. Update on New Sanitation Code Compliance**

It was reported that in December 2023 there were 441 non-compliant residential properties of approximately 4,000. In February there were approximately 100 non-compliant residential properties. The sanitation crew will continue tagging non-compliant households with a reminder to achieve compliance.

**10. Resolution Appointing Michael Kempf, Code Enforcement Inspector Trainee**

On motion by Trustee Abbatiello, seconded by Trustee Jefferson it was RESOLVED to approve the appointment of Michael Kempf, Code Enforcement Inspector Trainee at an annual salary of \$40,000.00. The Board was polled, all present voting "Aye" (4-0).

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

**11. Executive Session**

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED enter into Executive Session to discuss the litigation case C.C. vs. Village of Westbury. The Board was polled, all present voting "Aye" (4-0).

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

**12. Resolution To Approve Additional Expert Witnesses**

On motion by Trustee Jefferson, seconded by Trustee Corte, it was RESOLVED by the Board of Trustees of the Inc. Village of Westbury to engage expert witness James W. Mikesell, PhD., ABPP, as recommended by outside counsel, to be engaged for a litigation matter, in an amount not to exceed \$10,000, for the filed case against the Village, C.C. v. Village of Westbury. The Board was polled, all present voting "Aye" (4-0).

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

**13. Pledge of Allegiance**

Mayor Cavallaro led the Pledge of Allegiance.

**14. Public Hearing - Bill 1 of 2024, Designation of Employees to Issue Tickets**

Mayor Cavallaro opened the public hearing for bill 1 of 2024, designation of employees to issue tickets, amending Section 1-18 of the Village Code.

The Clerk read the 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, February 1, 2024, at 7:30 p.m. The Board will consider Bill No. 1 of 2024, a proposed local law to amend Section 1-18 of the Village Code, which would clarify which employees are authorized to write appearance tickets. At the hearing, all interested persons will be given an opportunity to be heard.

Attorney Vikse provided a summary of the proposed local law.

Mayor Cavallaro added that the proposed local law is a technical amendment of the code. He then asked the Board to comment. Seeing none, Mayor Cavallaro then opened the public hearing to public comment. Seeing none he called for a motion to close the public 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" (4-0).

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

A stenographic transcript is provided upon request.

**15. Adoption of Bill 1 of 2024 as Local Law 1 of 2024**

On motion by Trustee Corte, seconded by Trustee Jefferson, it was RESOLVED to adopt bill 1 of 2024 as local law 1 of 2024. 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" (4-0).

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

**16. Public Hearing - Bill 2 of 2024, parking restrictions on Myrtle Avenue**

Mayor Cavallaro opened the public hearing for bill 2 of 2024, which changes parking restrictions on Myrtle Avenue.

The Clerk read the 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, February 1, 2024, at 7:30 p.m. The Board will consider Bill No. 2 of 2024, a proposed local law to amend Section 237-77 of the Village Code, which would rescind parking certain restrictions on Myrtle Avenue. At the hearing, all interested persons will be given an opportunity to be heard.

Village Attorney Vikse explained that the bill would permit parking on the south side of Myrtle Avenue from South Fulton Street to South Grand Street which was previously restricted.

Mayor Cavallaro added that the Village Board will typically change parking restrictions so long as a majority of effected residents are in favor of the request. Mayor Cavallaro then asked the Board if they had any comments. Hearing none, Mayor Cavallaro then opened the public hearing to public comment. Hearing none, Mayor Cavallaro asked for a motion to close the public hearing.

On motion by Trustee Corte, seconded by Trustee Abbatiello, it was RESOLVED to close the public hearing. The Board was polled, all present voting "Aye" (4-0).

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

A stenographic transcript is provided upon request.

**17. Adoption of Bill 2 of 2024 as Local Law 2 of 2024**

On motion by Trustee Jefferson seconded by Trustee Abbatiello, it was RESOLVED to adopt bill 2 of 2024 as local law 2 of 2024. 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” (4-0).

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

18. Mayor Cavallaro recognized two boy scouts in the audience who were present to hear about perspectives and counter perspectives in government and would be receiving a badge.

**19. Public Hearing – Bill 3 of 2024, a proposed local law authorizing a property tax levy in excess of the limit established in general municipal law §3-C**

Mayor Cavallaro opened the public hearing to hear bill 3 of 2024, a proposed local law 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, February 1, 2024 at 7:30 p.m. The Board will consider proposed bill No. 3 of 2024, which would authorize 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 the Village entertains this legislation every year since Governor Cuomo signed the tax cap legislation, but has never exceeded the tax cap. The proposed bill authorizes the Board to exceed the cap should it need to. Mayor Cavallaro noted that it is a prophylactic measure otherwise we would not be able to pass a budget if we needed to exceed the tax cap.

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 Jefferson, it was RESOLVED to close the public hearing. The Board was polled, all present voting "Aye" (4-0).

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

A stenographic transcript is provided upon request.

## 20. Adoption of Bill 3 of 2024 as Local Law 3 of 2024

On motion by Trustee Jefferson seconded by Trustee Abbatiello, it was RESOLVED to adopt bill 3 of 2024 as local law 3 of 2024. On motion by Trustee Corte, seconded by Mayor Cavallaro, it was RESOLVED to close the public hearing. The Board was polled, all present voting "Aye" (4-0).

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

## 21. Annual Report by the Taxicab Commission

Mayor Cavallaro summarized a report by the Taxicab Commission made in compliance with the Village Code §226-5. It contains a report on the activities that have taken place during the past year, recommendations for revisions of the Taxi Regulations as the need arises, and a review of the budget for the year 2022-2023.

The Commission has continued to review, regulate, and license the owners and operators of taxicabs in the Village, as required by the Codes §§226-10 & 226-12. It has reviewed, approved, and disapproved license applications as the circumstances warranted. At the annual renewal of cars on August 31, 2023, The Commission approved thirty-two of the forty-nine taxicab licenses. There are seventeen unused licenses. The Commission approved two of the four for-hire licenses. There are two unused for-hire licenses. The Commission, through its continued monitoring of the operation of the taxis within the Village received one complaint from the public, which was acted upon in a satisfactory manner. Although there may be some extra expenses incurred for supplies, printing, distributions, etc., the current budget should be sufficient for the coming year. Ronny Simon resigned from the Taxi Commission effective January 1, 2024 and the Commission has requested that the Board consider appointing a



replacement.

## 22. Board Liaison/Committee Reports

### A. Trustee Steven Corte

1. Seniors – Trustee Corte reported that the seniors have been asked to wear masks to prevent the spread of Covid-19 and other illnesses that have infected staff and some members recently.
2. Assessor – Trustee Corte reported that the tentative roll is available as of today, February 1, 2024, and can be viewed at the Clerk’s Office. The grievance period will be from February 1, 2024 to February 20, 2024 until 6:30pm on the last day to file form R524. The final roll will be filed on April 1, 2024.

### B. Trustee Beaumont Jefferson

1. Recreation – Trustee Jefferson reported that Recreation is preparing for the March 2, 2024 Westbury Arts Children’s Recreation Program Open House which will be at 10am at 348 Post Avenue, the Recreation Center.
2. Westbury Arts- Westbury Arts is having an event on February 24<sup>th</sup> from 3 to 5pm entitled African American Culture: Connecting the Community Through the Arts for Black History Month.
3. The Village Easter Egg hunt will take place on March 23, 2024 at 10 a.m., with a rain date of March 30, 2024 at 10 a.m.

### C. Trustee William Wise

1. NCPD 3rd Precinct Report – Not present. However, Mayor Cavallaro reported that there was a serious accident at the five-way intersection on the south side of the Carle Road Bridge which is also in the Town of North Hempstead. He reported that he met with the Carle Place Civic Association, Legislators John Guiffre and Siela Bynoe, Town Councilman Robert Troiano, and Village staff to discuss safety matters. The County Traffic Department also present offered to conduct a study in the Spring prior to school ending. The group will meet after the study is complete to discuss what safety mitigative efforts can be done, if any.

### D. Trustee Vincent Abbatiello

1. Audit and Claims – Review and approval of Claims and Expenditures for the period January 5, 2024 through February 1, 2024 in the amount of \$559,144.38 of which, \$167,180.16 is from Capital Expenses and \$391,964.22 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	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Absent
Trustee Vincent Abbatiello	Aye

2. Westbury BID – Trustee Abbatiello reported that the Westbury BID had a successful holiday bid dollars program.
3. Public Safety- Trustee Abbatiello noted that when you see emergency vehicles approaching with emergency lights, to move over either to the left or the right, as they are trying to save someone.

E. Mayor’s Report

1. Finance & Public Works – Mayor Cavallaro reported that the Village has started the budgeting process for the 2024-2025 fiscal year. The budget process includes taking a look at all of the budget items, line by line. The Village will be going out to bid for roadwork and village parking lots for the 2024 and 2025 years. The bid for the streetscape for Union and Maple Avenues will be this month, which is a project funded by Nassau County.

- F. Trustee Jefferson also added that from June 3, 2024 to June 12, 2024, there will be 40,000-50,000 spectators at Eisenhower Park which will host ICC Cricket. The India vs. Pakistan game is scheduled for June 9, 2024.

**23. Public Comments**

Mayor Cavallaro opened the meeting up to public comments.

- A. Chester McGibbon, 502 Alicia Drive – Inquired as to vermin sightings in the Piazza and adjacent private property, Rite Aid. Mayor Cavallaro expressed that this was the first complaint he has received for this. Trustee Jefferson asked Mr. McGibbon to email photographs that he took. Mayor Cavallaro added that if it is reported to the Village, we can cite property maintenance violations to the property owner for the adjacent property. We will also look to see what can be done on the Village’s piazza property.

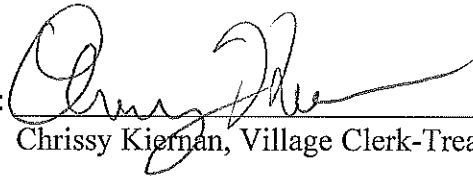
Mr. McGibbon also inquired about the Taxi Commission, specifically fair increases. Mayor Cavallaro reported that a modest fare increase was approved last year, but it is difficult to compete with the unregulated ride share companies.

- B. John Wygand, Van Buren Court- Mr. Wygand raised concerns with the revisions to the sanitation code, specifically having to obtain a 45 gallon can. Mayor Cavallaro responded with empathy, saying that he understands that the sanitation code changes may result in an inconvenience for some residents, who may have to replace a garbage can. However, after a long review of our practices, and discussions with our

sanitation personnel and others, the Village decided to revise the regulations so that the loads are more manageable and more safely dealt with by our employees, who have a very arduous job as it is. The Village reviewed the laws of many other jurisdictions including multiple towns and villages who have all updated their codes. The new rules are consistent with what most other villages and towns are doing. In fact, many other municipalities require the use of much smaller can than what the Village adopted, which is 45-gallon cans. A line had to be drawn on a size. The weight of the cans was also formally updated, following past practice.

On a motion by Mayor Cavallaro, duly seconded, the Meeting was adjourned at 8:20p.m.

Submitted by:

A handwritten signature in black ink, appearing to read "Chrissy Kiernan", written over a horizontal line.

Chrissy Kiernan, Village Clerk-Treasurer