



INCORPORATED VILLAGE OF OCEAN BEACH

Minutes of the Meeting of the Board of Trustees of the Incorporated Village of Ocean Beach, Suffolk County, New York held on November 18, 2023 at the Boat House, 625-632 Bayberry Walk, Ocean Beach, New York and is also being conducted via Zoom.

EXECUTIVE SESSION: Mayor Mallott moved to go into Executive Session at 8:38 AM from the Village Office, for the purpose of discussing personnel, contracts and pending litigation.

The motion was seconded by Trustee Arment upon call the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

No motions or resolutions were acted upon in Executive Session. Executive Session was closed at 11:03AM by Mayor Mallott. The motion was seconded by Trustee Levine, upon call the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

GENERAL SESSION: At 11:25 AM, Mayor Mallott moved to open General Session. Trustee Moritz seconded this motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

Following the pledge to the Flag and Roll Call at 11:26 AM:

There were present:	Mayor:	James S. Mallott
	Trustees:	Marco Arment
		Dawn L. Hargraves, via Zoom
		Ian Levine
		Jennifer Moritz
	Village Counsel:	Kenneth Gray
	Village Administrator:	Joseph DiFrancisco

Mayor Mallott: Good morning everybody. Good morning. Trustee Hargraves is on the zoom meeting this morning. Okay. Would you call the roll, please?

APPROVAL OF MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON OCTOBER 14, 2023: Resolution No. 2023-137: Mayor Mallott moved follows:

BE IT RESOLVED that the Minutes of the Board of Trustees Meeting held on October 14, 2023 are accepted as presented

Trustee Arment seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

APPROVAL OF BILLS AND CLAIM VOUCHERS: Resolution No. 2023-138: Mayor Mallott moved as follows:

BE IT RESOLVED that bills and claim vouchers, already paid be approved as submitted and as follows:

General Fund, in the amount of \$276,114.21, for Gross Payroll from 10/04/23 through 11/14/23

General Fund, in the amount of	\$ 142,801.09, check numbers A28348 through A28395, and
Water Fund, in the amount of	\$ 4,219.23, check numbers F3857 through F3861, and
Sewer Fund, in the amount of	\$ 49,383.74, check numbers G6875 through G6885

BE IT RESOLVED that bills and claim vouchers to be paid, are submitted to be approved for payment as follows:

General Fund, in the amount of	\$ 136,554.10, starting with check number A28396, and
Water Fund, in the amount of	\$ 14,632.65, starting with check number F3862, and
Sewer Fund, in the amount of	\$ 33,680.01, starting with check number G6886, and
Sewer Collection Fund, in the amount of	\$ 716,131.28, starting with check number 1068

Trustee Moritz seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

MAYOR'S REPORT:

Mayor Mallott: Uh, good morning once again. As you can see, we're in full construction mode here. Um, we have hit a little bit of a hiccup. Here in the wagon park area, which we're working through. The work continues on the east end of town. We hope to be laying cement, um maybe a week after Thanksgiving, through, the east end of town will hopefully be cemented and back in its original condition by the beginning of January. Um, we continue to work forward and it's going fairly well, but there's just this little hiccup right here. Um.

Maria Silsdorf: Excuse me. What's the hiccup?

Mayor Mallott: They can't get the sheets in the ground here. They don't know what's down there. They seem to think there's some kind of obstruction there. The geologist is just saying that it's compacted sand down there, just below the 25-35 foot mark. They're pre-drilling now and then putting the sheets in, which is double the work. Um, it's some areas it seems easier than others. There's a lot of speculation that there could be something down there, but it's very. It's hard to think that anything is down there, 30ft there that we don't know is there? We don't know. Nobody knows. It's 30ft down, we can't see. So, you know, we've looked back at pictures. We have photographs going back to the 20s here almost, but nothing specific to that area there. It may be an old bulkhead, but I think that if it was an old bulkhead, you know, with the drilling, you'd find out what it was. It would pull something up out of the ground. But anyway (inaudible comment).

Mayor Mallott: Yeah, it could be an old bulkhead down there, but it seems very. It's a long way down. **Speaker1:** Aw, no. Aw, shit. **Mayor Mallott:** You know, we're going. Everybody's trying to think of it. We look back to the 1950s. 54, I think, was the last picture that we have of the village. There was nothing there but previous to 1954, and nobody has any idea what it is (inaudible comment) **Speaker4:** There was nothing near Tyler right? **Mayor Mallott:** You know, it had to be pretty funny. It's hard. Anyway, we'll. We'll get to the bottom of it, okay? Whatever it is, wherever the bottom lies.

Um, there's been a lot of chatter about some, uh, some people say sculptures. Some people say something else that was on the dunes in the lifeguard area. Uh, we were discussing it. There's been a little bit of a mishap, and it was. It was taken down. Um. That's all I can say about it. It's been it's an in-house personnel issue that we've taken care of, and something like that will never happen again.

ADMINISTRATOR'S REPORT

Joe DiFrancisco: On Tuesday, I'm going to be attending a kickoff meeting for beach restoration that's being conducted by the Army Corps of Engineers. They're starting on Tuesday. They're scheduled to work between Saltaire and Seaview, and they expect to work to be completed by May of next year. Uh, so that's just work? (inaudible comment)

Mayor Mallott: That was already scheduled. I don't think that. The last storm was included in that calculation because they did. They were measuring the beach before the storm. And I think those are the numbers they're going with, not the numbers that are presently. (inaudible comment) **Joe DiFrancisco:** Not yet. I'll hopefully have more information from the meeting on Tuesday. (inaudible comment) **Joe DiFrancisco:** Well, we did it before. **Mayor Mallott:** I don't think it's going to be. Much different than it was before. Right? **Trustee Moritz:** Can't be any worse than it is. (inaudible comment) **Mayor Mallott:** You know what? That's entirely up to them. They screwed it up before. Are they're going to screw it up again like they usually do. (inaudible comment) **Trustee Moritz:** It is now, though.

(inaudible comment) **Mayor Mallott:** We've lost the toe of the dune. You've lost it? Yeah. **David Lipsky:** So if they do the restoration, are they going to also. Provide efforts to keep vehicles traveling on the beach at least 20ft away. From the vegetation line, because right now, the trucks at high tide and going right into the dune. Um, and making matters worse. **Mayor Mallott:** I'm sure the seashore. **Joe DiFrancisco:** The seashore is invited to this meeting on Tuesday. They will be on. They will be there. So these are all issues.

David Lipsky: In the past days. They said they're now responsible for those types of things in the incorporated villages and other communities. Um, I've pointed it out to them when they were here 2 or 3 weeks ago. Uh, I think we got to make a big effort to restore the dune line, at least, and make efforts to keep people away from traveling too close. **Mayor Mallott:** Well, we'll see where that goes with this meeting. Yes Maria. **Joe DiFrancisco:** Can the people come up to the microphone. You need you need. **Maria Silsdorf:** Two levels of. I'm sorry. **Joe DiFrancisco:** We need to come up to the microphone because none of this is going to make the minutes if you're not speaking into the microphone. **Trustee Arment:** Yeah. Also just so you know, there's we have about 30 residents on zoom also, and they can only hear you if you are at the microphone. So please come up whenever you have a comment. Thank you.

Maria Silsdorf: So we're discussing the impending beach project and the impact on driving just for those on the phone. So as I understand it, being on the fire, the intention and this is a project that was originally requested in 2019. This is not in response to the current storm. No. Yeah. Which is kind of kooky crazy. So, it's now taken three something years to get this done, but the intention or the words that they use is the project will restore the beach and the dunes and the plateau to the levels that it was when they did the project. Mayor: Correct. So, if that answers your question, David, I don't know. But that. That would be good. Thank you. **Speaker1:** Thank you. Yes. **Mayor Mallott:** Um. What? We're talking about FINS driving regulations. We prepared a statement that. Yes, general trustee,

Trustee Moritz: We left some information. For those of you that are not informed about the new driving regulations that they're trying to impose on us. The village of Ocean Beach hereby supports the position of the Fire Island Association and the Fire Island year round Residents Association with respect to the proposed changes to the Fire Island National Seashore driving regulations. So, we're in support. **Maria Silsdorf:** So, I'm sorry. The FIA hasn't published the final recommendations yet. We're working on them, but we do. We have asked that every community and homeowner organization, so it would be both for Ocean Beach, join in and we'll have the exact words that they're asking that we actually submit that. **Mayor Mallott:** We just wanted to make our position clear

Maria Silsdorf: That's that's a great statement. And if we could attach it to what the actual recommendations are and the and the work together, that would be perfect. Thank you. **David Lipsky:** We will thank Dave Lipsky. I'm a little annoyed by the fact that there was no public notification of the public hearings that took place on the 14th and 15th. (inaudible) There were excuse me, the OBA did not publish it. The village of Ocean Beach did not put it on the website so that people could see it. **Jonneigh Adrion;** it's on the website on the events calendar. **David Lipsky:** it wasn't... it was on the events calendar. **Jonneigh Adrion:** It's on the events calendar and it's been on the events calendar. **David Lipsky:** Well, then I take that back. It was on very easy to find on the Saltaire website, and the fact that the Fire Island Association has some. A negotiations to come up with, with the options for the village of Ocean Beach and other communities, doesn't take away the fact that the public should be involved who are not necessarily involved in the all year round association, so (inaudible) they have not published it so many times. They have checked the your website didn't see any publication of that except on Facebook, on the, on the, you know, on the social media page. **Mayor Mallott:** And FINS has been

publishing it every time. It's been going up for a month. They've been telling us. **Trustee Moritz:** Okay. **Mayor Mallott:** Yeah well.

Trustee Moritz: Excuse me. So the comment period closes on December 4th, so you have plenty time to comment and follow. Okay. And we recommend that you use. **Mayor Mallott:** We don't have plenty of time to comment. **Trustee Moritz:** You use the link to. Yes. **Mayor Mallott:** We need a certain criteria that people can comment on. We need to know, first of all, what the seashore plans and comment on their plans. Just not say we don't like this, but to comment on it. Make a reason why. **David:** PThat's the purpose of a stakeholder meeting. **Mayor Mallott:** Yes.

Trustee Arment: Right. And it's important to comment in the right ways. The seashore has a certain channel, and I think we can put this on the website with the PEPSI. It's an acronym for something, but it's an environmental feedback channel for the governmental processes above us. And that is what they look at. And that's that becomes part of a public record for their legislation and their proposed changes and everything. So, it's very important to comment in that format. And so, we will try to get information out there on how to do that. NPS And the Year Rounder Association and FIA are also doing all of that as well.

Linda Stertz: You know, I just want to ask I'm not clear. I went to the meeting. I've read through all of this. I'm not clear who has jurisdiction over safety on the beach because, you know, we all know the trucks are pellmell and they're all over the beach and people are up there and dogs and kids and everything. Who has jurisdiction over making the beach safe with all these trucks going back and forth?

Mayor Mallott: The superintendent at Fire Island Seashore tells me that he has jurisdiction to the high tide mark so. **George Hesse:** So, we all have concurrent jurisdiction. Us, Suffolk County and the Seashore. **David Lieber:** I just had a question. Maybe Maria knows this since you're in the fire. The period is till December 4th. The comment period. But is that then? The last meeting was on the 14th. **Mayor Mallott:** We don't know if it's a drop dead date. Right. okay

Maria Silsdorf: So, there have been three rounds of feedback sessions at the at the end, all of the comments that were received in the first round, which was maybe two years ago, and the last second round, that was a year ago. And this round will all be compiled. They have a legal obligation to consider all of it. The next release, I guess, will be in spring of 2024. **David Lieber:** But are there any more meetings? **Maria Silsdorf:** No, there are no more meetings scheduled. **David Lieber:** And then they decide? **Maria Silsdorf:** Then they do decide. Yes, yes. **Trustee Levine:** They announced that they would be having some meetings during the summertime. In the summer they're going to have some meetings. **Maria Silsdorf:** But not between now and then. **Trustee Levine:** No, not till the summer. **Maria Silsdorf:** The session is in spring of 2024 before they. **David Lieber:** But there will be another meeting. **Maria Silsdorf:** They don't really vote, but yes.

Mayor Mallott: They tell you what they're going to do. Yeah. They decide they have a meeting and tell you what they want to do. This is that's the first time you hear it, and then they give you a public comment period after that. And so what scares me is that this. President/Superintendent is doing his due diligence by giving us a voice, but pretty much dismissing anything that we say. And going forward, the seashore will just make. **David Lieber:** They've laid out three plans, right? **Maria Silsdorf:** Three options. **Trustee Moritz:** three options. **Mayor Mallott:** Three options. **Maria Silsdorf:** So, very simply, one option is no change. The second option is kind of a middle of the road. And the third option is to throw caution to the wind and allow everybody freaking free for all. **Ken Gray:** There's an article in today's news day about it. It kind of it's. **Trustee Moritz:** Not even it's most important for all residents. **Maria Silsdorf:** So, we'll circulate we'll circulate the. **Trustee Moritz:** Not Just the year rounders. **Maria Silsdorf:** Yeah. **Mayor Mallott:** One of the suggestions is to throw it open to anybody. Right. Okay. Give everybody a permit. **David Lieber:** If you got a house, you washing a window and you got there you. **Mayor Mallott:** Go. Give everybody a permit.

Maria Silsdorf: Right. So what Jimmy said before is really important. Comments that just express an opinion about the proposal really need to be cached in why and what's the better solution. Right. You know, at this point they are going to have so much to kind of weed through. It's only the meaningful, interesting comments, I guess that will rise to the top. Right. So you need to be specific about what you're objecting to. Why? Like as Linda said, safety would be a good concern to reference. You know so we'll provide some guidance. The FIA within a few weeks should have a, I mean within a few days. Excuse me. They're working on it this weekend. Should have a recommendation which Jen referenced. And then we will share that with everyone and let you know what we are endorsing. **Mayor Mallott:** All right **David**

Lieber: Is there anything on vehicle size? **Maria Silsdorf:** I don't remember. **Mayor Mallott:** Vehicle size? Yeah. **Trustee Arment:** Not that I know of size. **Mayor Mallott:** Not that I know of. **David Lieber:** I mean, like I live on midway. Is there a possibility of eminent domain someday that, you know, these big things that are coming through? I mean, right now. **Speaker1:** Putting a road. What's that? That's. Well. **David Lieber:** Eminent domain. **Trustee Levine** Yeah. I mean, you know. **David Lieber:** The vehicles coming by now, I mean, I got, like, an inch sometimes. (inaudible comment) **Maria Silsdorf:** That would be a good. **Trustee Moritz:** Thing to come. Definitely, David. Yes. And definitely. And you're better off doing it on the website. So it's completely not lost in the mail. So.

David Lipsky: Yeah. So it. One addition, I think this is a scoping meeting. They're asking for comments on scoping the project under Nepa. The which is similar to SEQRA. And so they're also looking at what they should be looking at for environmental impacts. **Mayor Mallott:** And they still haven't done. **Trustee Moritz:** They didn't even do a study yet. **David Lipsky:** What will follow is that they have to do a full EIS on this project. Should follow. Yes. **Mayor Mallott:** All right. Thank you very much, Joe. You have anything more to add? **Joe DiFrancisco:** No, no thank you, mayor. **Mayor Mallott:** I told you, try and keep your mouth shut.

SUPERINTENDENT'S REPORT: Kevin Schelling spoke

Wastewater: Sewer plant is fully operational.

Emergency Systems and Generator systems operational.

Chemical & Fuel supplies are full

Water supply switched to new line supply

Inspected by the Health Dept and passed.

Water: Wells #2, #3 & #4 are operational

All Emergency Systems and Generator system operational

Chemical supplies & Fuel supplies full

One (1) fire service and three new water service taps installed

All old water mains north of Midway turned off (we are about 75% shut off)

Mayor: inquired as to the status of meters on Village properties. Kevin replied all village properties are complete.

Properties: Village facilities winterized

Public restrooms in the Ferry terminal open 24/7, everything else is closed

Marina closed November 15th (water system drained)

Green & Ballfield sprinkler systems blown out

Brush & tree trimming on streets starts November 27th

Repairs made to Community House roof

Senior carts stored for the winter

Emergency generator for the Ferry Terminal being repaired

Fire House door shipping out this Tuesday, it will be here on November 27th freight boat

Ramps removed at Windswept

Events: Tree lighting December 16th

OCEAN BEACH VOLUNTEER FIRE DEPARTMENT REPORT: Chief Hesse spoke

George Hesse: Good morning everyone. First Assistant Chief, Peter Brennan was unavailable today, so I'll be giving the fire department report. Um, please go on to the village website. We just put up a link on there for the fire department, so it'll have basic information for now. If you need anything from the fire department, there's an email address on there. You can just click on it. Um, over time we're going to increase the website with information and updates, events, anything that we have going on. Um, one event I'll talk about now. The 16th, December 16th, the same day as our trustee meeting. Do we have court that day, too? We have court. We have a trustees meeting. That's going to be the day that we do our annual holiday party and tree lighting. Um, it's a potluck at the Fire Hall shortly after, so please attend. The more the merrier. I'll be dressing as Santa, so don't tell the kids. That's a lot of fun. You know, we're doing it a little later, a week later, because it turned out a lot of the children weren't going to be around on the ninth. So we tried to prepare for them also and give them a nice day. Um, as Kevin says, the construction up at the Firehouse is progressing. Um, it's a little chaotic, a little unorganized. Um, but we're getting through it. I can't wait until it's done. Um, we had a bunch of new fire racks that delivered, um, the things that we hang our bunker gear on and stuff needed to be replaced years ago, but we finally got it done. Myself, Marty and a few people are extremely sore from over three days putting these things together, but they're together and we're putting them into service. So it's really straightening everything out. It's nice. Um, **Mayor Mallott:**

We're expecting the doors this week. Yeah. **George Hesse:** So the doors are coming next Tuesday. They're being delivered all new doors. We should have them in hand on Wednesday. Thanksgiving hits. So I would assume the following week they'll start putting everything together. You know, it's the doors. It's the door openers. There's electric work that has to go on. All the, you know, hardware has to go up. So I would assume a few more weeks at least before that's done. But I can't wait till it's done. Um, you know, we're a little displaced. One of our trucks is in Bay shore storage. One of our trucks is in Kevin's garage, but both ambulances are in the main house and two fire. Well, yeah, two fire trucks are back in the main house. We had our truck #5 was out of service for several weeks. It was involved in an accident and it's back in service and everything's working. So. Uh, one other thing I'd like to talk about real quick is recruitment. We are looking for volunteers, so if you know anyone between the ages of 18 and 54, we are looking for firefighters, EMTs, first responders, anybody that wants to join, there's an application process. They could go to the website, click on the email and request an application, at this time Soon, we're probably just going to have the application on the website for anybody to fill out. But if you have any questions, just have them contact me directly and hopefully I can answer some questions. Um, other than that on the fire department, uh. That's it.

OCEAN BEACH POLICE REPORT: Chief Hesse spoke

George Hesse: All right, moving along, moving on. Sometimes I had to change the brain too, but that doesn't work. You know, as everybody knows, the construction in town is progressing. It's an absolute mess in town. Be careful where you walk! If you need to drive, make sure before you drive down that walkway that you know if the road at the end is open or closed. So having a little disparity with the with the construction guys, with identifying those roads that are closed before you drive all the way down. **Speaker1:** Right on midway, if they put up some (inaudible).

George Hesse: Hazard. It's a discussion I have almost daily. Um, you know, it's usually just myself and another patrol officer out there. So, you know, I'm doing my administrative duties. I have somebody out there. He's running around like a chicken without a head. So I had spoke to Joe about it, and hopefully we can rectify that situation, put a detour sign, something that would be great. **Mayor Mallott:** I think what I was talking to one of the guys on the job about is. Is putting something up on midway. You know that there's no way through. Right. It's a dead end, **George Hesse:** even a cone or detour **Mayor Mallott:** because some people live on that street and there's cars on that street, so we can't block it off to stop them getting to their homes.

George Hesse: So we're starting to have the issue with golf carts and cars blocking the walks. People are getting frustrated. You're driving a little too fast. Everyone wants to get their job done too. But we all have to work together on this and be safe. Um, it is getting a little hairy. I know what Dave's talking about. I live on midway myself and I see it. And I'm one of those crazy guys in this house. You know, I do the same thing. So that being said, the beach is soft. Be careful if you're driving on the beach. We've been out on the beach several times over the last two weeks, uh, pulling people out. Even the inland road, especially through Atlantique, is getting soft. We went out the other night. We had a few cars stuck. Um, the seashore did state that the east end, the inlet is closed up and it's only open for emergency driving at this time. I begged them to allow the East End people to drive through there, because that would prevent them from driving down here, which is part of the problem that that that we have on the beachfront especially. And of course, when the beach is impassable, what do they do? They have to drive on the inland route through Ocean Beach. One of the good things right now, a few days ago, ocean Bay Park Cut is now open to driving. So they repaired that the best they could. And hopefully they do stay on the beachfront and not drive through town. (inaudible) And you have to watch the tide. We were called out the other night. Somebody got trapped just beyond the jetties, and it was almost impossible to get to him and get him out. Um, Thursday I co-chair a committee called FILEPSC. It's the Fire Island Law Enforcement public Safety committee, and we had a special guest editor, Edward Romaine came, our new county elect. And I swear he states Fire Island is a priority. He was all over this project with putting sand on the beach. He says if they're going to be here doing the West End, the equipment's here. Let's try to get them to do the East End too. So it's on his radar and hopefully there'll be some pull with the county to get this project done and completed the right way. So said a lot of other things, but we'll see. That's all I have. Chief Police Department. Thank you.

PUBLIC HEARING #1

OPEN TIME: 11:49 am

CLOSING TIME: 12:40 pm

Public Hearing Notes:

Beth Jacobowitz: I'm Beth Jacobowitz from VOBE. Wanted to introduce John Armentano from Farrell Fritz and give you guys a little bit of the background on how we came up with the legislation that we proposed to the village. We had been approached, uh, last year by a couple of the trustees and some residents about the clearcutting of property and what had been going on. So we reached out to John, who volunteered his services to help us come up with some proposed legislation. Ken Gray: Thank you. John, Beth Jacobowitz: after he sent us some legislation. **Mayor Mallott:** Let's here the legislation Before we thank John. Okay. Yeah.

Beth Jacobowitz: Yeah, he sent us samples from other jurisdictions and things he had worked on and other villages on Long Island that have the same type of legislation. We went through them. We came up with the provisions that would apply in Ocean Beach and could work specifically here for the concerns that we have in our town. After that, we spent we had several long drafting meetings, trying to tailor the provisions from these mainland Long Island communities to some of the issues on Ocean Beach. What we came up with, we thought, was a pretty fair and common sense way of regulating the clear cutting of trees on Fire Island, because it's extremely important if we're going to have the drainage project here in the village, there is no protection for the residents. And by keeping the trees, that's going to cut down on the rainwater runoff and the flooding that we have, if we allow all the trees to be cleared out, that that problem is just going to get exacerbated. So we wanted to try to come up with some way to correct that. Um, we're here to answer any questions you have or if you want us to discuss anything further. **Mayor Mallott:** Well, thank you for your presentation. **Ken Gray:** John. Did you want to speak?

John Armentano: Yeah good morning. My name is John Armentano. I'm an attorney with Farrell Fritz, and we worked on this project pro bono. The legislation does speak for itself. We have drafted several of these for certain North Shore villages, in particular head of the Harbor, Old Field and Huntington Bay. And just so the village is aware you are. **Dale Wyckoff:** Someone asked if you could use the microphone to speak clearly and the microphone for the people who are on zoom and think this is a general message regarding all speakers, I wanted to. **John Armentano:** Am I clear? Were you okay? I don't know, I'm not. I'm confused, but I will speak clearly and slowly and as well. The General Municipal Law section 96-B does allow for the village to enact this type of legislation. In particular, this legislation is for a permitting process for not only clearing in connection with construction, but this is for clearing of substantial areas of tree growth and vegetation on the property. So it's a permitting process. There's an appeal process the way we've drafted it, the appeal process goes to the board of trustees. That can obviously be amended to go to the zoning board. There are mechanisms, so there's always a relief valve. It's not a complete block. And just in particular, I know there's concern about drainage, in particular the enabling legislation of general municipal Law 96-B and I'll give this to Ken, I'm sure he has. It is that this is to. Provide for proper drainage control, and that the destruction and indiscriminate removal of trees and related vegetation does increase. Increase municipal costs for proper drainage controls. And so I think this ties in nicely with the situations that are unique to Fire Island. We've drafted it in a way that we hope is acceptable to the board. We're obviously willing to take comments, modify it. I think we'd like to have a give and take. I think the idea here is to do the right thing for the right purpose. So that's why we've done that. So thank you. **Trustee Levine:** John, can you mention some of like the key points and what you're looking, you know, some of the key points that are in your legislation and stuff. But. Or Beth.

Beth Jacobowitz: Right. I'm only suggesting that because I did prepare like the six key points of the legislation. So I thought maybe I would just go through them. Um, so this relates only to private property, doesn't relate to the public green or any of the public spaces. It prohibits the removal of trees greater than four inches in circumference, or vegetation that's higher than five foot tall without a permit. So it's an objective. Doesn't matter what kind of tree. Four foot four inches wide, five feet tall. You have to get a permit. The permits to be filed with the building department, and it's granted in. There are circumstances listed in section 4D, which provide for the basis of granting the permit. Things that create a hazard. The tree is diseased. It's impeding the public walkways or it's needed to be removed for construction purposes. There's a list of all the acceptable reasons to remove the tree. Um, there's no permits allowed to remove more than three trees in a year, which seems small, but we walked around and looked at property. Most properties have 2 or 3 trees. It's not like we are in a wooded area where there are. There are 20 trees on a piece of property. Most of them only have 2 or 3. So if you're taking down more than three in a year, you're likely clearcutting your property. Um, the landscape plan is required if you want to remove any of your trees. Is the same landscape plan that's now required for the construction for construction purposes. So really what we've done is just expand the plan that's already in place in the village code to cover removal of trees in general, and not just removal of trees for the purposes of construction. There's also the penalty for not getting a permit is \$500 between \$500 and \$1,000 per tree, depending on repeat violations, so it's not particularly onerous penalty if you choose not to get your permit.

Trustee Arment: And to clarify, I believe it also specifies in the penalty phase you also have to replace them under the provisions of the law. **Beth Jacobowitz:** Yeah and even in the landscape plan, it does specify you do. If you are going to remove the trees, even if you get the permit to remove them, there is a requirement of tree replacement. **Trustee Arment:** And to clarify, you know, I know that there are some concern I've heard from certain people about, like, how do you replace a 30 foot tree and can you address like how that's handled? Yeah. **Beth Jacobowitz:** You take the circumference of the tree and you're required to replace trees adding up to half of that circumference. So, if it's if it's a 50 inch circumference tree, you need to replant 25in worth of trees on your property. **Vinny Fazio:** Impossible that would require a helicopter, you're talking needing a helicopter now. **Beth Jacobowitz:** What I'm saying. You don't. **Beth Jacobowitz:** Not in one tree. **Trustee Arment:** Not in one tree. **Trustee Moritz:** It could be in several trees. **Beth Jacobowitz:** Right. It could be multiple trees. Okay. **Mayor Mallott:** But we're looking at, you know, the difficulty of moving trees around here, obviously. So, I think we came up with a 15 foot tree is probably the maximum. That is. **Beth Jacobowitz:** Right. But you're. **Mayor Mallott:** Able to be planted by the. **Beth Jacobowitz:** Bright, but you could plant three trees or four trees that add up to that. It doesn't have to be one, right? **John Armentano:** And I just wanted to add, again, with respect to the limitation of three trees, there still is a provision for an appeal. So, if in the situation where you do have trees that need to be removed, more than three, if it's in the construction site, you can appeal that process to whichever board you deem fit. So, there is a safety valve. It's not a you cannot clear. So, I want to make sure everyone's clear with that. There is a mechanism for relief. Let's be clear on that.

Trustee Levine: Just so everybody knows, you know? I do feel trees are very important for drainage and everything else. Um, just so you are aware, and we talked about it a little bit today. There is going to be some a sewer project. And we urge people when they plant trees to, to plant the trees on their property, not in the village right of ways, not in the delivery lanes, because that's all going to be cleared when we put our new sewer pipes in, whether it's 5 years or 10 years or 30 years, it's going to be done eventually. And that's going to be a big takeaway of trees. So we need to make sure that that as trees do get planted, they get planted in the right places and maybe a permit would be good so that we know where the trees are going and we can direct that. There was some discussion that I saw regarding, you know, people going on people's properties to look at trees and to tell people whether trees are good or bad. I mean, that I don't think is necessary. I, I do believe that, you know, I think Jen mentioned it at our meeting this morning that, you know, we're not experts. You know, our building inspector is not a tree expert. So, I mean, we might have to get somebody involved and there might be fees with these permits because of all these expenses. But we do need to have trees. And it's important.

Beth Jacobowitz: You know, in order to try to address that, that I think that's why we try to make it such an objective standard and not subjective at all, really. You need a tape measure. You're not trying to figure anything out. You're measuring the circumference of the tree and that's it. No different than measuring the size of a window. So that was kind of why it was drafted the way it was to take some of the guesswork and the confusion out of it, so that it would be easy for someone like a building inspector to be able to say, okay, you have five trees. They take his tape measure and measure. They equal, you know, 20in in circumference. That's what you need to replant.

Trustee Levine: I think your paper was very well thought out. And thank you for writing it for us. We appreciate it. And what was that word you used? Pro bono. You hear that? **John Armentano:** It is completely pro bono. I may be getting lunch later, but. **Trustee Moritz: (inaudible).** **Trustee Levine:** The only other thing that I, that I. I don't know if I take exception to it, but something that might come up is the cap of three trees per year. I mean, if someone's looking to put a swimming pool in and there's four trees right in that area, as long as they're planting the, the allotted trees that they have to, I think that should be okay. And I think the cap would be an issue. Right. **John Armentano:** So there's a way to modify that that could be done by percentage. And I also wanted to thank the board for the opportunity to present this because I think it is.

Mayor Mallott: Did you have any. Any questions, any suggestions? **Trustee Moritz:** I have a lot of suggestions. Okay. Um, I suggested that we come up with a committee to help our building inspector with this process because he is a part time employee and there is so much going on construction wise that following through with their landscaping plans and making sure the process is done correctly, they're getting the permits. This this is happening. I mean, we need a little bit more hands on and more people to help with this.

Mayor Mallott: So we thought. I'm sorry to interrupt. I thought we thought maybe that there should be a work session with fullback and the trustees and the village attorney and of course, your attorney to really drill down on this and come to a solid agreement that we all agree on and a solid method that we get, we can get this done in the most efficient way possible. **Trustee Moritz:** That would be great. **Mayor Mallott:** And we obviously, if there's a meeting of the board of trustees, it's a special meeting. We has to include the public. Although the public. Don't comment if you can imagine that. So that's where we're headed with this. If you would agree to that, we'd be happy to sit down and thrash something out here. **Trustee Moritz:** And yeah, and then. We can get it done before the next meeting. That would be great. Yeah.

Trustee Arment: Hopefully in the next couple of weeks we'll have the work session and then be able to vote on it in the next meeting. **Trustee Moritz:** That would be great. **Mayor Mallott:** Ken's going to represent us pro bono too. Yes. Bob, **Bob Stack:** is there possibly a substitution where. A homeowner has to cut a tree down to do some improvements? They can find a homeowner that wants a tree and can plant it on the other homeowners, and. **Mayor Mallott:** That's a possibility, but it's starting to get a little expensive. **Bob Stack:** Just have a list. Maintain it the city hall. Village hall. **Trustee Levine:** They actually do that, like in the Pine Barrens. If you need to expand your property and it goes into the Pine Barrens, as long as you have another piece of property that becomes the Pine Barrens, they're they're okay with that, you know?

Mayor Mallott: You know what? If somebody wants to do that, they can donate it to the village. We'll find somewhere to plant it. **Trustee Moritz:** We certainly will. **Bob Stack:** Thank you. **Mayor Mallott:** How's that? Shoshanna. Yes. Good morning. **Shoshanna McCollum:** Good morning. Shoshanna. Mccollam ocean road. You guys know don't come up here very often. But this one is important to me as a resident. Um, first of all, I want to applaud Tiffany for bringing this issue back to the forefront. Over 20 years ago, I had the pleasure of meeting a man on the Town of Islip Planning Board who was then developing their tree legislation, and he was all excited about it. And I was when the LWRP started going, I brought that up as a suggestion, only to have it shot down immediately. So I'm glad that now, over 20 years later, it's being taken seriously. Maybe a little late, but better late than never. Um, but over those 20 years, I got to see what went wrong with Mr. Murphy's dream for tree legislation in the Town of Islip. His primary. The primary problem was there was a fee attached to the removal of trees, and he believed that would be a deterrent from people removing trees unnecessarily. Unfortunately, over time, the that got distorted. People had no problem paying those fees. And Town of Islip, the leaders that followed, the original ones who passed it saw it as a way to make money. And I think all of us have seen swaths of the Town of Islip just taken away as lumber, only for parts of Town of Islip to look a little like Nassau County. No offense, gentlemen. We've got to be careful that this the spirit and intent of this legislation is not, um, perverted in such a way. And with that said, by listening to your presentation, I think it's equally as important to stress that while the fees and the penalties should not be construed as moneymakers, they should not be construed as deterrents. If somebody wants to plant trees, why make them pay money for it? If it makes that a financial barrier from them doing what they want? So, I urge you all to consider those carefully. And I urge. And while it's hard to speak for the leaders that will eventually follow you. Um, this is a solemn oath that we're making for Ocean Beach in the future. And all elected and appointed leaders have to be aware of that.

Trustee Levine: Shoshanna I don't believe Beth. And maybe you can correct this. I don't believe the fees are for planting trees. I think the the fees are for removal of the trees. You can plant as many trees as you want and it's free. **Trustee Arment:** And to clarify. To clarify too, one thing I like about this legislation. And by the way, I really want to thank VOBEC for putting this all together. This is I've been hoping for this for a long time, and I'm really happy to see this. And believe me, I'm championing back here for it. And one of the things I like about this is that, you know, we don't want to leave an option open for someone to buy their way out of this. And what's great about this is that that option is effectively closed. That because some people view this \$1,000 fine of violating it as just that's just the price. And if I'm going to put in a \$60,000 or \$100,000 renovation to my house, and I want to knock down a tree for another grand, what's the difference? And I want to be able to close that door to say, you know what? I don't care how much money you're willing to put at this problem, you have to replace these trees somehow on your land. And so that's one of the great strengths of this proposed law. And I really want to champion that and really hope we can get that through.

Shoshanna McCollum: Well thank you, Marco. But is that are the permit fees a risk for becoming a cash cow for this village by somebody else who follows you? **Beth Jacobowitz:** Or there's only a fine if you don't get a permit. You don't need to pay to get the permit. It's only a fine. **Trustee Arment:** I don't know if. We've worked that out yet. **Trustee Moritz:** We haven't worked this out. **Trustee Arment:** We're going to we are going to. Ken, can you clarify? Is this one of the types. Of things that we can't profit from, like one of the types of fees that we can only charge our costs for. **Ken**

Gray: Whatever your costs are going to be, right? **Trustee Arment:** So we can't make it a profit center. **Trustee Moritz:** Basically, if we have to consult an arborist, we might have a fee for that or, you know, things like that. **Trustee Arment:** Yeah, I would expect though, most permits would not require a lot of work.

Shoshanna McCollum: I just want to say one more thing, and I know this is probably out of all of our control, but. Things can happen where things happen with a wink. Somebody says, oh, my tree is dead. And they say it has to be removed. And somebody says, oh yeah, it's dead, but it's not dead. And the tree goes, uh, just that we have to think of those things that can go wrong. **Trustee Arment:** And thank you. And part of the I know one of the things that Trustee Moritz wants to work on is the involving of more people in the decision making process. I think that would probably help on that angle, too, to have it not just be like one person's decision in judgment, but to involve a small panel. **Shoshanna McCollum:** Maybe we can't rubber stamp these things. Yeah, great. **Mayor Mallott:** Thank you. **Trustee Arment:** Thank you.

Vinny Fazio: How you doing, sir? Vinnie Fazio, in reference to these trees, whatever they come down, whatever. There's a lot of other things involved. One being the size of these homes. You guys sell the right of ways in the back to give them more square footage to build. You know, trees grow. You don't. You need more than three, four feet for a tree to grow. You know what I mean? That everybody on the same page here with that. And some of the trees that are coming down. If they got to come down, they got to come down and I understand. Yeah, it's all good. We plant, we replant of like or in-kind or better. Fine. There's a lot of garbage trees. You know that go in. That shouldn't be going in. They blow over with be shallow root systems. If you're going to get an arborist, you get a guy who knows what's going on here. You know what I mean? Yes. Because otherwise you're just blowing in the wind. Yeah. You know what I'm saying? Simple. We've been doing it here a long time.

Mayor Mallott: There's a small list of anything that will survive here. **Vinny Fazio:** Yeah. Well, you know, there's a list that went around today, and it's a good list, and. But there's more trees that you can do to, you know. **Trustee Moritz:** It's not like a resident most likely is not going to cut that tree down themselves. A lot of them are going to have some of you landscapers and landscapers can guide them to this as well. Right. **Vinny Fazio:** And the other thing about these big trees that are coming down the root systems alone, forget about the water. It holds the sand when the wave comes. And that's going to when the water comes up and it goes back out. It sucks. You know what I mean? Sucks the ground, the sand. Right. You know what I'm saying? It's simple. It's in and it's out. They hold everything together. Even a poison ivy, right? Really, every plant is very detrimental to this environment.

Mayor Mallott: So what are you doing now? Drumming up business so you. **Vinny Fazio:** don't have to I really don't have to. **Trustee Moritz:** Yeah. Marco. **Vinny Fazio:** If he is, you know that, you know, but whatever. **Ken Gray:** Are you selling bamboo? **Vinny Fazio:** No, I'm not going to admit to that. But you know what I mean. You know, but that's, you know, pretty much it. It's got to. Yeah, yeah. If you guys need help, I mean, I'm more than happy to help you guys. Well, you know what I mean? **Mayor Mallott:** Right. And we appreciate it. Yeah. You see, we're all on the same page here. **Vinny Fazio:** I'm good with that. I wish every town would do that. To an extent. I mean, if it gets crazy, I'm. , you know, if it gets out of hand, it gets out of hand. Thank you. But I'm here to help. **Trustee Arment:** I hope to need your help.

Trustee Hargraves: Guys it's Dawn. May I just add something quickly? Yeah, sure. First, I apologize for not being there in person today, but, Vinny, I would like personally invite you to join in the work session, you know, and offer the information and the knowledge that you've got, you know, and do this as a collective group, which is how I think we should be doing things. So I would like you to do that, if you don't mind. **Trustee Moritz:** I don't think I see no reason why can't as well as other people, other landscapers that are now don't want to interrupt. **Speaker1:** It's a them.

Mayor Mallott: It's a public hearing. And we we'll hear from the public too. When we come up with this legislation. You'll be able to comment on it before it's passed. And if we feel that it needs to be changed, we'll change it. The spur of the moment.

David Lieber: Yeah. I mean, my name is David Lieber. In case anybody doesn't know, I co-chair with Camille Giugliano and, you know, nobody in our organization or our committee, you know, speaks unilaterally. So I'm not going to speak for VOBEC here. I'm going to speak as a private citizen. I've probably been here longer than I might see one face in the audience who's been here longer. But anyway, to you have how long have you been here? That's the question.

Two people. Yeah. Been here, I'm saying. Anyway, um, I think as a private citizen, you should pass this resolution from Vorbeck. And I see that you're very amenable to talking about things. And I think an amendment that you would want to have is very reasonable to discuss. And I think it's a good starting point, I.

Mayor Mallott: Think although we're trying to do is dot the I's and cross the T's. Okay. And take a little bit of advice from a paid attorney rather than someone who's doing it for free. Yeah, now we're all on the same page. This has got to get done. We want to get it done. And like. **David Lieber:** Yeah, it's. **Trustee Moritz:** I The work session will benefit. **David Lieber:** No, I think it's good. You know, I mean, you know, full disclosure I mean we did have this discussion where democratic process in Vorbeck and we voted it down. It was a very narrow decision. We did vote it down to have a committee. But I would personally think that if that's what the board wants to get this passed, then that's what we should probably talk about to. **Mayor Mallott:** Everybody's opinion on whatever it is. Yeah. **David Lieber:** And there's other things we can discuss too, I think. I mean, there's other ideas, you know. Okay. Stay a while estates is a larger, larger lot. So you may want to think about. If it's 3 or 4 trees, whatever the number is, add 20% because those lots are 20% bigger. **Mayor Mallott:** Yeah, that's a good. **David Lieber:** Good question. And you don't want to upset those people and stay a while. I can tell you that. **Mayor Mallott:** No, no. Stay a while and stay people. **Trustee Moritz:** Thank you Dave.

Linda Stertz: Hi. Linda Norris. I live on Bayberry. Um, I have a couple of questions, so. With this legislation, right? When somebody wants to take down trees to put in a pool or construction or whatever it is, does that homeowner need to have that permit in place for the pool or the construction, so that there's not the danger of the trees being cut down for no reason after all?

Trustee Arment: So the one of the main differences in what we're trying to do here is that up till now, we've had the power to legislate how trees are cut down or planted or whatever through the building code, through the landscaping requirements there. But we haven't had the authority or mechanism to do it outside of construction. So somebody could cut down their trees one year and then file for a building permit the next year and say, I don't have any trees to replace. So this is intended in part to close that loophole so that this this gives us full time, year round power to control when and how trees are cut down and replaced, rather than tying it only to construction permits.

Linda Stertz: Right, right. Thank you. And also, um, I want to think a lot of it's really want to encourage all of us have a small piece of property but can fit some trees on there. You know, if we could leave this, you know, this list of trees and vegetation in the. **Mayor Mallott:** We'll take a copy of that. **Trustee Levine:** Yeah. Do you have a copy for the whole board? **Trustee Moritz:** We could put it on the website. **Mayor Mallott:** You can go with a building permit. **Trustee Moritz:** We can put in ours to the microphone like. **Maria Silsdorf:** You just don't have it. **Speaker1:** Yeah. **Camille Giugliano:** Um, that information is on the VOBEC website. If you go to Accomplishments Communications, there's a list of all of our flyers, and that is one of them. And we encourage everybody to plant indigenous and to refer to that in order to get that information. Thank you. **Trustee Levine** Linda, do you have copies of that for the whole board? **Camille Giugliano:** Yes, there are copies there. **Linda Stertz:** The copies are used up. People can donate them to the. **Camille Giugliano:** There's ten more up there. **Trustee Arment:** You can look at the website too, It's cool. We can look at the website. **Trustee Levine:** Yes, please.

Linda Stertz: And I have another concern. I don't know if it's this is the right time to bring it up or for the hearing of the citizens. Um, I had a recent **Ken Gray:** Does it have to do with the tree legislation. **Linda Stertz:** It does. **Mayor Mallott:** Let's say you're tired. **Linda Stertz:** A challenge. **Trustee Arment:** Go for it. **Linda Stertz:** So my personal experience is. And Ian and I have talked privately about this, um, there were two huge old growth trees cut down on the old Stang property, which abuts my property. They were healthy trees. They also suck up tens of thousands of groundwater. I don't know, depending on who you ask, a week, a month, a day, I don't know. And house, you know, all kinds of migratory creatures, all of that stuff. It also affects my property value and my property. My property floods every time the bay comes up. Those trees are going to be badly missed on my property. Um, and I also. And they were cut down. One was cut down one a month ago. The other one was just two weeks ago before this meeting. Um, I also have concerns about conflict of interest and recusal, but I can wait for that.

Mayor Mallott: Thank you. **Maria Silsdorf:** Um. Hi. Good. Good afternoon, Maria Silsdorf. Um, so I very much applaud this and appreciate it. I think it's terrific. Well needed. I think that VOBEC has worked very hard to make the criteria objective and expedient to administer. So although I love the idea and for many topics, but starting with this of a working committee, I think that it's great to take advantage of expertise in the village and from outside in terms of the

actual administration of it, the permitting process. I'm not feeling like a committee would be the way to go because of the objective nature and expedient nature of the of the criteria that was written so that it could be easily administered by a building inspector. And I'm kind of leading up to this might be the time to consider upgrading to a full time building inspector so that they can handle a whole bunch of stuff that we've all been unhappy that hasn't been handled as well as this might be considered new responsibility. So that's my two cents. Thank you, thank you.

Lenny Aronica: Hi, I'm Lenny Aronica. Obviously, when you start legislating what people could do on their own property. It's a little bit of, I think, overreach. Now, I'm not against the trees, so I don't want to sit here and say I'm against trees or people cutting down trees. My wife will attest to that because she yells at me every time I cut something. So, um. I am concerned about the legality of some of this and whether we're going to get caught in this. You have a lot of money moving into the village and a lot of people with money building homes in the village. Okay. And I understand we're trying to get around the \$500 and \$1,000, whatever it is. I'm concerned that this is going to be illegal. We're going to get back in this legal battle, and it's going to cost the town money to defend themselves in a legal battle. Now, I understand he stated some the pro bono attorneys stated some, uh, legislative, legislative. I'd like to I'd like to see that the incidence or the what that legislation was about also that you're that you're using as precedents to come out with this law. If we could post that, it would be really good because you claim drainage and all this other stuff, but sometimes that's near rivers or streams or, or different areas or whatever. So I'd like to see what that precedence you're using to come out with this law is.

Ken Gray: So it's he stated, it's New York State general, municipal Law 96-B, and I'll read one of the sentences in the legislation, in addition to any power or authority of a municipal corporation to regulate by planning or zoning laws or regulations, or by local laws and regulations, the local legislative body of any county, city, town or village is hereby empowered to provide for the protection and conservation of trees and related vegetation. It's state law.

Mayor Mallott: That's my first question to the attorney. Yeah. Can we do this? Yeah. If he says no, then it's no. If he says yes and he has the case law that says it okay, we're protected enough. **Lenny Aronica:** Yeah. So obviously I think Vinny started this conversation a little bit about the about the lot size and the setbacks and the size of trees you can plant and what you can plant and that's and what's going to grow up because, you know, everyone likes a plant to tree. And then 2 or 3 years later you're like, oh, I got to cut down on that tree because it's rubbing against my house or whatever it is. So. **Mayor Mallott:** You have to think about where you're going to put these trees, you know, saying you got to put, you know, 3 or 4 trees in it. It takes a lot of planning for the area to be in. And I know I've done it myself. **Lenny Aronica:** Yeah. So maybe I'd like to see something that is in. **Mayor Mallott:** This doing is paying a landscaper to cut them back. Yeah.

Lenny Aronica: So maybe I'd like I'd like to try to see something in this legislation that talks about the eight foot setback. So the 12 foot setbacks and the property line. Right. Maybe what we should be cutting back between the maybe it's four foot from the property line or some sort of a buffer between the houses, a planting zone that's done there because it's, you know, it's it's hard to tell a guy not to cut a tree that's going to be built in the middle of his house. Right? **Mayor Mallott:** Obviously, that's not going to be the case. We're not going to do that. We're going to say, listen, that trees coming down, it's this big around. Our options are for you to plant three, four, five, two, whatever it is, trees somewhere else on your property. **Lenny Aronica:** Yeah yeah. Yeah. No, no I just said like in the setback areas or something like that. Maybe we could try to do something in that. Maybe we say the four foot of this property is four foot of that property. Maybe we can try to. **Mayor Mallott:** I think you can plant trees in the right of way. Yeah. I don't think there's any. **Trustee Moritz:** No no no. **Speaker1:** No no. **Mayor Mallott:** No I'm sorry. Not in the right of way. You're right. Your setback. A setback. **Lenny Aronica:** Yeah. Yeah. **Mayor Mallott:** The right away. **Lenny Aronica:** Well, but it's hard because the, you know, you're if you plant a house, you know, they grow. So that's the only thing I would say. Yeah. So thank you. Yeah.

Tiffany Arment: Tiff Arment. I just want to make a comment that I think it's kind of detrimental to us to be nickeling and diming and, you know, getting into the really nuanced of this and not moving forward with this legislation now, because the longer we wait, the more trees are going to be cut down, especially now that this is on the forefront of a lot of people's minds. It's on landscapers minds. It's on homeowners minds. If I don't cut my trees down, I'm not going to ever get to cut my trees down. So they're going to start cutting them like gangbusters. I'm saying, like **Mayor Mallott:** I need to have another public hearing to. **Tiffany Arment:** Getting into, like, the little tiny nitty gritty, oh, I want to plant this tree two feet from here. And having that part of the law, that's not what laws do. It's up for interpretation. It's up for the building code. It's up from the building inspector. It's all the nuanced things that are taking care of on the day to day. It's not

something that needs to be drafted into law. It needs to be drafted into law now is to protect our trees. And that needs to happen today. It doesn't need to happen months from now. It doesn't need to happen, you know, in the summertime, because there's going to be a lot of destruction before that happens. And I'm really concerned for the village, for the heat of the sidewalks, walking around in the summer. It's getting unbearable. Some of the streets you can't even walk down. It's so hot because everyone is taken down their trees. There is swampy areas everywhere in people's yards who have taken down trees. And you know what that encourages more mosquitoes like. And then now here we are spraying for more mosquitoes because they're all sitting in the swampiness that the trees were drinking up. And it's getting ridiculous. It is people's private property, but it affects all of us.

David Lipsky: David Lipsky, just want to. I have about 9 or 10 trees that will fall under the definition of a large tree. Um, I'm for this legislation. It's important to protect the trees for the reason that the last speaker just said. Um, I'd like to put it in your mind. The fact that this is all related to protecting the hydrology and ecology of the village and related to trees, is the fact that a lot of people have put in pavers along their setbacks, which prevents any new growth from growing up small or large, and also puts more stormwater into the streets and then down into the downtown district and creates flooding problems. So we need to have a holistic and sustainable plan for dealing with the flooding in the village that is beyond the fixed infrastructure that we're building, that also encourages and even rewards homeowners that keep a large number of vegetation of trees and other vegetation intact, rather than building pools and large houses. Thank you. Thank you.

Dale Wyckoff: Yeah. Good afternoon. **Trustee Arment:** A What an entrance. **David Lipsky:** Yeah. **Trustee Moritz:** **Dale Wyckoff:** Dale Wyckoff, Ocean Beach? Um. I will not be getting an applause as Tiffany did. I do not believe you need to rush into this. I think Jen is correct. You need to take your time and figure it out. Bring in an arborist, see what's going on, what needs to be planted here. I think rushing into this is not, like, totally ridiculous. If people are going to take their trees down, they're going to do it. They're going to do it for their reason. You can't tell them. They can't build on their property in certain aspects. There's a lot of setbacks that need to be taken into consideration. Some of the trees that were planted are growing, but they're growing in the lines. They're growing in the phone lines. They're growing all places they shouldn't be. When we have a storm in January, you look up and you go, okay, that line is coming down because that tree is too tall. So you really need to think about what you're doing and not jump because you're going to be sorry. Thanks.

Marty Leiderman: I'm going after her. Counterpoint point. know my place. Marty Leiderman, ocean beach. I was hoping I'd get a clarification on something. Is this the time now for that? **Mayor Mallott:** Is this to do with trees? **Marty Leiderman:** Trees? **Mayor Mallott:** Okay, bring it on. **Marty Leiderman:** Just something I want to clarify. Under the definitions, a tree is a circumference of four inches or greater. All right. I think at a height of four feet in height. **Marty Leiderman:** In paragraph five or section five, the third line, you're talking about the required professional landscape architects survey of drawing of the property, an inventory of all trees four inches in diameter. **Ken Gray:** Ooh **Marty Leiderman:** No. Is that intended? Because four inches diameter is a lot smaller than four inches in circumference. I'm sorry, a lot larger. **Trustee Moritz:** It's just a typo. **Marty Leiderman:** Okay. That's. And also. So if we want to take down one tree, we'll have to submit. A professional landscape architects drawing of our property with all that only. **Mayor Mallott:** No, that only comes with new building, new construction. **Marty Leiderman:** Okay, that was my question. Thank you, thank you. **Trustee Levine:** Thank you Marty.

Trustee Arment: We have a number of hands up on zoom. Andrea Nimberger. You can go ahead. **Andrea Nimberger:** Hi. Sorry it's it's been so long that my initial question wasn't related to trees. Um, but I just. I'm sorry. I do have a question. As far as the fact that we seem to let so many people by delivery lanes. Um, how is this affecting this conversation? Um, it's allowing them. I don't understand why we do it. I don't understand why we are continuing to allow larger houses. And by selling the delivery lanes, we're giving permission for them to build even larger houses and take down more trees as a result of it. So that that's the first thing, because I really don't understand why we allow that in the first place. Could someone just answer that? (inaudible) I'm sorry. **Mayor Mallott:** It was a revenue idea, and it gave people a, you know, a few more square feet to. To add to their plans.

Andrea Nimberger: But wait on one hand, our argument and this is why I think it's really dangerous as far as letting the builder, at least the current building inspector that we have, get involved with the trees as well. I always thought that this was a law that you had to plant trees when you took them down. Apparently I'm mistaken. Um, but we somehow there's been houses that have been built that are much larger than they should have been. So I would be very much in favor of what Jen said. If we start a committee that's volunteer, I would love to be a part of it. Um. I hear what Dale saying and

that's really important because there are some trees in the back of my house that are not mine, that I'm very concerned about the phone wires and the electrical wires. So, I think that's something that needs to be looked into. And I do think that we need to bring in a specialist, but I think that this is almost a dream to an extent. We're not going to be able to bring someone in that's going to examine every single property, just like the building inspector doesn't examine every single property before a permit gets issued. So, I think we need to be realistic about this. It's urgent that something is done. Way too many trees are being cut down. They are not being replaced. And I guarantee you that the people that are sitting with you right now and the people that are online are not even the people, for the most part, that are doing this, that are building the massive houses and they're cutting down all of these trees. So, I think it's the concerned citizens, but we need to get everyone involved, and maybe it actually has to start also with the people that are the landscapers. Coming to us and I understand it's money for you guys, but we you have to be our eyes and ears. And you make money by planting also. So there should be some deal. You cut it down, you plant. I don't know a way around this, but

Trustee Levine: Andrea. To answer the first part of your question, there is currently a laws on the books that say when you clear cut your house, your property because you do a new construction, you are supposed to put back trees. That's already in the books, I believe. I believe the legislation that's being passed is to address, to make it more broader, to not just deal with new construction, but to deal with people who want to put in a pool, or people who just want to get rid of a tree because they want shade. It's really just making it more of a broader policy that the village would follow. **Andrea Nimberger:** Ian we never followed. I mean, my block with the guy that was convicted, that embezzled the money from the school system prior to any of that happening. He never replaced one tree on the five houses that they built. Okay, it's all on Surf and on Bay walk, so if no one ever enforced it in the first place, who's going to enforce it now? **Trustee Levine:** I believe that's what we're going to look into now. **Trustee Moritz:** That's what our work session is on. **Trustee Levine:** That's what we're working on. Thank you. Thank you for your comment. **Trustee Arment:** Ann Maltz go ahead.

Ann Maltz: Hi. Thank you. I'm on Wilmont walk 218, have a big garden, a lot of trees and I'm happy to maintain them. And I'm looking forward to paying my water bill when we get started, because I'm sure it'll be big. Um. Besides that, a couple of points. First that. The law specifically says that as drafted, the law specifically says that it won't touch that. If you have a tree that's affecting a wire above it, it has. That's something that's manageable. So to make that a barrier to say this law isn't good because you're not going to be able to deal with that is not a false is a false kind of a statement. Not intentionally, but certainly it, it twists what the intent of the law is. Um, I would say that, um. In. In addition, we're talking about, well, it's things that are on my property and who can tell me what to do with my property. Well, it's very common in many communities to have standards about how the community should function and how it should act. We have things for garbage. We have things for construction. Why not have things for trees? It's a normal, it's a normal thing. And we we all move to Ocean Beach because we liked the character of the town. We liked that it was a little woodsy and that it didn't look like a clean, clear suburb, which is what's happening now and what will continue to happen without some stronger tree legislation. So I'm very glad to see this effort. I hope it does not get killed in the details. I'm with the folks that want to move it quickly, not so that the damage doesn't continue to happen around us, and I think it's important to have an enforcement piece in there right away. And that's it. And thank you for the opportunity to speak.

Mayor Mallott: Thank you very much. **Trustee Arment:** There's no more hands in zoom. **David Lipsky:** All right, I'll. **Mayor Mallott:** Make a motion to close the public hearing. **Speaker2:** No, we're going to make a motion to continue. **Mayor Mallott:** To continue. I'm sorry. **Camille Giugliano:** Diana Hines sent me. Diana Hines sent me a text, and she wanted to ask that since there is code in place to protect vegetation, could there be attention to enforcing it until new legislation might be enacted? Absolutely. **Trustee Arment:** Again, the challenge is that that's only applicable right now to when you're getting a building permit to renovate or build your house, so it doesn't cover any other times when you're doing it. **Camille Giugliano:** And I think she was probably thinking of the situation here with this legislation. So anyway, thank you for that.

Trustee Arment: Can you come up to the mic Constantine. **Constantine Karalis:** Please believe that we do now have a regulation against clear cutting. I'm sorry I don't have it with me, but I'd be very glad to. It's several years old. The problem is that it has no teeth. That is, you can you can clear cut. You're not supposed to, but there's no you don't suffer by doing it. So let's look at that, because I believe there is a way to protect now to protect the existing vegetation and trees. **Mayor Mallott:** Thank you, **Trustee Arment:** thank you, **Trustee Moritz:** thank you. **Camille Giugliano:** So I just have a procedural question. Are we passing it with the intention of tweaking it so that it will be something that will be acceptable to the community? **Mayor Mallott:** No, we're talking about tweaking it and then pass it and. **SCamille**

Giugliano: Then bringing it to a vote. **Trustee Moritz:** To have a work session and then. All right. **Trustee Arment:** So if we're modifying it substantively from this draft, then we can't pass it today. It has to go to the next. **Maria Silsdorf:** (inaudible) modifying It substantively because haven't heard anything that's substantive.

Trustee Arment: Well, like a committee would be a substantive change. That would be like rather than having the building inspector. Right? I mean. Wouldn't. Wouldn't that be substantive enough to. **Ken Gray:** If we're going to appoint the existence of a committee into the local law, I would consider that a substantive change to the proposed Local law. **Maria Silsdorf:** I thought the committee was intended to advise not to be the actual permit. You're talking about having a homeowner submit a request for a permit for a tree. **Ken Gray:** I'm not suggesting anything. **Maria Silsdorf:** And it goes in front of a committee of their peers. That probably would have to be a board, right? Not a committee. Feels like you can pass it. **Trustee Arment:** Oh. Can we? **Ken Gray:** If it's my opinion, if you were going to be adding a committee to this legislation, we would have to have that draft in front of us now so we know exactly what that committee looks like. Who's going to appoint the committee? Obviously be the mayor and board of trustees. But what their role would be, would they be issuing the permit or would they be making recommendations to the building inspector? These are things that we don't know, which is why we suggested we have a work session where we can work that out and then modify the legislation. But.

Trustee Levine: Are we proposing that we have a committee with a hearing and a lawyer, and **Mayor Mallott:** We want to sit and talk about court. **Trustee Levine** Stenographer, and that's why we're charging \$1,000 for a permit. **Trustee Moritz:** We are. We need to have a work session to work out. **Linda Stertz:** So, to Tiffany's point Linda Norris Stertz to Tiffany's point. Right. And it was just said that there is code legislation in place now, but it's not enforced. Why is it not enforced? **Andrea Nimberger:** Thank you. **Linda Stertz:** Not a rhetorical question. **Trustee Moritz:** Certainly should be. **Trustee Arment:** Do we know what the code is that? **Ken Gray:** yeah, it's under the building code, right? **Trustee Arment:** Doesn't that only apply during a building permit? **Trustee Levine** It's building code 64.5, and then it's under the zoning landscaping 164.28 is all our landscaping legislation. **Trustee Arment:** But to clarify, doesn't that only take effect when you're getting a building permit? **Trustee Levine:** Yes. Correct. **Trustee Arment:** So that's the issue we have. **Trustee Levine** Right. But think. What the last person was saying was that we're not enforcing the laws, that when people clear cut their property to build a house, they're putting back little twigs instead of trees. Right. **Trustee Moritz:** We need which is. **Trustee Arment:** That's also a problem.

Mayor Mallott: They have a landscape plan as part of the plans for the new house. Okay. I think what we need to do with that is to specify what can be planted. Okay. Again, we went back to the beginning and talked about four inch trees and what you can put in in. Instead of that I think we have to specify more in the code what we expect to go back there. And as regards to what was taken down there. Agreed. And I think we can do that. **Trustee Levine:** And I think that's what VOBEC is asking. **Mayor Mallott:** Yes, I think we can do that. And I think we should sit down together and go over item by item and be. **Trustee Moritz:** Not be Rushed. **Mayor Mallott:** And see if we agree on item by item and then pass the legislation. I know there were a couple of questions this morning Mr. Pro Bono talking about. **John Armentano:** No, I want to concur. We agree with you. I think that is VOBEC's position is to work with you to make this work. Thank you. Excellent. **Trustee Moritz:** Excellent, thank you for all your help. **Ken Gray:** So, do I have a motion to adjourn and continue this public hearing to the December board meeting?

LOCAL LAW 06 of 2023 ADOPTING CHAPTER 164.28.2 – Concerning Vegetation Protection and Vegetation Removal: Resolution No. 2023-139: Trustee Levine moved to adjourn and continue:

PROPOSED LOCAL LAW NO. 6 OF 2023
ENACTING CHAPTER 164.28.2 OF THE
VILLAGE CODE CONCERNING VEGETATION
PROTECTION AND VEGETATION REMOVAL

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Ocean Beach as follows:

Section 1. Chapter 164 of the Village of Ocean Beach Village Code, entitled “Vegetation Protection Ordinance”, is hereby enacted as follows:

Article I. Tree or Vegetation Removal and Substantial Clearing

§ -1 Findings.

- A. The Board of Trustees hereby finds that trees and other vegetation perform numerous important and essential functions, including but not limited to the stabilization and preservation of soil; prevention of erosion, absorption of air pollution and production of oxygen; establishment of natural barrier to noise and habitats for wildlife; and creation of a desirable aesthetic quality which is a key factor in the Village's existence as a rural resort community. The Board of Trustees further finds that the destruction or removal of trees and other vegetation deprives all sectors of society of these benefits, while disrupting ecological systems of which they are an integral part, and that regulation of such destruction or removal will protect and preserve property within the Village and promote the general welfare and health of its inhabitants.
- B. The destructive and indiscriminate removal of trees, shrubs and other woody vegetation causes increased Village costs for proper drainage control, impairs the benefits of occupancy of existing residential properties, impairs the stability and value of both improved and unimproved real property in areas of the destruction and adversely affects the health, safety and general welfare of the residents of the Village.
- C. For all these reasons, it is in the best interests of the Village, its residents, and the public to enact Village-wide regulations to ensure the thoughtful and controlled management of trees and other vegetation in the Village and to avoid and discourage the indiscriminate clearing of properties within the Village's boundaries.

§ -2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT

The owner, contract vendee or lessee of real property or his duly authorized agent.

DESTROY

Includes, but without limitation: poisoning; ringing the tree; excessive peeling of bark; damaging, compacting or overburdening the roots; using herbicides, or fire, or cutting in such a manner as to bring about the ultimate death of such tree.

PERSON

Any individual, their successors, assigns or agents, and any business entity, including partnerships, corporations or other business forms.

SUBSTANTIAL ALTERNATION

Any cutting or pruning of trees or vegetation, in excess of the normal and customary cutting and pruning necessary to: (a) preserve the health of the plant material; (b) maintain its ornamental quality; or (c) comply with other provisions of this Code concerning clearance on roads and public spaces.

SUBSTANTIAL CLEARING

Any clearing, cutting or drastic pruning of trees, brush or vegetation on more than 20% of a property which alters the runoff pattern of stormwater or impairs, destroys or endangers the life of such brush or vegetation or its role as a natural habitat.

TREE

A living woody perennial plant being either deciduous or evergreen, having a trunk circumference of four (4) inches or greater measured at a point four (4) feet above ground level.

VEGETATION

Includes any trees, shrubs, bushes, or woody vegetation typically found on Fire Island, more than five (5) feet tall, including, but not limited to, Swamp rose (*Rosa palustris*), arrowwood (*Viburnum dentatum*), American elder (*Sambucus canadensis*), black gum (*Nyssa sylvatica*), black cherry (*Prunus serotina*), northern bayberry (*Myrica pensylvanica*), highbush blueberry (*Vaccinium corymbosum*), black chokeberry (*Aronia melanocarpa*), beach plum (*Prunus maritima*), american holly (*Ilex opaca*), sassafras (*Sassafras albidum*), and serviceberry (*Amelanchier canadensis*).

VILLAGE

Includes all lands within the corporate boundaries of the Incorporated Village of Ocean Beach.

§ -3 Regulated activities.

On private property, no person shall perform the following acts, or cause the following acts to be performed, except in accordance with a valid permit issued pursuant to this chapter:

- A. Remove, cut down, destroy, substantially alter or substantially clear any tree or vegetation defined above in the Village, or
- B. Remove, cut down, destroy, substantially alter or substantially clear, any rare or endangered species of trees or vegetation as listed by any governmental agency of New York State or the United States, or any large or outstanding specimen of vegetation, or any tree as determined by the Board of Trustees upon written petition by Village of Ocean Beach Environmental Commission (VOBEC) or Village residence seeking to declare such tree or vegetation of significance to the Village.
- C. Upon request by the Board of Trustees, VOBEC will provide advice and recommendations on tree and vegetation related matters.

§ -4 Rules and Regulations for the Issuance of permits.

- A. The Village Board of Trustees will establish written rules and regulations and plan requirements for efficiently discharging the Village Building Department's responsibility under this chapter, which shall be in writing and filed in the Village Clerk's Office.
- B. Applications for a permit shall be on forms supplied by the Village Building Department and signed by the property owner.
- C. Applications for permits issued pursuant to this chapter shall be reviewed and decided by the Village Building Department.
- D. The Village Building Department shall issue a permit pursuant to this chapter when the requested action is necessary: (i) for public safety; (ii) to prevent the spread of disease or invasive pests; (iii) to preserve a preferred species or fruit tree; (iv) to avoid congested overgrowth; (v) to remove dead or dying, trees; (vi) to accommodate approved construction or demolition work; or (vii) the requested action will not adversely affect the natural or built environment on the subject property or the immediate area, and will not result in substantial clearing of an entire property.
- E. The decision of the Village Building Inspector shall be based upon the following criteria:
 - 1. The condition of the tree with respect to public safety, disease and danger of falling, proximity to existing or proposed structures and interference with utility services or intended use of the land.
 - 2. The necessity of the removal or alteration of the tree in question.
 - 3. The effect of the removal or alteration thereof on the ecosystem and possible presence of protected habitat.
 - 4. The applicant's intention to replant trees and revegetate the property.
 - 5. As a condition to the issuance of a permit under this section, the Building Inspector may require the replacement in kind of one or more of the trees or vegetation to be cut down, removed, destroyed, substantially cleared or substantially altered when the individual character of the tree or vegetation or the ecological setting requires special consideration. The location and time for planting of the replacement tree or trees shall be specified by the Building Inspector in the permit for removal. The applicant and the owner of the real property affected shall each be responsible for planting replacement trees as specified in the permit. Failure to comply with planting required by the Building Inspector shall constitute a violation of this section.
 - 6. If removal, substantial alteration or substantial clearing is proposed, the Building Inspector may seek a recommendation from VOBEC prior to making a determination regarding the above application.
- F. A copy of the approved permit or disapproved permit shall be maintained by the Village Administrator and Village Building Department.
- E. No permit may be issued that would result in the cumulative removal, cutting down, destruction, substantially alteration or substantial clearing of more than three (3) trees or more than 20% of vegetation on the same property within the same twelve-month period.

§ -5 Vegetation Removal Plan required.

- A. If any tree or vegetation as defined above is proposed to be removed, cut, destroyed or substantially altered, the applicant shall submit a plan inventorying all existing trees of a four-inch diameter or larger measured four (4) feet above the surrounding ground level, certified by a professional landscape architect depicting the property, and a tree removal or alteration plan for the entire property, together with the required permit application. The removal or alteration plan shall be in conformity with the rules and regulations promulgated by the Village Board of Trustees. If such plan requires trees or vegetation to be removed, they must be replaced on the same plot by equivalent species

with a total circumference equal to at least 50% of the circumference of the trees removed. Replacement or revegetation plant material shall be selected from Village Code Appendix L of recommended species known to thrive in the Fire Island environment.

- B. If any trees or vegetations defined above are to be removed, cut, destroyed or substantially altered because of any approved new construction or substantial renovation to any existing structure(s), whether it be an addition, expansion, new structure, or demolition, the Village Building Department shall require a tree removal or alteration plan showing the location of the trees to be removed. The plan shall be submitted to the Village Building Inspector simultaneously with the building permit application. No cutting, removal, destruction or substantial alteration in connection with construction shall be permitted until the plan is approved by the Village Building Inspector. If such plan requires trees or vegetation to be removed, they must be replaced on the same plot by equivalent species with a total circumference equal to at least 50% of the circumference of the trees removed. Replacement or revegetation plant material shall be selected from Village Code Appendix L of recommended species known to thrive in the Fire Island environment.

§ -6 Penalties for offenses,

- A. Each tree or shrub removed, cut down, destroyed, substantially altered or substantially cleared in violation of this chapter shall be a separate violation.
- B. The Village Building Inspector shall stop all work and construction activity on any premises where a violation of this chapter has occurred and is prohibited from issuing any certification of occupancy or additional permit(s) for construction at the property or permitting work to resume, unless and until the provisions of this chapter have been satisfied.
- C. Any person convicted of violating the provisions of this chapter shall be required to replace, in kind, each and every tree removed, cut down or destroyed in violation of this chapter. If a tree was so large and mature that it cannot be replaced, the court, upon the recommendation of the Village Administrator, may require the planting of multiple trees. In addition, such person shall, upon conviction, pay a fine of not less than \$500 and not more than \$ 1,000 per tree.

§ -7 Enforcement; presumptions.

- A. The Village Building Inspector, Code Enforcement Officer or members of the Village Police are hereby vested with the authority to enforce the provisions of this chapter and issue summonses for violations.
- B. It is a rebuttable presumption, for enforcing this chapter, that the owner or occupant on whose land any tree has been removed, cut down, destroyed or substantially altered without the necessary permit is the person responsible for performing or permitting the act complained of.

§ -8 Appeal process.

Any person aggrieved by the denial of a permit sought pursuant to this chapter shall have the right to appeal the decision to the Village of Ocean Beach Board of Trustees within 30 days after the Village Building Department issues a written denial to the applicant.

§ -9 Exceptions.

- A. No permit shall be required for the normal and necessary horticultural trimming and cutting of trees by a utility company to maintain utility lines or cables.
- B. Any emergency situation in which the removal, destruction or substantial alteration of any tree is necessary to prevent imminent danger to human life or property.
- C. The removal of a dead tree.
- D. Approved removal of invasive species.

§ -10 Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered.

§ -10 Effective Date.

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

Trustee Moritz seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

Trustee Levine: Do we have to now pick a date or anything for our meeting that we're going to have? Or can we do that after the fact because it has to be published, correct. **Ken Gray:** We can do it offline. And then then then we can just note and. **Trustee Moritz:** Then Bunny will put the announcement. **Mayor Mallott:** We just need what, ten days? **Ken Gray:** How about a Tuesday. Yeah. Public hearing. **Trustee Levine:** No it's a meeting. Just a meeting. **Trustee Moritz:** It's a meeting. **Trustee Arment:** The work session would not be a public hearing. **Trustee Moritz:** We can work it out with you. What would be the perfect date for you as well? **Trustee Levine:** Pro bono. **Ken Gray:** The work session. **Mayor Mallott:** A work session. **Ken Gray:** Okay, so, Mr. Mayor, are we done with this topic?

ADDITIONS/DELETIONS TO THE AGENDA: Resolution No. 2023-140: Mayor Mallott moved as follows:

1. Add Item #15 – Accept & Approve Donation of Polaris ATV for Ocean Beach Police Department
2. Add Item #16 – Accept & Approve Chamber of Commerce Beautification Proposal

Trustee Arment seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA): Resolution No. 2023-141: Mayor Mallott moved as follows:

WHEREAS, the Village hereby declares that all action items on this Agenda, unless otherwise indicated, are Type II, pursuant to SEQRA, and, therefore, no further environmental review is required; and

Now, therefore, it is hereby

RESOLVED that the Board of Trustees hereby approves the SEQRA declaration on all action items as Type II, unless otherwise indicated on this Agenda.

Trustee Levine seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

RATIFICATION & APPROVAL TO ATTEND SUFFOLK COUNTY VILLAGE OFFICIALS ASSOCIATION (SCVOA) ANNUAL DINNER: Resolution No. 2023-142: Mayor Mallott moved as follows:

WHEREAS, the Village, in an effort for employees to gain knowledge and improve proficiency in their municipal duties, encourages and extends the opportunity to James Mallott - Mayor, Joseph Di Francisco, Village Administrator, Linda Morrissey, Village Treasurer and Jonneigh Adrion, Village Clerk, Jacqueline Rulon, Deputy Clerk and George Hesse, Police Chief to attend the Suffolk County Village Officials Association (SCVOA) Annual Dinner; and

Now, therefore, it is hereby

RESOLVED the above-stated members are authorized and approved to attend the SCVOA Annual Meeting at Villa Lombardi's on the Bay, Patchogue, NY, on December 6, 2023, from 6:00-9:00PM, at \$75.00 per person, to be charged to line items A1210.472, A3120.493, A1325.493 and A1230.472.

Trustee Levine seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

ACCEPT & APPROVE GRANT WRITING PROFESSIONAL SERVICES AGREEMENT: Resolution No. 2023-143: Mayor Mallott moved as follows:

WHEREAS, it is the Village's desire to apply for a grant with New York State Archives for the digitization of village records; and

WHEREAS, the Village is in receipt of a proposal from Mesiano Consulting for such grant writing professional services in the amount of \$5,500, a copy of which is on file with the village office; and

Now, therefore, it is hereby

RESOLVED that the Village Clerk, is authorized to make payment from line item A1440.449.

Trustee Arment seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

Mayor Mallott: We're trying to clean up. The paperwork that this village has accumulated over the last 100 years. We have two storage units on the mainland full of boxes. We have numerous boxes in the sewer plant. We have numerous boxes in the village office. All this stuff needs to be gone through and scanned. And retained, most of it needs to be retained. So we've had some quotes, and the quotes go from anywhere from \$150 to \$200,000 to get this done. Um, Bunny has done some research and found a grant for this project, and she's asking us to get a grant writer to apply for this grant because it's pretty specialized grant. So, we're giving authority today to spend that \$5,500 for a grant to help us straighten up our act. Okay. So moved.

ACCEPT & APPROVE PROPOSAL FROM H2M FOR SEWER TREATMENT PLANT SPDES PERMIT APPLICATION: Resolution No. 2023-144: Mayor Mallott moved as follows:

WHEREAS, the Village of Ocean Beach is in receipt of a proposal from H2M Architects + Engineers to prepare the Sewage Treatment Plant SPDES permit application, required by the NYS DEC, dated October 31, 2023,

Now, therefore, it is hereby

RESOLVED that the Ocean Beach Board of Trustees hereby accepts the proposal, a copy of which is on file in the Village Office, in an amount not to exceed \$3,000.00 to be paid from line item G8340.465.

It is further RESOLVED that the Mayor are hereby authorized and directed to execute the documents necessary to effectuate this resolution.

Trustee Moritz seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

RATIFICATION & APPROVAL OF VOBEC BEACH GRASS EXPENDITURE: Resolution No. 2023-145: Mayor Mallott moved as follows:

WHEREAS, the Village of Ocean Beach is committed to the preservation and sustainability of the seashore dunes and acknowledges the importance of supporting the efforts toward that goal; and

WHEREAS, the Village of Ocean Beach Environmental Committee (VOBEC) set a Dune Day date to replenish and replant the Ocean Beach dunes with beach grass on Saturday, November 4, 2023; and

WHEREAS, Village of Ocean Beach Environmental Committee (VOBEC) has submitted an invoice in the amount of \$7,821.00, which includes the cost of the beach grass and delivery fees.

Now, therefore, it is hereby,

RESOLVED that the Board of Trustees approves the beach grass expense in the amount of \$7,821.00, to be paid from the following line items A7180.440.

Trustee Moritz seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

Mayor Mallott: Now the beach grass planting is well within the boundaries of where they're going to be renourishing the beach. **Vinny Fazio:** Pretty much from the top of the dune North. Maybe a little bit on the downhill? Not much. **Mayor Mallott:** Okay, because we don't want to get in there. Right. We don't want to get in their way and have it all just covered. **Vinny Fazio:** It's already been planted. (cross conversation) **Mayor Mallott:** It's already been planted. Where the hell am I? Oh, yeah.

Trustee Levine Come up to the microphone. **Vinny Fazio:** As for me, it's a great idea. It's a great thing to do. Plant dunes, whatever. But unless there's water up there. You guys. We should plan on putting in some sort of a system. It shouldn't be that big of a deal. It's one pipe right down the center. You don't have to cover the whole dune. You just got to get water on the dune. Yeah. More water. **Mayor Mallott:** And when would you suggest that be done? **Vinny Fazio:** Whenever. I mean, we've already done, what, three, three dunes. Three. Three blocks. **Mayor Mallott:** Three blocks. Does it need water now? **Vinny Fazio:** No. You're in a wet season now. But come springtime when it starts in July, which is probably why a lot of it burnt up. So you get no rain and 90 degree weather. And the sand is just very porous. **Trustee Moritz:** Is it feasible to get water up there? Kevin. **Trustee Levine** There's water up there. **Trustee Moritz:** So then let's do it. **Kevin Schelling:** You have to talk about it if you want to talk about it now. What I've been through with the sprinklers up on the dunes. The complaints from years ago and the noise of the sprinklers. **Vinny Fazio:** Well, listen, it comes down to this. You know what I mean? We either want a healthy doing or we don't. Always done anything. Anything is better than nothing. **Kevin Schelling:** 24 hours a day.

Vinny Fazio: No, we don't have to do that. **Trustee Arment:** We can look at it. **Vinny Fazio:** I know, but we can look into that. Yeah. For example, I went down to I went down past Cherry Grove the other day. They're dune is amazing. It's completely thick and green. They water it Cherry Grove. Don't ask what I was doing there. **Mayor Mallott:** So we'll have to do it. That's all. We have to water it. **Vinny Fazio:** Think about it. At least think about it. **Mayor Mallott:** I think it's that sprinklers. **Vinny Fazio:** If they're going to be putting money in every year. **Mayor Mallott:** If people are complaining about the noise. **Trustee Levine:** Then are you talking like an hour a day? You're not talking about watering it. Oh Lord. **Vinny Fazio:** You get some water, especially in the summer months. **Trustee Levine:** Yeah, like when the sun goes down. Water for an hour. **Trustee Arment:** Thanks. Yeah. **Vinny Fazio:** Simple. **Mayor Mallott:** Like, Mid-day and 6:00.

ACCEPT & APPROVE DONATION OF POLARIS ATV FOR OCEAN BEACH POLICE DEPARTMENT:

Resolution No. 2023-146: Mayor Mallott moved as follows:

WHEREAS, Village of Ocean Beach is authorized to accept and maintain donations of real and personal property; and

WHEREAS, the following persons and entities have offered to contribute the donations set forth below to the Village:

<u>Name of Donor</u>	<u>Item</u>
Miller & Caggiano, LLP	One Polaris Ranger XP 1000 NorthStar Edition Premium

WHEREAS, there are no terms or conditions of the donation item; and

WHEREAS, all such donations have been contributed to the Village for the benefit of its citizens, as allowed by law; and

WHEREAS, the Village of Ocean Beach Board of Trustees finds that it is appropriate to accept the donated item offered;

Now, therefore, it is hereby,

RESOLVED that the Board of Trustees accepts said donation which shall be used as allowed by law.

It is further RESOLVED, the Village Clerk is hereby directed to issue receipt to the donor acknowledge the Villages receipt of the donors donation.

Trustee Levine seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Nay
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

Trustee Arment: I'm going to come and briefly on this, if I may. Again, this is exactly the same as what was proposed and voted down last meeting. **Trustee Levine:** We didn't vote it down. We just tabled it.

Trustee Arment: Correct. My mistake. Thank you. So I will be brief again and reiterating my objections to this. This is a large six seater gas powered. You know they call them ATVs or side by sides Rangers, mules. This category of vehicle being given to the police department for use 24/7 365, in our village. Um, I am opposed to this for lots of reasons. These vehicles are very large. They pollute like crazy. They're very loud. They're hard to get around. They're frankly a nuisance in our village. And when a village department has one, there's no restrictions on when and how it can be used, really. And so by approving this, what we're really taking on here is the responsibility of having one more of these being used up and down our village walks all, all year long, all summer long for probably at least the next ten years. And having to see it, hear it, smell it and move out of the way for it. So I am still opposed to it. I have a feeling it's about to pass anyway, and I will just ask the police department to consider. Please never use this vehicle when there is a credible alternative to using it. I hope the residents of this village hardly ever have to see it or move out of the way for it or smell it. Thank you.

Mayor Mallott: Thank you. It's an emergency vehicle. **Trustee Moritz:** Is it? **Mayor Mallott:** As far as I'm concerned, it's an emergency vehicle that is required by the police department. **Trustee Moritz:** But it's not 6 seater? **Mayor Mallott:** In order to respond to an emergency, wherever it may be and when we need it. I don't think the police are joy riding around this town. I think most of the time they're working hard and this is just another tool. We did have two three wheeler quads that have died. This will replace those two three wheelers. Um, I've spoken to George a lot about this, and he feels it's necessary to have a vehicle that can traverse a beach for emergencies and for transporting prisoners and people who will not cooperate rather than marching through town in handcuffs, we'd rather get them up on the beach and put them on a vehicle and bring them down to the police station. So I don't think this is a joy riding around town. It's an emergency vehicle and I hope the police department use it and use it well.

Trustee Levine: Marco, if I understand, I think what you're saying is that you're not opposed to the vehicle. You just would rather it be electric. **Trustee Arment:** Oh, no. I'm opposed to the vehicle also. Okay. I'm opposed to these very large vehicles that don't fit on our walks, and also the gas powered engines that pollute and make all the noise. There's multiple objections here. **Trustee Moritz:** George, is it a four seater or a six seater? **George Hesse:** I'm looking at a four seater model, not a six seater. **Trustee Arment:** Okay because the one on here, the Xp1000 is a six seater. **David Lipsky:** Yeah, that might just be a mistake. **George Hesse:** I would prefer the smaller one four seater. **Trustee Arment:**

And can you clarify just how these needs have been solved in the past without this giant vehicle? **Chief Hesse:** Thank you. **Trustee Arment:** Just. It's worth knowing, you know, just for argument's sake. **Trustee Levine** Come up to the microphone if you want to speak Dale.

Dale Wyckoff: The vehicles that we need for the police department sometimes are the same vehicles we use for the fire department. Whether George is taking one of us as a medic to a call or a patient to the ferry, or their family to the ferry, this is something we need. The ones they have now serve no purpose. They serve a purpose for one person. This vehicle will serve a purpose multi purposes. And Marco, I'm sorry, but anything electric over here, forget it. We're salt. It doesn't happen. So that's a different conversation at a different time. I really. **Trustee Arment:** Happy to have. **Dale Wyckoff:** It. You will know. **Trustee Arment:** I know **Dale Wyckoff:** You will I believe George doesn't ask for anything that is not required or essential to his department. He has done everything above and beyond. And I think you really need to consider that. It's a multi purpose. We work as fire EMS and town and I think you really need to think about that. **Mayor Mallott:** Thank you.

ACCEPT & APPROVE CHAMBER OF COMMERCE BEAUTIFICATION PROPOSAL: Resolution No. 2023-147: Mayor Mallott moved as follows:

WHEREAS, the Ocean Beach Chamber of Commerce ("OBCOC") is in receipt of an invoice / estimate from Neptune Nursery/Vincent Fazio in the sum of \$2500 for proposed pruning , cutting , shaping of the Village Green, and
WHEREAS, the OBCOC wishes to have the work performed in order to properly keep, maintain and protect the said landscaping in place, and
WHEREAS, sufficient funds exist on account for same, it is
Now therefore, it is hereby
RESOLVED that the Board of Trustees approve the expenditure of said funds by OBCOC, for the continuing benefit of the Village and its residents.

Trustee Arment seconded the motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye

HEARING OF THE CITIZENS: Open 12:55 pm / Closed 1:26 pm

Trustee Arment: George Eastman. Sorry, you had a you had a hand up for a while on zoom. Do you have anything to say, George? **George Eastman:** Yes. Can you hear me? I can't turn my video on. It's the host is blocking my video, so. But my request video. **Trustee Arment:** It's cool. We can hear you. **George Eastman:** Okay, so. Kevin, this is a request directed at Kevin. I know, Kevin, over the years, I've spoken to you about the that the skim coat of cement over the, the channel that was cut at Evergreen and Midway, some cable. I don't know if it was internet or phone, but that skim coat we put on several years ago has kind of worn out that that the bump is there. I've seen kids on the small scooters go ass over tea kettle. You know, it's enough of a bump that a small wheel gets caught up. It's a trip and fall hazard. And also when the golf carts with the tools go over it, it's enough of a bump that things can get knocked off. I heard earlier that cement work is going to be done, you know, at the eastern end of the village. And I was wondering if you could put on your endless to do list, maybe grab a bucket of cement while they're there and get a skim coat, you know, back on that little notch in the old cut on the trench. **Kevin Schelling:** Okay. No problem. **George Eastman:** Thank you Kevin.

Maria Silsdorf: So, it's Maria again. So very quickly I know that you're all working very diligently on the Fire Island ferry contract, but I just wanted to say out loud on the record that I think that their post recently that they would not be addressing Ocean Beach homeowners seasonal parking passes at this point was really disingenuous and misleading that they said it was due to a lapse in contract that they were not addressing at this point. And I don't believe that there's been a lapse in contract. So, I just wanted to say that out loud. I don't know if there's any recourse, but it certainly sent a lot of our residents into a tailspin. I'm not preaching to the choir here, but I am. I'm just saying, for the record, I know you agree with me there. Their post was really ridiculous and misleading and unfortunate. So yeah.

David Lipsky: Dave Lipsky, when are we going to have a conversation about the building inspector and his ability to actually enforce some of the code. I mean, there's several instances in the last couple of weeks where I think there's been a lapse. Um, the house next to me is was completely torn down. Uh. And I had FOILed the village office several times about a month ago, because I had heard from one of the contractors that the building was coming down and wanted to make sure that the various code elements dealing with noise, dealing with vegetation were adequately followed. At first, there was no guess provisional plan filed. The building inspector had no idea that the building was coming down. I alerted him that a lot of the windows and doors and interior had already been removed, and the trees had been cut. There were a couple left, but, um, and I'm not particularly unhappy with that with what they did on the tree side of things. But, you know, I there was no notification in advance so that I could have made a complaint about.

Mayor Mallott: It started without a permit and the building Inspector rectified that. **David Lipsky:** Right I **Mayor Mallott:** But as soon as he found out that something was going on up there. **David Lipsky:** But part of it was it was pretty obvious anyone who was driving up and down the street could see what was being done, and there was no posting of the permit until two hours after I went to the village office and complained about it. And they. **Mayor Mallott:** That's when he found out about it. **David Lipsky:** So, then we go to what happened at 76 bungalow at the top of the walk, where it was posted as a building permit, that it was lift and renovate. Um, there was no building permit posted at the site when they had already started, um, removing the entire building and stockpiling posts for stockpiling posts on the doom face and where which is in the coastal erosion hazard area. **Mayor Mallott:** He had permission for the DEC to put the poles there. **David Lipsky:** For a permit that was for. **Mayor Mallott:** To renovate the dune when the work was over. **David Lipsky:** The but the permit was for lift and renovate, not for total removal of the of the building, which puts them into a different set of criteria. And they've saved like an eight foot section of wall. And my question may be to the village attorney is under what part of the building code or any other factor. Is there a finding that saving a little piece of wall and putting it back on a platform that's been completely knocked down constitutes a reconstruction rather than a new building? **Trustee Arment:** We have Mike on the call, by the way. **Ken Gray:** Oh, Mike. Oh, the building inspector is on the call. Think he's should be able to answer that question for you. **Trustee Arment:** Yeah. Mike, if you're there, I just gave you unmute permission if you can, if you want to speak to this. **Trustee Moritz:** Mike? **Mike Mandarino:** Yeah. Can you hear me? **Trustee Arment:** Yes.

Mike Mandarino: Yeah. So? Yeah I heard I've been listening to the whole meeting. So, there is no code that would preclude me. It is considered a substantial renovations. There were unforeseen circumstances that we just had to demolish. More than that was planned. There is no code that would that I could enforce some. Let me let me put it a different perspective. Some villages have a code in place that say anything over 80% demolition is considered a new structure. In this village, if you have a non-conforming house and you want to build the same exact house, we let you do it. There's nothing for me to enforce that. That says I can't do it, that the village can't do it. So when you ask to cite a code, the to justify what was happening down there, there is no code. There is no code to enforce. It's just the code that exists. Now, if we have affirmative code that says that if you move a house, then yes, you have to conform. If you if you have an empty lot and you build a new house, then yes, you have to conform. Otherwise we have no affirmative code for me to enforce in that situation.

David Lipsky: I thought our village code said substantial renovation was 60% or more. **Mike Mandarino:** And that's for triggering fire egress and fire sprinklers. And it's 50% substantial renovation is a code to trigger that was that was initiated in local calls, local code six and November 2019. That's a trigger for an outdoor second story egress and fire sprinklers. And the other code. The 41% of value is to trigger elevation. Otherwise there is no other. There is no other code for me to enforce relative to any type of percentage of that would separate a substantial renovation from a new home. **David Lipsky:** Well, doesn't there a requirement to contact the DEC because they still do.

Mike Mandarino: The DEC You contacted. I'm sure you did a lot of people that. Well, whoever did they did call me. We discussed it. They're in agreement. They're not they're not putting a stop work order. There are conditions of the permit that require that any damage done to the domes is going to be remediated, and they're in total agreement with what's going what's going on there now? They reviewed the whole process. We had a discussion and they're not putting a stop work order there. They're in agreement with what's going on.

Trustee Levine Just so you guys know, when the village board, the trustees, first found out about what was going on, we were all very upset with what was going on. We reached out to Mike while he was in Florida. I know Ken Gray spoke with him. And then when you read the verbatim minutes of the meeting there, their task that they were tasked with was to

approve the setbacks and to approve the extra bathroom and to approve. They were not tasked with the lifting of the house or anything like that. The reason why and Mike, please correct me if I'm wrong. The reason why the permit was denied at first was because of those reasons, had nothing to do with the building of the building, the lifting or the raising or whatever you want to call it. It was all because of that. Subsequently, Mike was able to make that determination that it wasn't a ZBA issue, and that's why it didn't go there. I know Constantine, I think is going to are you going to speak today? Constantine is going to speak today. He has some remedies that he's going to try to correct this issue so it doesn't happen again. And that, believe me, we spent a lot of time going back and forth for days with Ken Gray, with Mike, with everybody because of this. And there is, like you said, there is a loophole and we need to fix that. And I think that's what we're going to try to do.

David Lipsky: Well, so part of this is, though, that they never posted the building permit until after I complained about it, that. **Trustee Levine** Yeah, that's the first I heard of it right now. **David Lipsky:** And they still haven't posted the coastal erosion hazard area permit, which is required. **Trustee Moritz:** Mike can you make sure they do that Mike please. **Mike Mandarinot** Where are they going to post it? There's no house there. What do you want me to. **Mike Mandarino:** Let me know where you want me to post it and I'll post it. You want me to post it on the on the railing for the ramp? Then someone will complain that we're posting notices on the ramp. **Trustee Arment:** We can put it on the one wall they left up. **Trustee Levine** Have them? Yeah, have them put up a 2 x 4 in the ground and a piece of plywood, and they can post all their, their permits. **Trustee Arment:** That's on the structure existing. Right.

David Lipsky: So a third issue is. There is a house at 181 Wilmont that was built with four bedrooms and two and a half baths, according to the plans that were approved. It's for sale now and it's being advertised as five bedrooms and four bathrooms. So my question is what remedy do they have to get? A new certificate of occupancy? Does it affect their rental permit status if they try to? The fifth room in that house was a so called family room. So I understand a lot of the family rooms are or dens are, you know, stalking horses for an extra bedroom. But. What's the remedy in this place if there is a violation? Do they are they non-conforming now so that they are non-conforming. **Mike Mandarino:** No there's a CO for that house. There's a CO for that house for four bedrooms. There's nothing non-conforming about that house. I don't think we have any standing as to object to what they advertise their house for. I'll defer to the village attorney on that. I don't think the building department can get involved in how a person advertises their house for sale. It doesn't change the fact it doesn't. Just because they put an advertisement with five bedrooms, doesn't change the fact that a CO exists that has four bedrooms and a den **David Lipsky:** What about the four bathrooms. **Trustee Arment:** Yeah. What about the bathroom Mike? **Mayor Mallott:** Listen what happened is. **Mike Mandarino:** What bathroom? What bathroom?

Mayor Mallott: It's happened here for 100 years, right? They get a CO. Then a shed appears on the back yard. Okay, first of all, it's a tool shed. Then it's a bedroom. Then it's a bedroom and a bathroom. We want to start going down that road. Well, we're going to open up a whole can of worms that you're never going to be able to close. When once you're issued a CO, no one's allowed on that property unless there's a crime being committed. **David Lipsky:** Well, that's why when they're advertising it. As for bathrooms. **Ken Gray:** That doesn't give us permission to go on and inspect their property. **David Lipsky:** I'm saying the rental permit. **Trustee Levine** One of the things we might be able to do in the future is we. We can mine. We can mine what's online. All right. If somebody's advertising a four bedroom house with four bathrooms, we can look through the records before we issue a rental permit to see if it's a four bedroom, four bathroom house. If it is, we'll issue the permit. If it's not, we won't issue a permit. But that that's something that we can do in the future. I know the OBA has offered some software that we can get that will do that automatically for us and make lists. I know Dawn is working with Maria on that. So I mean, we are looking into it and we are talking about selling the house. As Ken just said, they can advertise whatever they want. But for rental houses, we have limitations in our codes. We have limitations on what your house is and we can be a little bit more stricter that way.

David Lipsky: Okay. Thank you. **Mayor Mallott:** So it's four bedrooms and a den. **Trustee Levine** An a library and a gym. **David Lipsky:** Okay, but it gets a little bit to the tree legislation, the whole problem with this is timely notification of the citizens that the property is going to be developed or is being sold, or it has a building permit for complete destruction. And I don't know why that can't be posted on the village's website as permit applications come in. I mean, we can see the tax assessment role now and would be very helpful for the neighbors to know, hey, something's going on in the property next to me because they see it on the website and they could look at it from their bedroom window, you know, whether there are trees being cut down. **Trustee Levine:** I'm new here also, David. All right. So I'm learning as I go along. But if I'm not mistaken, if if Mike issues a permit because it's within the code, nobody gets notified. But if there's a deviation from the permit that isn't within code or something like that, then I believe everybody around that

house is invited to a public hearing to. **David Lipsky:** That's for a ZBA thing. But for the trees for example. **Trustee Levine** But if it's within the code that we have in the village, then there is no notification. **David Lipsky:** Is there some law prohibiting notification? **Trustee Levine** I don't know if there's a system in place to notify because it's usually. **David Lipsky:** You get an application, you post the application on the website. And then they track the how long it takes for the approval process. **Ken Gray:** It's FOILable. **Trustee Moritz:** It's FOILable **David Lipsky:** So It's all FOILable able. **Mayor Mallott:** A FOIL. Thank you.

Linda Stertz: Well, Linda Norris Stertz, to piggyback on what Dave just said. Right. Just respecting each other in the community, neighbor to neighbor I mean all well and until Stang left. All the surrounding neighbors. We have each other's phone numbers. You know, we say if there's something that's bothering you, please let me know. If you're planning to do something, please let me know. And it makes for a very nice neighborhood. It really solves a lot of problems and it's really mutually respectful and we can all do it. So and my other point is, you know, regarding possible conflicts of interest and possible recusal, I just want to say I really respect Jim and Jen for recusing themselves from the vote regarding expanding Maguire's. That shows ethics, and I appreciate that. And so that's precedent that's been set recently. If we could keep that going, that people who stand to profit from the result of their vote would recuse themselves, I think that would be great. Thanks.

Mayor Mallott: Thank you. **Tyler Sterck:** Hello Tyler from 478 Bayberry Walk. Regarding all the work that's taking place adjacent from us, is there a place in plan for any damage done to the buildings or surrounding properties from the work being done. As we stand now, I'm receiving. My foundation has cracked. My walls have split. My floorboards have moved and my ceilings have cracked. I've done walkthroughs through with engineers. I've done walkthroughs with. With the mayor. With Galvin. But I'm not hearing anyone say to me, we'll fix this in the end.

Mayor Mallott: It's the contractors position that anything that is moved, broken that they will repair, that's part of the contract. I know you were supposed to meet with. Romanelli yesterday. Did you do a walk through yesterday? **Tyler Sterck:** So we did a walk through. We took pictures. **Mayor Mallott:** She's noted it. She's noted everything that you're saying. **Tyler Sterck:** she has and they, as you can see by outside this window, you'll see there's there's meters. I've eight meters on my building. I have measuring devices, I have alarms. The building has moved. It cannot handle what's going on out here. And there needs to be a solution today. Not tomorrow, not next week. This building will fall over. It needs to be addressed. **Mayor Mallott:** Well, you know I. **Tyler Sterck:** John I'm glad you're here because you're on my speed dial, my friend, and you're not going to be paid pro bono. I promise you. **Mayor Mallott:** You know, as far as I know, after talking with Galvin that they're monitoring the situation and they're ahead of it. **Tyler Sterck:** I'm not trusting their monitoring situation, because **Mayor Mallott:** okay I'll relay that message. **Tyler Sterck:** Because when I, when we when I asked them what the devices were that they attached to my building without my permission, they had said to me that this is a device to notify them for a kill switch if the shock waves are so great to this building. Well, I'm sorry, I went away for five days and came back and my foundation has risen inside my building. **Mayor Mallott:** We'll take a look at on Monday and we'll go through it. **Tyler Sterck:** Inside my building and a split 40ft through my concrete is not a light. **Mayor Mallott:** We'll go through it with Rosa on Monday and ask her what the remedy is. Okay? **Tyler Sterck:** Okay. Just want to bring it to your board. Thank you, thank you.

Constantine Karalis: This is Constantine Karalis. I would like to address the issue having to do with village uh village zoning code. Back in 2007 and then again in 2019, there were groups of thoughtful people working on amendments to the zoning code. My friend Joel Silverberg was part of, participated in both of those and both in both cases this was a response to emergencies. Back. If you remember, in 2019 we had a moratorium called for called the entire. We lost a lot of building time at that time because there were quite a few issues, because it was response to emergencies. Um, the people working on those amendments were limited in time, and some things were added to the code that they believe helped a lot. And there's still a lot of loopholes left in there. Um, I don't want to even mention I don't want to give anybody any ideas for how they can actually build things that none of us here would like to see built. Um, but I have quite a few examples like that to share down the line. We need to plug those loopholes. **Mayor Mallott:** We've had that conversation. The zoning board, the planning board are going to get together and try and plug those holes. Okay. You come back to the board with a recommendation on what you see as necessary to tighten up the code. And. We appreciate the work that you're going to do, and we'll be happy to sit down and talk about it as soon as it's done. **Constantine Karalis:** Well thank you. **Mayor Mallott:** Thank you. **Trustee Moritz:** Thank you.

Jonathan Jossen: Good morning y'all. Looks great. **Mayor Mallott:** Yeah. **Jonathan Jossen:** really like that moving forward. That's great what I want I've been listening to the meeting. What I wanted to bring up is it isn't the village's responsibility to see four bedrooms and being listed as five bedrooms. I'm a real estate broker. I'm in New York with revenue. It's a fineable offense. By guess it's MLS out here to mislead and put something in print saying it's five bedroom when it's only four bedroom. So that's the way to go about it is to get on the brokers tail if they're listing it. Because they have to adhere to the codes of the listing service. **Maria Silsdorf:** What about Airbnb and VRBO **Jonathan Jossen:** I don't have any, I thought that was illegal. **Trustee Arment:** It might be different. **Trustee Moritz:** If it's for sale. It's by a broker, clearly. **Jonathan Jossen:** Well, it could be. You could just put it yourself on it wherever you want. But if it's for sale and the broker is a member of an MLS, NAR or whatever. There's a code that you have to stick by and they're making them even stricter. Like now you have to put the actual square foot everything. So if you see five bedrooms and you know by the code, it's four bedrooms, that's how you follow up on that one. **Mayor Mallott:** Thank you. **Trustee Arment:** Thanks. **Jonathan Jossen:** You're welcome. What?

Trustee Arment: Andrea Nimberger, you got a hand up? Uh. One second. Go ahead, Andrea. And then that's it. After that. **Trustee Moritz:** Some people have to catch his boat. Okay. **Andrea Nimberger:** Sorry. I actually can answer all the questions. And I would like to, because I'd like to help Dave Lipsky out here. 181 is across the street from me. The one thing I would like to say is, out of all the houses that have gone up in the last four years, their house is beautiful and tasteful. If everybody built a house like that and did not build a big box, we'd be a lot better off. That being said, Dave, supposedly they're building the exact same house next to you. Um, so it is a five bedroom house. I've been in it many times and it is not listed with a broker. They are selling it directly. Um, it is really a beautiful house. And unfortunately, it kills me to say that, but it's true. There are five bedrooms. Apparently our law states that if there is no closet in a room, it does not. It is not considered a bedroom. So, in the fifth bedroom there's just a hanging rack. There is no closet. It is four bathrooms because the fourth bathroom is outside on the deck next to the pool. It's actually a nice feature. If somebody's wet, they don't go in the house. They use that. I don't know how that affects our four bathroom rule. It's just a toilet. So, I'm really doing this to help Dave. But also, you know, where do we draw the line? Because clearly we don't. If what specifies a bedroom is a lack of a closet, and we all know that we can all either put a dresser drawer in there that has hanging space. Excuse me, um, forgetting the word, an armoire that has hanging space in it as well. So how do we, they got around it. How do we get around that? Not happening. And then the other thing is, I've known for a year that the house next to Dave was coming down. How did they start without a permit? And the person that is knocking it down, I believe, has been out there most of his life. So, he knows the rules. So how did that happen? That's a question for the board or for you guys. Not to be ignored. **Trustee Arment:** Uh, well, Mike, actually, Mike, you have your hand up. Is that in reference to this?

Mike Mandarino: Yes, I do, uh, two, two issues that she brought up the fourth bathroom on the deck. First. I'm hearing of it. It was not on the original building plans. If it was, if it's there. It was built without a permit. If anyone wants to file a complaint in the village office, I will see that it's removed or that they apply for a variance. **Andrea Nimberger:** That's actually offensive I mean. **Mike Mandarino:** Well, well. This is what this is two matters you brought out. Anyone wants to file a complaint. Um, I'll more than gladly investigate it and I'll have him remove it. Or they can file for a variance. But it was not in the original plans. The other matter you brought up was how they. **Andrea Nimberger:** How they how they were able to start taking the house down without a permit. **Mike Mandarino:** Right. As soon as I found out about that, I'm. They're part time. I'm, they're either two days a week or three days a week. As soon as I found out, I, I told the person working on it who's working as a subcontractor for the the general contractor there, I told them to stop or there was going to be a stop work order work stopped immediately. I let him I let him just fill up a dumpster. Um, as the Mayor stated earlier, as soon as I found out, the work was stopped. **Andrea Nimberger:** But they have the permit now. Correct. **Mike Mandarino:** They have a permit, right? The plans were reviewed. Unfortunately, there was mentioned that other people wanted to review the plans before I approved them. Well, that's not a process anywhere in the country that I'm aware of that a citizen can review the plans alongside the building inspector. **Andrea Nimberger:** Okay **Trustee Arment:** All right. Thank you. **Andrea Nimberger:** Thank you. **Trustee Arment:** Jean Sterck go ahead. **Mayor Mallott:** Anybody else. **Trustee Arment:** Jean Sterk has a hand up.

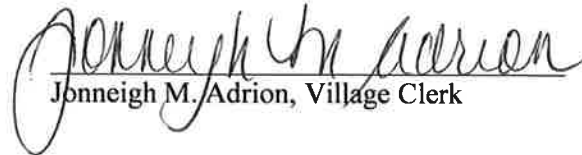
Jean Sterck: Hi. Hi, guys. Jean Sterck 478 Bayberry Walk. I just wanted to kind of add on to what Tyler said. So, first of all, I wanted to say that we are totally in support of this water mitigation project, being, you know, in the middle of town. So, it's a positive thing for the town. I just wanted to kind of add to what Tyler said, just to understand how the project managers will be keeping track of any damage to any of the buildings within town. And then also, you know, the

communication to the owners, because of course, we want to work with them just to keep track of what could be damaged or might be damaged. And then you know how it will be fixed. You know, once the project is done.

Mayor Mallott: Uh, as I stated before, it's the duty of the contractor to make any repairs, and that are necessary. **Jean Sterck** Right. And is there a limit to what they will fix or. You know. **Mayor Mallott:** I think it was a case. **Ken Gray:** Case by case. **Mayor Mallott:** It's a case by case. **Jean Sterck** Okay. Great. Thank you so much. **Tyler Sterck:** In addition. Thank you Jean. In addition, we are concerned because this is our livelihood. And the season is short and the amount of work that needs to be done right now, today is going to take two months. It's a lot of work. We've got to relay foundation cement and check to see if the support. **Mayor Mallott:** I'll check with Rosa on. **Tyler Sterck:** I may not be functional next season. I need to know that now because if this keeps going and you start cutting the distance between me and the building. It's only going to get worse before it gets better. **Mayor Mallott:** Okay we'll look at it Monday morning. **Tyler Sterck** And by the way, you know I'm 100% behind this project. **Mayor Mallott:** Yes and your wife. **Tyler Sterck:** Okay, I've been dealing with a lot of punches on this one, and I've been taking them. And today I needed to let the public know. That's all. **Trustee Moritz:** Thank you. **Trustee Moritz:** Thank you. **Jean Sterck:** Thank you. **Ken Gray:** All right. Have a good Thanksgiving, everyone. **Trustee Moritz:** Happy thanksgiving. **Mayor Mallott:** Happy Thanksgiving, everyone. **Trustee Moritz:** Hi.

ADJOURNMENT: Mayor Mallott moved to close the meeting at 1:26 PM. Trustee Arment seconded this motion. Upon call, the following voted:

Trustee Arment	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Levine	Voted Aye
Trustee Moritz	Voted Aye
Mayor Mallott	Voted Aye


Jonneigh M. Adrion, Village Clerk