



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 13, 2021 at the Village Office, 315 Cottage Walk, Ocean Beach, New York. Meeting is being conducted in the village Boat House.

EXECUTIVE SESSION: Mayor Mallott moved to go into Executive Session at 9:05 AM from the Village Office, for the purpose of discussing personnel, contracts and pending litigation.

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	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 Hargraves, upon call the following voted:

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

GENERAL SESSION: At 11:18 AM, Mayor Mallott moved to open General Session. Trustee Norris seconded this motion. Upon call, the following voted:

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

Following the pledge to the Flag and Roll Call at 11:19 AM:

There were present:	Mayor:	James S. Mallott
	Trustees:	Matthew M. Blake
		Dawn L. Hargraves, via Telephone
		Christopher F. Norris
		Brian J. Power
	Village Counsel:	Kenneth A. Gray
	Village Clerk/Treasurer:	Steven W. Brautigam

APPROVAL OF MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON OCTOBER 16, 2021: Resolution No. 2021-100:

Mayor Mallott moved as follows:

BE IT RESOLVED that the Minutes of the Board of Trustees Meeting held on October 16, 2021 are accepted as amended

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

APPROVAL OF BILLS AND CLAIM VOUCHERS: Resolution No. 2021-101: 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 \$175,324.86, for Gross Payroll from 10/06/21 through 11/02/21

General Fund, in the amount of \$15,935.54, check numbers A26352 through A26373, and
Water Fund, in the amount of \$1,025.11, check numbers F3529 through F3532, and
Sewer Fund, in the amount of \$5,161.21, check numbers G6524 through G6526,

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 \$ 158,758.21, starting with check number A26374, and
Water Fund, in the amount of \$ 6,340.09 starting with check number F3533, and
Sewer Fund, in the amount of \$ 9,915.43, starting with check number G6527, and
Bay Front Project, in the amount of \$ 7,782.05, starting with check number 2013

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

Deputy Mayor Blake Voted Aye
Trustee Hargraves Voted Aye
Trustee Norris Voted Nay
Trustee Power Voted Aye
Mayor Mallott Voted Aye

Trustee Norris voted nay to this resolution because two credit card line items did not follow proper accounting procedures, as they were missing initials and/or signatures on the receipts. Everything else was satisfactory.

MAYOR'S REPORT:

1. Crosswalk up on Ocean Breeze is half complete and should be done, weather permitting, in a week along with 504 Bayberry
2. The cement replacement that is being done around the tennis courts is part of the DOT project and is not part of the drainage project
3. New well at 503 Bayberry, I wish there was new news.

SUPERINTENDENT'S REPORT: Kevin Schelling spoke

Wastewater: Sewer plant is fully operational.
Emergency Systems and Generator systems operational fuel supplies full.
Chemical supplies are full
Inspected by the Department of Health - passed.

Water: Wells #2, 3 and 4 are operational
All Emergency Systems and Generator system operational with full fuel tank
Chemical supplies are full
One (1) hydrant pipe emergency repair made on Dehnhoff, repaired pipe and hydrants
One (1) Water main damaged and repaired

Buildings: Ice dams put on Ferry Terminal over gutters
Repairs being made to EMT Apartment at 504 Bayberry
All Buildings winterized (except Community House which will be done on Monday)
Boat ramp removed & stored at Windswept
Public bathrooms only open at the Ferry Terminal open 24/7 through the winter, all others are closed

Properties Ballfield & Green winterized
Marina is closing on Monday, Nov. 15th then will be winterized
Overpass to Ocean Breeze being replaced its half way done

Streets: Tree trimming being done on Thanksgiving week
Concrete being replaced around the tennis court area

Events: December 11th - Tree Lighting

OCEAN BEACH VOLUNTEER FIRE DEPARTMENT REPORT: Chief Levine spoke

We are at 300 calls, which is above average. We have three people doing their CFR class, Andy Miller, Peter Brennan and Jim Weeks, which is a step below and EMT. December 11th is the Tree Lighting, 5:00pm at CJ's, 6:00 pm at the Green and 7:00pm Potluck at the Fire Hall. False alarm charges are being issued by George. We've had meetings with the Village Attorney and 5 bar and hotel owners and explained why it's bad to have false alarms. There are about 30 of them. We ordered a new pickup truck for the department and expect to receive it in 6 months. I spoke with the Town of Islip and asked about reports we sent and they are under review. I was told the village had a meeting with Islip Town and heard the meeting went well. Fire Dept. was not aware of the concrete work and would appreciate being informed ahead of time in the future. PSE&G will be trimming trees in the back of houses in Ocean Beach starting February 8th, they've been having problems with the Seashore getting permission to drive.

OCEAN BEACH POLICE REPORT: Sargent Andrew Becher spoke.

1. Chief Hesse has been working on 26 false alarm reports that have been prepared will be submitted to the court
2. We are down to single man tours for the winter. If no one is in the station please call the telephone and someone will answer the cell.

ADDITIONS AND/OR DELETIONS TO THE AGENDA: Resolution No. 2021-102: Mayor Mallott moved as follows:

1. Add: Item #14 AUTHORIZE & APPROVAL OF BOND ANTICIPATION NOTE (BAN) TWO YEAR EXTENSION

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) : Resolution No. 2021-103: 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 Power seconded the motion. Upon call, the following voted:

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

RATIFICATION & APPROVAL OF PERSONNEL

10A. RATIFICATION & APPROVAL OF PERSONNEL: APPROVAL OF NEW SEASONAL POLICE OFFICERS:

Resolution No. 2021-104: Mayor Mallott moved as follows:

WHEREAS, Steven W. Brautigam, Clerk/Treasurer, at the time of hire, has provided a report to the Board of Trustees detailing and listing new hires to be paid under general funds appropriation codes (as detailed below), not to exceed these budget line items, and has requested ratification and approval by the Board of Trustees for said new hires; and

Now it is hereby

RESOLVED that the following hires listed are hereby ratified and approved, pending completion of documentation, in order for paychecks to be released:

Police Officers	Department	Start Date	Status	Hours	Rate of Pay
Findel, Harry III	A3120.104	11/13/2021	Part-Time	As Needed	\$26.00/Hr.
Marchese, Corey	A3120.104	11/13/2021	Part-Time	As Needed	\$26.00/Hr.
Nakken, Tyler	A3120.104	11/13/2021	Part-Time	As Needed	\$26.00/Hr.
O'Neill, John	A3120.104	11/13/2021	Part-Time	As Needed	\$26.00/Hr.
Picciano, John	A3120.104	11/13/2021	Part-Time	As Needed	\$26.00/Hr.
Plitt, Thomas	A3120.104	11/13/2021	Part-Time	As Needed	\$26.00/Hr.
Rhodes, Craig	A3120.104	11/13/2021	Part-Time	As Needed	\$26.00/Hr.
Sweeney, Kelsey	A3120.104	11/13/2021	Part-Time	As Needed	\$26.00/Hr.
Weeks, Fallon	A3120.104	11/13/2021	Part-Time	As Needed	\$26.00/Hr.

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

10B. RATIFICATION & APPROVAL OF PERSONNEL: ACCEPT RESIGNATION & REHIRE OF STEVEN

BRAUTIGAM: Resolution No. 2021-105: Mayor Mallott moved as follows:

WHEREAS, Steven Brautigam is resigning and retiring, effective November 15, 2021; and,

WHEREAS, the Village wishes to re-hire Steve Brautigam and appoint him as the Village Clerk/Treasurer, effective November 17, 2021,

Now it is hereby

RESOLVED that Mayor Mallott hereby appoints Steven Brautigam, effective November 17, 2021, as the Village Clerk/Treasurer and renews the terms and conditions of his employment, as outlined in his employment agreement, dated July 14, 2021; and,

It is further RESOLVED, that the Village Board of Trustees hereby ratifies and approves this appointment.

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Nay
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

Ken Gray explained that since Mr. Brautigam is eligible for and opted to retire. The Village will no longer be paying into the NYS retirement system and Medicare will become primary and they will be picking up 80% of the medical which will save the Village approximately \$56,000. Steve Einig; Wanted to clarify that he is retiring and rehiring and that he'll be drawing a salary from the village and collecting retirement but the village will be saving on some costs. Maria Silsdorf questioned if the contract was a monthly thing. Mayor Mallott explained it runs until June, 2021 and at that time it will be decided if we move forward with him. He further explained that he's entitled to do both. Maria asked if we are doing a search for a replacement. Mayor responded it's a difficult time as the election is upon us and it's hard to appoint. Trustee Norris said a request was made to do a search but no action at this time. David Lipsky asked in terms of a replacement and felt that it's a Civil Service position. Brian Power responded it's a Civil Service position but it's an appointed position. David Lipsky asked if Steve will be receiving a cost of living increase. Mayor responded it will be discussed upon re-appointment. Maria asked what the lead time is. Mayor said we are looking to promote from within. Steve Einig stated we have a Deputy Clerk and a Deputy Treasurer and we do have that and shouldn't they be eligible to appoint them.

AUTHORIZE & APPROVE CARTER V. VILLAGE OF OCEAN BEACH LEGAL SETTLEMENT: Resolution No. 2021-106: Mayor Mallott moved as follows:

WHEREAS, the Village has been in pending litigation in a matter captioned Carter, et al v Ocean Beach et al., and

WHEREAS, the parties have reached a proposed settlement to resolve all claims,

Now, therefore, it is hereby RESOLVED that the Village hereby approves the proposed Settlement Agreement; and,

It is further RESOLVED that the Mayor is authorized to execute same and make payment consistent with the terms of the Agreement.

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

Ken Gray explained this lawsuit has been going on since 2006. It came about after some Seasonal Police Officers were not re-hired and they brought a discrimination suit. This case has been dragging on for 15 years and we've exhausted all our million dollar insurance coverage for representation with our carrier and believe this is a good thing to settle this matter for \$85,000. This is a business decision, we will be saving on trial and appeals which we estimate at \$50,000. The original offer was \$750,000, so this is a good deal.

ACCEPT & APPROVE PROPOSAL FROM H2M ARCHITECTS & ENGINEERS FOR SERVICES WITH LEAD AND COPPER SUPPORT SERVICES: Resolution No. 2021-107: Mayor Mallott moved as follows:

WHEREAS, the Federal EPA has passed regulations effective December, 2021, which require all water suppliers to identify, catalog, categorize, map and facilitate the replacement of lead service lines and be in compliance by October 16, 2024, and

WHEREAS, the Board of Trustees is in receipt of a proposal from H2M to provide engineering services associated with the identification and inventory of the Lead and Copper Services needed for systemic replacement, a copy of which is on file in the Village Office; and

Now, therefore, it is hereby

RESOLVED that the Village hereby accepts and approves the proposal from H2M for said services and that the Village Mayor is authorized to execute said Agreement and the Village Clerk/Treasurer is authorized and directed to make payments not to exceed \$14,000 to be paid from the Water Fund F8340.465

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

Kevin Schelling explained regulations with the EPA have changed and we are required to do this. Fortunately, we have done all the work already and the new water lines do not have lead. Once the old service lines are shut down, that should satisfy everything, we will be compliant. We just need to do this, it won't cost the village any more than the \$14,000. David Lipsky raised a question about sampling the school district and stated there's a provision for that. Kevin explained we've been sampling the school for years. It's also required for anyone serving water.

AUTHORIZE & ACCEPT LOW BID RECOMMENDATION FROM H2M ARCHITECTS+ENGINEERS, PC FOR REMOVAL, TRANSPORTATION AND DISPOSAL OF LIQUID SLUDGE FROM SEWER TREATMENT PLANT: Resolution No. 2021-108:

Mayor Mallott moved as follows:

WHEREAS, the Village of Ocean Beach published bid specifications on October 28, 2021 for the Removal, Transportation and Disposal of Liquid Sludge from Sewer Treatment Plant, as more fully detailed in the bid specifications prepared by H2M Architects+Engineers, PC, and

Now, therefore, it is hereby

RESOLVED that the Village wishes to accept the lowest responsible bidder as recommended by H2M Architects+Engineers, on November 9, 2021, PC, as Tully Environmental, Inc.; and

It is further RESOLVED that the Village Clerk/Treasurer and Village Mayor, following review by Village Attorney, are hereby authorized to execute the documents necessary to effectuate the bid award and to make payments consistent with this resolution in the amount of \$62,060.00 per year, a rate of \$0.58 per gallon, for one year beginning November 1, 2021 and ending September 19, 2022. For subsequent years, a rate of \$0.60 per gallon for two years beginning on December 20, 2022 and ending December 16, 2024 and a rate of \$0.62 per gallon for two years beginning on December 17, 2024 and ending September 14, 2026, for a total of \$321,140 to be charged to line item G8120.477.

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

AUTHORIZE & APPROVAL OF BOND ANTICIPATION NOTE (BAN) TWO YEAR EXTENSION: Resolution No. 2021-109: Mayor Mallott moved as follows:

WHEREAS, the Village had previously entered into a Project Finance Agreement with Financing of \$8,781,562, of which \$3,324,271.39 was from EFC Grants; and,

WHEREAS, said financing was pursuant to a 5 year Bond Anticipation Note (BAN); and,

WHEREAS, the eligible projects are not substantially complete; and,

WHEREAS, the 5 year BAN is expiring,

Now, therefore, it is hereby RESOLVED that the Village Board of Trustees approves a 2 year extension on the BAN; and,

It is further RESOLVED that Village Board of Trustees hereby authorizes the Mayor and Village Clerk/Treasurer to execute the Project Finance Agreement and all necessary and related documents.

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

Ken Gray explained in detail the need for the extension, we are getting funding from the EFC, as the project is ongoing therefore more time is needed to receive reimbursement for the work when its completed.

HEARING OF THE CITIZENS:

Maria Silsdorf; at the last meeting D&B Engineering made a presentation there was a discussion that they'd come back with a recommendation. I have a copy but how is that being distributed to the public. Mayor; it's up for discussion. I don't know if the DRC is going to address the board, there is an advisory board. I think it would be good to have a discussion on it. Joe Speranza the DRC reviewed the preliminary plans and we recommend it and any further discussion should come from the two Trustees that sit on the DRC. Trustee Norris; at issue is the placement of the filtration system, pumps and control house the issue is to place it in a way that suits best. It was originally designed to take up a tennis court now we are looking at the South East corner which will impact the Wagon Park and leaving the two tennis courts. Wagon park will be a finite square footage. There is still some support for the original schematic where we lose a tennis court but I am not in favor of that. Jonathan Jossen asked about support and where it's coming from. Mayor Mallott stated he disagreed with the recommendation he believes it's the busiest corner in the village. The wagon park will be half the size and I don't believe we are solving any problems and just adding to the chaos and believes there's better resolutions possible. Trustee Norris there you see we have a difference. Trustee Blake reviewed the design and it was explained in detail the proposed layout. Trustee Norris explained it's an engineering exercise we are trying to garner as much open public space as possible. Mayor Mallott said there are more suggestions such as preserving one tennis court and using 2/3 of the other one for a multi-sport court for other activities. Jonathan Jossen with all that space on the north dock, it's used for freight why not use that for a wagon park. Why have we never done anything with that area. Mayor Mallott does not believe it's a good location for that. Trustee Norris said the north dock is planned for public space with benches, there will be a section in the corner with stamped stained concrete that we will have to watch. I would refer to the good work the DRC has done with respect to this. Mayor Mallott said wagons up in the air doesn't work. My plan was to open up and have them on the ground. Its absolute chaos in there, I wanted it completely accessible. Jonathan Jossen; I understand I'm being selfish and it's what I want and there about another 200 people that want to keep both courts. I don't believe you are serving the homeowners, you are serving the people that are coming over. You're going to put benches and the homeowners aren't going to sit there. Mayor Mallott said the north dock is not the place for a wagon park and further explained his position. Jonathan Jossen; We all ride bicycles but we are not asking for bicycle lanes. Why can't the ferry pull in in the other area? Trustee Power, I disagree with the assertion that the north dock is not for the homeowners because it is for us. Jonathan Jossen, I know who's going to be sitting there, we all know this. It will look pretty and we'll have an event there but it will not serve the homeowners. Maria Silsdorf disagreed with Mr. Jossen. Steve Einig; are we considering limiting the size and who can put wagons in our park. If you look at Seaview it works well. All things aside if we limit those two things it would work. Trustee Norris a lot of effort has been placed on that either way we have to maintain and control it. I don't necessarily want people who don't live in our town dictating what the size should be. Mayor Mallott a few years ago I suggested buying one size wagon and letting everyone use them. Trustee Norris offered to donate \$500 if the board conceded to that design. Lisa Lobe if we've been talking about these plans for 3 years as a member of the public how come you haven't informed the public. Trustee Norris it's been on the books for 3 years and published to the Board. The DRC has done a lot of work and Constantine a registered architect has been working hard on this. We recommend to the board then the board disseminates the information. Lisa, shame on the board for not providing details to the public. Trustee Norris there is a large group of people working to this goal and there are a lot of considerations including water management. We are continuing with the process if things are a no go then they will change.


Jonathan Jossen what's the percentage of wagons not from Ocean Beach. If we removed 50 wagons from non-residents that would help the problem. Trustee Norris explained the wagon permitting system if we maintained for a season and people lose their wagons, the problem will stop. Mayor Mallott and who's going to enforce it, the police already have enough on their plate. Trustee Norris if Seaview can do it without cops, I'm sure we can do it. Maria, can we come up with a remote location for them to leave their wagons, this is prime real estate that should be for our residents. David Lipsky a registered wagon for the residents, one per house, how difficult is that to enforce. It can be staffed by kids. A discussion ensued about having an app for it etc. and possible code to enforce. Stephanie Cassel, pave paradise to put up a parking lot, is that what we really want? I think laying them flat is a bad idea and it's not practical to get of the large wagons they are here to stay maybe there's a mechanism that more effectively works better. I think part of the problem is the physical construction. Also, we've also requested more space for bicycles. I feel like it's been chaos out here for years and that hasn't changed.

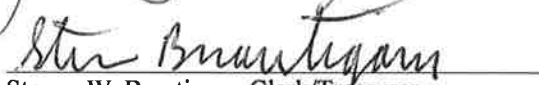
Andrew Waz, all we have to do is have all the business raise their buildings and the water would have a place to drain. If they elevate their places we can elevate the walkways, then we don't need a drainage system. The system is a joke it's not going to work. Jonathan Jossen polled the rest of the Board, Trustee Blake, Trustee Hargraves, Trustee Power were in favor of keeping both tennis courts. Mayor Mallott said he's in favor of keep both courts but doesn't think it's feasible and explained his position. The flooding is unacceptable and we have to get rid of the standing water in town. Jonathan said he spoke with the engineers. Mayor said they are going to dredge the inlet but it's a mere pittance of what should come out and they are concerned that the flow of water will compromise the bridge. Trustee Norris we either continue with the engineering or we go back to the original plan. Trustee Power if we can make the engineering work we can keep both courts but not if we have a postage stamp for a wagon park. Trustee Hargraves also spoke in favor of the two courts and we will have to put things in place to monitor wagons. I believe where there's a will there's a way. Trustee Norris there's a consensus to continue to re-design the area to keep the two courts and wagon park. The board agreed. Mayor Mallott said if we reduce the size of the wagon park, we are trying to get 5 lbs. of sand in a 2 lb. bag.

Byron Chenault inquired about starting a Volleyball league on the beach next summer and spoke with someone familiar with how it operates with registration, insurance, etc. Maybe doing it on a week night, summer volleyball with two courts, would that be something that would interest the board? Trustee Norris said we had that in the past and would be interested in pursuing that. Trustee Hargraves said that it's a good idea and since the bonfire was such a success this year, we should be doing more stuff like that. Maria Silsdorf informed the board that on behalf of the OBA she applied for a grant and received a \$500 grant towards a ping pong table and looked forward to having more recreation items.

ADJOURNMENT: Mayor Mallott moved to close the meeting at 12:28 PM. Trustee Norris seconded this motion. Upon call, the following voted:

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye


Jonneigh M. Adrion, Deputy Village Clerk


Steven W. Brautigam, Clerk/Treasurer