



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 December 11, 2021 at the Village Office, 315 Cottage Walk, Ocean Beach, New York. Meeting is being conducted via Zoom.

EXECUTIVE SESSION: Mayor Mallott moved to go into Executive Session at 10:05 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

Executive Session was closed at 11:16AM 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 11:21 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 11:22 AM:

There were present:	Mayor:	James S. Mallott
	Trustees:	Matthew M. Blake
		Dawn L. Hargraves
		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 NOVEMBER 13, 2021: Resolution No. 2021-110: Mayor Mallott moved as follows:

BE IT RESOLVED that the Minutes of the Board of Trustees Meeting held on November 13, 2021 are accepted as amended

Trustee Hargraves 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. 2021-111: 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 \$160,948.73, for Gross Payroll from 11/03/21 through 11/30/21

General Fund, in the amount of \$515,629.45, check numbers A26414 through A26459, and
Water Fund, in the amount of \$37,042.84, check numbers F3537 through F3544, and
Sewer Fund, in the amount of \$51,759.50, check numbers G6536 through G6544,

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 \$ 140,948.61, starting with check number A26466, and
Water Fund, in the amount of \$ 24,210.66, starting with check number F3545, and
Sewer Fund, in the amount of \$ 15,221.45, starting with check number G6545, and
Bay Front Project, in the amount of \$ 1,575.00, starting with check number 2015

Trustee Hargraves 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

Trustee Norris verified that signatures were located on all credit card receipts and that everything was in line with policies and procedures

MAYOR'S REPORT:

1. Good morning, we are back to virtual, don't know for how long but we need to take all precautions with covid
2. Christmas tree lighting is tonight, we look forward to seeing everyone, the weather is good.
3. DOT is working on the north dock that project should be ready in the Spring looking forward to getting that done
4. New well on Bayberry Walk is very slow but we will get there
5. I acknowledge correspondence from Maria Silsdorf, the Board will be reviewing and discussing at our next meeting January 15th, 2022. Trustee Norris confirmed letter was about short-term rentals. Maria Silsdorf thanked the Board for addressing it.
6. Kevin Schelling donated one of his kidneys to one of his children, they are both recovering. Kevin has been back taking the ferry over. We extend our greetings to them for the seasons. His men have been busy in his absence. We had a fire line leak under the police station and Richie got that done without having to go through the floor. It is well appreciated.
7. The new crossover on Ocean Breeze is done. Boys did a great job. We've been under a lot of scrutiny for it but we took a lot of care with the dune and surrounding property. The building inspector has given his seal of approval. David Simpson thanked the mayor and construction team. Just wanted to bring up a product issue with bikes and wagons and the accumulation over the weekends in the summer. Do we have a plan to deal with that? Mayor we are just putting back to what it was. We can't remedy without cutting into the dune and no one wants that. Trustee Norris, if bicycles and wagons are impeding can't DPW just remove them. After a couple of times having to go pick up your wagon at the plant I'm sure it can be done. Maria there was a bar on the wall can that be re-instated? If you put it up it bikes and wagons can be locked to it. Mayor we are going to put everything back as it was.
8. We are moving onto the wall at Cottage Walk and will give the same love and care we give the beach
9. We want to wish everyone a Happy Holidays.
10. We had a terrible passing on Fire Island of young Jillian Metcalf, she was just 32 years old. It was sudden and we don't know the cause of death. She fell into a coma and they took her off life support this week. It is a tragedy for the family and we all send our condolences.

SUPERINTENDENT'S REPORT: Kevin Schelling submitted report

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.
Sewer line repaired (contractor damage) 12 feet of new line installed
Sludge removal to be done this week from plant

Water: Wells #2, 3 and 4 are operational
All Emergency Systems and Generator system operational with full fuel tank
Chemical supplies are full

Buildings: All Seasonal Buildings winterized
Repairs made to EMT apartment at 504 Bayberry Walk, deck & sliding door replacement
Ocean Breeze overpass replacement is complete

Repair of fire sprinkler system pipe under police station
 Holiday decorations put out on Green
 Took down glass shelter on dock

Streets: All streets trimmed back (brush intruding on walks)

Marina: Winterized and closed for the season

Events: December 11th - Tree Lighting tonight

OCEAN BEACH VOLUNTEER FIRE DEPARTMENT REPORT: Chief Levine spoke

Covid-19 is coming back and getting concerning, that the state has a new mandate that all state facilities you must have mask mandate or vaccine program. In Suffolk County we are over 6% Southside hospital is seeing over 60 patients a day and administering a new treatment. Long Beach hospital is shut down, so it's bad. In Ocean Beach the fire dept. has had procedures in place, we treat every call as if it's covid. We had to cancel the ice drill for tomorrow due to weather. We are looking to buy a new fire truck it was supposed to be designed next year and manufactured the following year, so it would take two years. Due to the backlog we are asking to order a new chassis in the meantime. Trustee Norris, sounds like a good idea what's the numbers on the truck? Ian; I'll get them for you because it needs to go out to bid according to guidelines. We are having issues with the FI National Seashore, the new chief ranger has agreed to come and do a walk around. We have also heard from the Supervisor for a meeting, so hopefully we will make some headway with the issues we've been having. Trustee Norris; I had a conversation with stakeholders and I'll call you. Ian, wanted to wish everyone a Happy Holidays. We up and ready.

OCEAN BEACH POLICE REPORT: Chief Hesse spoke.

1. Wished everyone a Happy Holidays.
2. Everything in village is status quo. Jumping on to Ian's report. We've been busy had a couple of medical calls and still having some false alarms with restaurants and hotels. Everything is in the hands of the court right now. We have two additional charges coming.
3. The tree lighting is tonight we are having a gathering at CJ's and the Fire Hall. So anyone that wants to come make sure you wear a mask, be careful and wash your hands. Have a great day!

ADDITIONS AND/OR DELETIONS TO THE AGENDA: Resolution No. 2021-112: Mayor Mallott moved as follows:

1. Add: Item #13 – Authorize & Approve Ocean Beach Youth Group Lease Agreement Extension
2. Add: Item #14 – Authorize & Approve Ocean Beach Chamber of Commerce Settlement Agreement
3. Add: Item #15 – Authorize & Approve Amendment of Fee Schedule

Trustee Hargraves 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. 2021-113: 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

BUDGET MODIFICATIONS: Resolution No. 2021-114: Mayor Mallott moved as follows:

20-21 BUDGET MODIFICATIONS		
GENERAL FUND		
To:	Description:	Amount:
A0.1010.473	Public Hearing Coast	\$ 585.00
A0.1010.495	Ferry & Parking	\$ 700.00
A0.1110.200	Justice Equipment	\$ 5,994.00

A0.1110.495	Ferry & Parking	\$ 256.00
A0.1210.100	Mayor	\$ 1,503.00
A0.1325.414	Advertising/Public Notice	\$ 164.00
A0.1325.421	Electric	\$ 24.00
A0.1355.100	Assessor	\$ 43.00
A0.1420.100	Village Attorney	\$ 4,709.00
A0.1621.431	Windswept Expenses	\$ 3,908.00
A0.1925.486	Computer Support	\$ 510.00
A0.3120.100	Supervisor	\$ 1,876.00
A0.3120.102	Officers – F/T	\$ 8,097.00
A0.3120.110	Overtime – F/T Officers	\$ 1,461.00
A0.3120.441	Repair Equipment	\$ 2,186.00
A0.3120.494	Uniforms	\$ 2,385.00
A0.3410.101	FD Secretary	\$ 424.00
A0.3410.421	Electric	\$ 117.00
A0.3410.442	Truck Maintenance	\$ 1,236.00
A0.3410.462	Ferry Ticket Books	\$ 1,467.00
A0.3410.493	Training & Education	\$ 144.00
A0.3410.497	Physicals/Vaccinations	\$ 10,886.00
A0.3410.498	Fire/Medical Supplies	\$ 5,351.00
A0.3410.499	Responder Exp	\$ 1,311.00
A0.3620.101	Building Inspector	\$ 931.00
A0.3620.495	Ferry & Parking	\$ 546.00
A0.5110.460	Housekeeping Services	\$ 767.00
A0.5182.421	St. Lighting Electricity	\$ 611.00
A0.7140.441	Equipment Maintenance	\$ 1,931.00
A0.7140.494	Uniforms	\$ 2,570.00
A0.7989.495	Ferry & Parking	\$ 436.00
A0.8160.490	Disposal Fees	\$ 4,856.00
A0.9010.800	State Retirement	\$ 12,041.00
A0.9030.800	Social Security	\$ 4,842.00
A0.9901.910	Transfers to Capital	\$ 8,970.00
	TOTAL:	\$ 93,838.00
From:	GENERAL FUND	Amount:
A0.1230.472	Conferences	\$ 2,088.00
A0.1325.495	Ferry Tickets/Parking	\$ 700.00
A0.1621.441	Bldg.Maintenance & Repairs	\$ 18,872.00
A0.1110.472	Conferences	\$ 256.00
A0.1325.200	Equipment	\$ 188.00
A0.1420.442	Contractual Legal	\$ 4,752.00
A0.1925.488	Website Maintenance	\$ 510.00
A0.3120.104	Seasonal Officers	\$ 1,723.00
A0.3120.107	Dispatcher	\$ 6,419.00
A0.3120.109	Holiday Pay	\$ 3,292.00
A0.3120.200	Equipment	\$ 1,700.00
A0.3120.421	Electric	\$ 486.00
From:	GENERAL FUND cont.	Amount:
A0.3120.443	Gasoline	\$ 685.00
A0.3120.493	Training & Education	\$ 1,700.00
A0.3410.100	EMT/Responder	\$ 7,230.00
A0.3410.200	Equipment	\$ 13,706.00
A0.3620.411	Supplies	\$ 931.00
A0.5110.460	Hardware/Masonry Supplies	\$ 767.00
A0.5110.479	Debris Containers	\$ 2,000.00
A0.5110.495	Ferry & Parking	\$ 546.00
A0.5182.452	Energy/Pole Rental	\$ 611.00
A0.7110.441	Equipment Maintenance	\$ 4,501.00
A0.7989.444	Marina Repairs	\$ 436.00

A0.8160.200	Equipment	\$ 2,856.00
A0.9060.800	Hosp. & Medical Insurance	\$ 16,883.00
	TOTAL:	\$ 93,838.00
To: WATER FUND Amount:		
F0.9010.800	State Retirement	\$ 236.00
F0.9057.800	Accruals	\$ 509.00
	TOTAL:	\$ 745.00
From: WATER FUND Amount:		
F0.8340.100	Personnel	\$ 509.00
F0.9060.800	Hospital & Medical Insurance	\$ 236.00
	TOTAL:	\$ 745.00
To: SEWER FUND Amount:		
G0.8120.466	Plant Supplies	\$ 287.00
G0.8120.481	Outside Lab Tests	\$ 461.00
G0.9010.800	State Retirement	\$ 683.00
	TOTAL:	\$ 1,431.00
From: SEWER FUND Amount:		
G0.8120.463	Hardware/Tools	\$ 287.00
G0.8120.465	Engineering	\$ 461.00
G0.9060.800	Hosp & Medical Insurance	\$ 683.00
	TOTAL:	\$ 1,431.00

21-22 BUDGET MODIFICATIONS		
GENERAL FUND		
To:	Description:	Amount:
A0.1325.411	Supplies/Printing	\$ 1,000.00
A0.1621.432	Ferry Terminal Exp	\$ 15,000.00
A0.3120.111	Overtime -- Others	\$ 20,000.00
A0.3120.413	Printing	\$ 100.00
A0.3120.494	Uniforms	\$ 2,000.00
A0.3410.444	Hose Testing	\$ 360.00
A0.3410.494	Uniforms	\$ 4,800.00
A0.3410.495	Support	\$ 10,001.00
A0.3620.449	Code Book Software	\$ 7,500.00
A0.5110.442	Vehicle Repair	\$ 2,500.00
A0.5110.451	Hardware/Masonry Supplies	\$ 2,000.00
A0.7140.411	Supplies	\$ 1,000.00
A0.7180.411	Supplies	\$ 1,000.00
A0.7989.201	Supplies	\$ 1,000.00
A0.8010.475	ZBA – Advertising	\$ 250.00
A0.9015.800	Fire & Police Retirement	\$ 7,000.00
	TOTAL:	\$ 75,511.00
From: GENERAL FUND Amount:		
A0.1621.441	Bldg. Maintenance & Repairs	\$ 15,000.00
A0.1990.499	Contingency	\$ 46,501.00
A0.3120.411	Office Supplies	\$ 1,100.00

A0.3410.200	Equipment	\$ 360.00
A0.3410.493	Training & Education	\$ 4,800.00
A0.5110.200	Equipment	\$ 2,500.00
A0.5110.460	Housekeeping Services	\$ 2,000.00
A0.7140.200	Equipment	\$ 1,000.00
A0.7150.444	Court Maintenance	\$ 1,000.00
A0.7989.444	Marina Repairs	\$ 1,000.00
A0.8010.482	ZBA – Court Reporting	\$ 250.00
	TOTAL:	\$ 75,511.00
To:	<u>WATER FUND</u>	Amount:
F0.8340.200	Equipment	\$ 7,000.00
F0.8340.442	Vehicle Maintenance	\$ 2,000.00
	TOTAL:	\$ 9,000.00
From:	<u>WATER FUND</u>	Amount:
F0.1990.499	Contingency	\$ 7,000.00
F0.8340.446	Equipment Maintenance	\$ 2,000.00
	TOTAL:	\$ 9,000.00
To:	<u>SEWER FUND</u>	Amount:
Go.8120.442	Vehicle Maintenance	\$ 8,000.00
	TOTAL:	\$ 8,000.00
From:	<u>SEWER FUND</u>	Amount:
G0.8120.446	Plant Repairs	\$ 8,000.00
	TOTAL:	\$ 8,000.00

Trustee Power 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 this is not increasing any budget items, this is bookkeeping and we are only moving money for two different budget years. Trustee Norris said he understands we are not increasing the budget but we are moving a lot of money. Were there shortfalls that we didn't project? and Can you get a little more granular on that? Steve Brautigam the 2021 budget modifications were a clean-p for Police and Fire departments. The 2022 is less drastic but there is the ferry terminal expense. I can give you the granular spreadsheet which shows where the money went. Trustee Norris can you distribute in the future before the meeting next time. Answered, yes. He voted Nay because he'd like the specifics in advance. Maria Silsdorf confirmed that the money was just being moved and there's no budget increases.

AUTHORIZATION TO SET & ADVERTISE FOR LOCAL LAW 01 OF 2022 ADOPTION – TAX CAP OVERRIDE FOR 2022:

Resolution No. 2021-115: Mayor Mallott moved as follows:

WHEREAS, New York State has imposed a Tax Cap on municipalities which limits the Village's ability to increase taxes from year to year; and

WHEREAS, the Incorporated Village of Ocean Beach wishes to set a public hearing and to explore the ability to amend the Real Property Tax Levy Limit Override (Chapter 6) of the Village Code for the purpose of allowing the Village of Ocean Beach to adopt a budget for the fiscal year commencing June 1, 2022 which may have a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.; and,

Now, therefore, it is hereby

RESOLVED that the Board of Trustees sets a Public Hearing for January 15, 2022 at 11:30 AM for the amendment of Local Law No. 01 of 2022, of the Code of the Village of Ocean Beach to surpass and override the Tax Cap Limit; and,

Trustee Hargraves 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

Mayor Mallott explained that this is being done as a precautionary thing, we do this every year just in case.

ESTABLISHING POLLING PLACE AND TIMES OF VILLAGE ELECTION: Resolution No. 2021-116: Mayor Mallott moved as follows:

WHEREAS, the Election Law of the State of New York requires the adoption of certain resolutions regarding the Village Election,

Now, therefore, it is hereby

RESOLVED that pursuant to Election Law §15-104(3)(b)(2); the Board of Trustees hereby establishes that for the General Village Election to be held on Friday, June 3, 2022, between the hours of 8:00AM and 9:00PM, the Polling Place for the Village Election District shall be the Ocean Beach Community House, 157-164 Cottage Walk, Ocean Beach, NY.

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

AUTHORIZE & APPROVE OCEAN BEACH YOUTH GROUP LEASE AGREEMENT EXTENSION: Resolution No. 2021-117: Trustee Hargraves moved as follows:

WHEREAS, the Village of Ocean Beach and Ocean Beach Play Group, Inc. d/b/a Ocean Beach Youth Group ("OBYG") have a License Agreement that is set to expire on September 6, 2022; and,

WHEREAS, the OBYG has requested that the License be extended by the same terms now in effect,

Now, therefore,

RESOLVED that the Village of Ocean Beach Board of Trustees hereby approves and authorizes the extension of the License Agreement through 9/2/2031.

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

AUTHORIZE & APPROVE OCEAN BEACH CHAMBER OF COMMERCE SETTLEMENT AGREEMENT: Resolution No. 2021-118: Trustee Blake moved as follows:

WHEREAS, over the past year, The Ocean Beach Chamber of Commerce has had a pending claim advanced on behalf of certain of its members listed herein, with the Village, relating to alleged permit fee overcharges, and

1. Little Pick Four Corp.
2. Castaway Bar & Grill Ltd.
3. J & E Sales Corp.
4. The Landing at Ocean Beach Inc.
5. The Baywalk Café & Deli Inc.
6. Beaches & Cream Inc.
7. Castaway Resorts Ltd.
8. Palms, Hotel, Inc.
9. CJ's Fire Island Inc.
10. BCMfish d/b/a Matthew's
11. Hideaway OB Inc.
12. Ostills Enterprises Inc.
13. Becketz Inc. dba Maguires Bayfront Restaurant

14. Little Par Three, LLC (Bocce Beach)
15. Island Mermaid Restaurant Corp. d/b/a Island Mermaid
16. The Pantry at Whitney's Market, Inc. d/b/a The Pantry
17. Mermaid Market and Catering, Inc. d/b/a Mermaid Market
18. Bella Vista Pizza, Inc.
19. Rachel's of Fire Island LLC
20. Alligator Realty, LLC/Alligator Bar, Inc. d/b/a Sandbar

WHEREAS, counsel for both the OBCOC effected members ("Members") listed herein, the Board of the OBCOC, and the Incorporated Village of Ocean Beach, ("the Village") have had ample, meaningful and ongoing discussions concerning these claims, and

WHEREAS, the parties now wish to resolve these claims amicably, without costly and or protracted litigation and in a manner which also addresses the issue going forward, and

WHEREAS, the OBCOC wishes to continue to foster its role in the Village as a community minded organization, and

WHEREAS, the Members of the Chamber of Commerce continue to assert and the Village continues to deny that a refund could or would be owed to those affected companies for a legally uncertain period of time, between one (1) and six (6) years and,

WHEREAS, it is in neither parties best interests to have a Court decide the outcome, it is

Now, therefore agreed between the Village of Ocean Beach and the above listed affected members of OBCOC, as follows:

The Village of Ocean Beach will make a settlement resolution fund of \$100,000 available, in total, to the above effected entities to resolve these claims.

The affected entities which receive funds from the fund agree to that 50% of those funds will be deposited into a special, segregated fund set up by OBCOC for the sole purpose of beautification projects along Bay Walk to be utilized in 2022 or in total by September 1, 2023. Monies remaining in the fund on September 2, 2023 shall be returned to the Village. These beautification projects, which (solely for example) could be in the form of art installations, custom trash receptacles, flowers, lighting, etc. will each require Village approval, which approval will not be unreasonably withheld.

OBCOC will submit the details of any requested projects utilizing this fund and thereafter send copies of any invoices from same to the Village.

The OBCOC will work with whomever the Village designates as the liaison for these beautification projects

The remaining balance of funds, will be distributed "pro rata" to the effected parties in the amounts shown on the list to be provided to the Village and its Administrator no later than January 30th, 2022

Thereafter, each of the affected parties, as a condition of receipt of the funds, shall provide the Village with a general release, applicable to this specific issue, and their portion of same, in order to first obtain their refund check on or before March 30th, 2022, on a form acceptable to the Village Attorney.

Effective January 1, 2022, permit fees for Restaurant, Dining & Dancing Establishments, Market/Specialty Food Store Permits and Rooming House Licenses shall be set by the attached Resolution to be duly adopted by the Village Board of Trustees.

A copy of this agreement will be executed by the OBCOC and its counsel on behalf of the above listed corporations in order to expedite resolution, with each entity adhering to the above terms prior to receipt of any funds thereafter.

This agreement and its terms are not deemed to be an admission of any kind by either party and shall not be utilized, under any circumstance, as evidence of same.

It is further resolved that the Village Mayor is authorized to execute a settlement agreement with the terms of this Resolution.

Trustee Hargraves 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	Abstain

Steve Einig asked to have it explained. Andrew Waz wanted to know who the entities were. Trustee Blake asked for discussion to be held off to vote first. Jonathan Jossen said it should be debated before it is voted on. Trustee Norris asked the Village attorney to explain the financial exposure, which is upwards of \$600,000 and that the village would have to defend that. Trustee Hargraves additionally said it's not only the value but the legal fees associated with litigation. Trustee Norris said to forestall the suit. Asked Ken Gray for fee structure. Ken Gray did not want to discuss the merits because it's a pending legal matter and did not want to discuss. Steve Einig what are the new fees? I remember when we raised the fees and I just want to understand what the facts are. Ken Gray explained the fee will be \$500 bi-annually. Steve Einig stated the fee now is \$2,500. Maria if that is the fee then there is a reduction to the Village of \$40,000 annually and that's a dramatic reduction. What are we doing to off set that? Trustee Blake we have an opportunity to look at the budget impact and so how the loss of income to the community will be addressed through the budget. We are in a unique situation in the village as we get 50% of our budget from contracts but when you decompose it and the proportionate part. We need to get rid of this on the commercial side and we will take immediate action on this. Trustee Norris many of these offsets have been discussed for years not months and I want to do that but as we stand here in the current year we have done nothing to offset that. So I take you and others at their words that there will be some mechanism to mitigate this without any effect to the residents. If it is the case that this board is earnest in their statement that an offset will be found, we need to have a net zero impact to the overall budget. Andrew Waz what about the reduction in fees it sounds like extortion, by threatening to sue. Trustee Hargraves we did indicate and make that commitment to do exactly what Trustee Norris suggested which is a zero offset. Trustee Blake there is a perception that there is a silver bullet to magically raise money and there really isn't. We are working on it and have been negotiating I have come to the conclusion the only real way to address it is to look at the budget and make modifications to doing it and I'm committed to doing it. David Lipsky was this a listed item on the agenda. Ken Gray, it was an addition. Judy Steinman I have pertinent information and you're trying to do what you did two years ago and hold off comments to the end. Ken Gray explained all municipalities do that. Judy Steinman said she doesn't care about other municipalities.

AUTHORIZE & APPROVE AMENDMENT OF FEE SCHEDULE: Resolution No. 2021-119: Trustee Hargraves moved as follows:

WHEREAS, pursuant to § 106-27 of the Code of the Village of Ocean Beach, fees associated with the Restaurant, Dining & Dancing Establishments and Market/Specialty Food Store Permits shall be fixed from time to time by the Board of Trustees; and,

WHEREAS, pursuant to § 106-17 of the Code of the Village of Ocean Beach, fees associated with Rooming House Licenses are listed in the Village Code, but may be amended from time to time by the Board of Trustees

Now, therefore, it is hereby

RESOLVED that, effective January 1, 2022, the Permit fee for Restaurants, Dining & Dancing Establishment and Market/Specialty Food Store Permits shall be \$500 and said Permits shall be good for 2 calendar years; and,

Be it further RESOLVED that, effective January 1, 2022, the Permit fees for Rooming House Licenses shall revert back to the fees as contained in § 106-17(B) of the Code of the Village of Ocean Beach, specifically:

<u># of Rooms</u>	<u>Annual Fee</u>
1	\$100
2-4	\$200
5-8	\$275
9+	\$350

Trustee Power 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

Maria asked to clarify if it's one year or two years. So the loss is even worse. Stephanie Cassel, that is just awful. Jonathan Jossen are you kidding? are you not going to let us speak?

HEARING OF THE CITIZENS:

Judy Steinman I have a number of questions. Where do we stand with the Stormwater project? Mayor Mallott we are still discussing the mechanics of it. Judy have you spoken to any other firms? Trustee Norris I have full faith in D&B. Judy with regard to the new fire engine, are you considering a zero emissions vehicle? Mayor Mallott it'll be an ongoing exercise to do the best we can do. We would be hard pressed to find one that can fit Ocean Beach's roads. We will be looking into it we don't need any suggestions. Maria, I was quickly able to figure out the loss is \$40,000 that didn't take into account the rooming house. Has someone done an analysis of this, what is the total loss of revenue? Trustee Hargraves, we did have this discussion earlier today. There are still fees being paid so it's not exactly what you stated. The issue with the fee structure and the way it was initially set up, is that fees cannot be set to generate income, that's the problem. The fees can only be set for the administrative cost for the Village to issue the permit. It does not cost \$2,500 to issue a permit and however the Board did is not the issue. Maria, I'm a numbers person and I don't want to get into a pissing match is you take \$2,500 less the \$250 yearly fee times 20 businesses it's math. I'm not arguing the merits I'm asking about the numbers. Trustee Blake it's probably between \$40k and \$50k. We had to make a change and we have to look at the budget and address the issue. Trustee Power all that is being said and I understand. We were presented with a problem and the answer is to correct and improper collection of the permit fee. We cannot use that as a mechanism for generating revenue. Jonathan Jossen interrupted and brought up the rental fees, if it's illegal. Trustee Power, you cannot charge more than the administrative costs of issuing the permit. Jonathan, why does it cost so much money to issue a permit to a homeowner? So, the homeowners can make the same threat of litigation. Steve Einig interjected the answer is the homeowners' can do the same exact thing and make the same argument and the same argument applies. The same thing was brought up and a lot of research was done in the past and no public discussion has been had. Trustee Blake if you rent your home to one renter for one month you're paying for one permit. If you rent weekly you're paying for four permits in a month's time, it's directly linked to the volume. Jonathan Jossen, so you're telling me it costs \$150 each time you process a permit. Stephanie Cassel so a rooming house by nature of their license has people coming in every week than the administrative fee is less than a homeowner would have to assume. There is definitely an imbalance. Trustee Norris this debate is good. I think being hung up on the value of the fees as it relates to the administrative costs or the propriety of expanding that to offset an allocation that is sort of a red herring. I challenge the board to find ways not through fee structure to drill down on resource draws to whatever factors there are in our village. It can be commercial, short term rentals impacts beach, etc. to source out and commitment ourselves to codify those mechanisms. There are options that we have discussed that we need to pursue. If the fee structure isn't enough then we have to be creative to do it and we have to do it now. I hear the debate but I'm not supporting either of these options. The fees are inconsequential. Let's get off that conversation whether it's this board or the next. Some evaluation, let's look at water meters, garbage contract etc. Let's look at the pay to play. Stephanie Cassell interrupted and stated this should've been look at before. What are the recommendations and now you've pulled money out without a tangible replacement. At the end of the day it always falls to the taxpayer. The proposition should've been a proposal up for discussion before the meeting. You fixed the wrongful fees but you didn't look at the other side.

Trustee Blake, when you look at our tax base the fact that we have 50% of a revenue stream, non-taxed is extraordinary, we have been doing this consistently. We had to address this issue and we can deal with this within the budget. We will obviously look at alternatives. We are not looking for a tax increase and are looking to be fiscally responsible and looking at our ability to tax and charge Andrew Waz, is this an upfront settlement? Steve Einig in most municipalities the biggest tax contributors are the businesses. So if you're going to talk about the difference most municipalities are predominantly from commercial establishments. Maria are they taxed at a different rates? Is that something the Board can look at? Trustee Hargraves, we did look at it and we'd have to get permission from the governor to change the tax structure. Once the homes were re-assessed it would cost the homeowners more and James Ryan didn't even think it would even get approved in the first place. We will continue to work to offset that number to be a net zero. David Lipsky, this wasn't a listed item. I agree with Chris but it's the amount of administrative costs through policing, fire, crowd control. Some revenue is from cash and we don't get tax money from sales of liquor etc. We have wastewater plant that can provide the services for the size of the business district. I think you should've provided more information before you brought it up to vote. And how you're going to make it revenue neutral and how you're going to enforce environmental laws, noise regulations and attaching fees. Mayor Mallott we are getting off track. Cathy Luby, this is just about generating revenue. Have we looked into a local sales tax for alcoholic sales and hotels. Ken Gray we do not have authority we are pre-empted by NYS law.

Andrew Waz is there an upfront settlement on this lawsuit? Ken Gray it's a \$100k but \$50 is being allocated. What about deducting the \$30k from reduced fees over the last two years. Property taxes for commercial district are taxed at a higher rate. Let's get them re-appraised to compensate for loss of land value. Who is the originator of the lawsuit? Mayor Mallott it's irrelevant. The fee was illegal you cannot charge. Andrew Waz, who was the originator? You are blurring the lines between public and private. Trustee Blake there isn't a sole business here there is a Chamber of Commerce as a group. You can have direct specific conversations with them. Andrew Waz they have signs in the ferry terminal welcoming you to the village that's a private business utilizing public space. Do they pay for that. Trustee Blake it's not a private business. Steve Einig does the Chamber of Commerce pay rent for the office in the Boat House? No not to my knowledge. Steve Einig the FD has talked about the false alarms and the fees being too high to administer, part of the fee they pay is for the supervision of the fire marshal. Trustee Blake, I think we need to be careful I don't think we should be extracting revenue from false alarms. The purpose of having a stick and carrot approach is that we are getting a lot of calls that are nuisance calls. There is a tolerance for some but we are well beyond that. We are trying to work through that, that's a very important thing but it should not be inflated with a revenue device. Trustee Norris that stick in large part is based on current code. Up until just recently how much

has that stick been applied. Where I am, after the first incident there is a fine and it's not done to bring in revenue to the city it's not the main thrust it's to stop the inappropriate alarms by the only leverage you have, financial. If that doesn't work then the CO's are pulled. Yes we are leveraging them now but let's be clear that is just recent. Like many other instances where we have laws in effect that can be utilized to change behaviors, we haven't used them. It's not to punish anyone but if you don't have enough men, we should help that department to leverage a more positive effect. It's been a conversation we've been having for years, we have valid strong good tools, some need to be amended and some perfected but there's a willful disuse of those leverages to help the community and it's time to change that. It's not about the next election it's about servicing our constituents now.

Ian, I think we are all saying the same thing, we have laws in place and we change some of the wording. The intent it isn't to generate money it's to get their attention and I believe the attention has been gotten. Now it's up to the merchants to remedy. We have problems with false alarms we have problems with people showing up. The alarm goes off and it's not the rush we had. Just looking at the numbers we see. When we have alarms in houses we are there quickly. We had three fires in the Village and Seaview and they were able to use their house quickly. My fear is we have an establishment with an alarm in the commercial district we are going to be delayed because people won't respond because they see the alarm over and over again. Then we will have a hole in the middle of the village with a property being worked on due to damage. Our intent is to get this fixed. There were almost 30 tickets issued to 5 or 6 establishments and I've had other owners saying I'm going to be working on it and that's what I want. That's what the fire dept wants we don't want the boy that cried wolf. Jonathan Jossen I'm hearing that you don't want to fine people. Trustee Blake fining means things are not working out we are a small community here. Ian he'd rather people fix the problem rather than fining people. Ken Gray I am advised we have issued 32 false alarm tickets lately. Trustee Blake do you want to ask me a point blank question to make personal, should those 32 tickets be adjudicated and fined. Jonathan Jossen, yes I want to ask you that question. We are lowering fees, I don't want people to be fined but when you walk through the town and you can't hear yourself talk because we don't give out fines, it sounds like the same thing. Trustee Blake the answer is yes.

Mayor Mallott, let's get back to a little bit of order. Dr. Waz we have heard from you before. Is there anyone else that wants to speak that hasn't been heard. Ken Gray; Judy Steinman I believe we cut you off before. I want to ask about construction downtown, is Bay Beach going to be restored? Mayor Mallott, I believe it's being discussed with the DRC. I'm not really sure. Trustee Norris there was engineering that we paid for that proved we can construct Bay Beach it would have to be maintained and annual replenishment of sand and would need berms and other mechanism to preserve that beach. Clearly the rising sea levels are a challenge. There are other projects on the board including restoration of clam pond in Saltaire. The answer to your question is yes we can put in Bay Beach. The Board has not acted on that recommendation feasibility study. From conversation we've had I do not believe we have an appetite to go forward with that project because they do not believe it's a viable expenditure of our funds. I hold a very different feel of that. David Lipsky is there an engineering report you can share. Trustee Norris we have from Land Use, it's many years old now. David a lot has changed and there's an opportunity for us to re-build a more resilient Bay Beach. Trustee Norris we have a lot of battles to go through. Trustee Hargraves I'd like to respond, I don't recall any of us being opposed I believe when we looked at the initial cost was at A then when we revisited it wound up being L. It had increased by that much and the issue was where were we going to get that money, so it's not off the table. Trustee Norris, that increase of budget happened over the course of one month it doubled or more, I'm not certain where the value came from. If this Board is interested in pursuing I've been in favor of it since I got on the Board in 2015. Trustee Hargraves, ok so let's continue to look at it. David Lipsky any project that calls for annual replenishment of sand is probably not the a very good project because it'll be hard to get that sand. Trustee Norris we have a borrow site that's already permitted right off our docks. Not that there might be better ways to skin the cat but we do have a permanent borrow site.

Mayor Mallott, is there anybody new that needs to be heard. David Simpson if I can suggest that this Bay Beach issue be a formal agenda item so that the residents can be apprised of progress and involved in prioritization. Certainly if it's tax dollars at risk their input would be helpful and maybe move up on people's agenda. Mayor Mallot, thank you David. Maria, first I'd like to thank you and the Board for stepping in and resolving the 24 hour direction with Fire Island Ferries and getting it extended for two weeks. Can we get an update on ferry contract negotiations. Mayor Mallott, we have a committee meeting that was supposed to start an half hour ago we are coming up with a list of demands for the Fire Island Ferries that we hope to get to them this week. The Trustees will be furnished with the list of demands and it'll be sent to the Fire Island Ferries company and arrange our first meeting with them as soon as possible. Trustee Blake I've already expressed my thanks on behalf of everybody with the poll you've done it help prioritize. It's front and center for us and one of the key things is to address the absolutely abysmal ferry schedule. So our hope is to address those issues. Maria, thank you.

Andrew Waz why doesn't the Chamber of Commerce donate that \$50k to offset resident fees, instead of for their own benefit. Mayor Mallott, thank you.

ADJOURNMENT: Mayor Mallott moved to close the meeting at 12:51 PM. Trustee Hargraves 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