



# 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 February 4, 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 8:45 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 Arment	Voted Aye
Mayor Mallott	Voted Aye

No motions or resolutions were acted upon in Executive Session. Executive Session was closed at 11:01AM by Mayor Mallott. The motion was seconded by Trustee Norris, upon call the following voted:

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

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Arment	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:	Matthew M. Blake
		Dawn L. Hargraves
		Christopher F. Norris
		Marco Arment
	Village Counsel:	Peter Bee
	Village Administrator:	Joseph DiFrancisco

APPROVAL OF MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON DECEMBER 17, 2022: Resolution No. 2023-001: Mayor Mallott moved follows:

BE IT RESOLVED that the Minutes of the Board of Trustees Meeting held on December 17, 2022 are accepted as presented

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

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

APPROVAL OF BILLS AND CLAIM VOUCHERS: Resolution No. 2023-002: 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 \$271,960.21, for Gross Payroll from 12/14/22 through 01/24/23

General Fund, in the amount of	\$107,874.14, check numbers A27518 through A27586, and
Water Fund, in the amount of	\$111,186.74, check numbers F3712 through F3726, and
Sewer Fund, in the amount of	\$27,998.27, check numbers G6714 through G6728

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	\$ 44,258.99, starting with check number A27587, and
Water Fund, in the amount of	\$ 12,783.13, starting with check number F3727, and
Sewer Fund, in the amount of	\$ 5,409.02, starting with check number G6729, and
Sewer Collections Project, in the amount of	\$ 30,806.06, starting with check number 1065, and

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

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

MAYOR'S REPORT:

It's been a very exciting month. We had a frozen pipe in the ceiling on the second floor of the village office building. We were lucky that it was a fire line because it enacted the fire alarm and we were able to get there pretty quickly, but not before it did substantial damage to the upstairs apartments and the and the village office down below and a little bit in the post office. There was no interruption in the Postal Service, which was which was very lucky. Our insurance company was right on the ball and we had Belfor, who was one of the big cleaning outfits. They've been out since the Christmas night. Christmas itself.

They're just finishing up over there now and they've done a great job and we're very happy with it. We look forward to getting back into the village office probably in a week or so. There's some touchup work to do and some files left to move new floors, new ceilings, new carpets, new everything. It's given us an opportunity to look at a lot of things that needed upgrading and needed changing, and they all got done. The computers system where we're looking to revamp the computer system in the village office for more security. We're going to revamp the computer system in the police department and in the fire department. So, we look forward to getting that done. We are taking care of cyber security because of the surrounding areas that have been invaded. Suffolk County got hacked. Town of Islip got hacked. And if we have to pay a few bucks here every year, I think it's very worthwhile for us to be safeguard our future here in the future here in Ocean Beach. Our budgets, for the fire department, police department, maintenance department have been submitted to Joe. They go to Joe and Joe goes to Linda and they're going to start we're going to start work on the on the budget process right now. I think Kevin's got more stuff there.

ADMINISTRATOR'S REPORT

Thank you, Mayor. Just to add what you were saying about village hall, the work is wrapping up. We've had new floors put in. We've had the offices has been painted. The only things remaining to do are some molding work, some touch up painting, and that's about it. They should be done. And to move the files back into the office, they're actually being stored in the community house right now. So, the Belfor's going to be doing that. I anticipate they'll be done by the end of this week. Maybe it might go a little bit further into next week, but after that we'll be back up to full speed. I'm anticipating that.

I just want to mention a talk about a couple of items on the agenda. Item number 15. I know we haven't gotten to that yet, but Verizon is going to be coming in and removing all their cell service and equipment off of our water tower. This is to upgrade their equipment over there. The contract has renewed with Verizon, and all of this obviously will be pending the oversight of the village engineers. As it is the water tower and they won't be able to access it without our water engineers assisting them. **Ian Levine:** So, can I ask you a question? Will there be any interruption in service for Verizon plus all the police and fire departments? **Joe DiFrancisco:** I will confirm that that they won't be, but I will get back to you on that. Just to confirm it with them, I'm saying yes, but I want to confirm with Verizon that that's correct.

And then item number 17 on the agenda. As you might have been aware, we went out to bid on the sanitary and stormwater improvement project in the village. Unfortunately, those bids came back significantly higher than the budget, higher than we anticipated, higher than our consultants anticipated. So, I'm recommending to the board that we reject the two bids that we did receive and that we are going to revamp the bid specs, combined phases one and two and re-bid the project. Hopefully sometime in March we're going to re-bid the projects. Actually, we might be able to do it sooner since the permits. The permits came back a little bit

quicker than we anticipated. We're also going to make some changes to the structure of the bid, adding a lot more alternatives in ordering, enabling us to remove some items through the bid to lower the price. And at the intent still is to start this project in the fall of 2023. But again, it's all going to depend on what happens with the next round of bidding. And that's all I have Mayor.

SUPERINTENDENT'S REPORT: Kevin Schelling spoke

Wastewater: Sewer plant is fully operational.  
Emergency Systems and Generator systems operational.  
Chemical & Fuel supplies are full  
We painted the gratings around the plant  
We helped FI school clear a their clogged sewer line with the sewer jet  
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  
Installed three new water taps for new houses  
Shut down nine (9) properties that froze due to weather

Properties: Water sprinkler pipe burst in the office, we are helping with the repairs and re-construction  
Installed a new floor in the Post Office in the lobby area and in front of service counter  
Repairs of the dock continues behind Maguires between Bungalow and Ocean  
The bubbler system is ready to go if we need it for the Marina  
Fixed battery disposal shed by Community House put in a new roof and painted  
Removed and stored all holiday decorations from lighting on the Green  
Built and stored new memorial benches for the Loeffler and Metcalf families in the Community House  
Modified the pickup truck we have to be the new sand spreader, we updated the electric  
Repairs made to men's room at the Ferry Terminal, the cold snap some units got destroyed.

Streets: Sanding of the streets was done where needed around town if there was any ice  
Tractors got tuned up this week so we are all up to date on our vehicles

OCEAN BEACH VOLUNTEER FIRE DEPARTMENT REPORT: Chief Levine spoke

Good morning, everybody. Just wanted to report what's going on with the fire department. Last year, we finished with 365 calls around there. That was our busiest year we ever had. A lot of serious calls, not a lot of commercial drunks, stupid people in the bars and stuff like that, which we were happy about. Most of our calls were during business hours or early in the evening, not two or 3:00 in the morning. We had those two, but not as many. Just some good news in the department. One of our assistant chiefs, Peter Brennan, after 37 years, became an American citizen. So, it's about time. Congratulations to him. And in the back is past Assistant Chief Marty. Him and Dale finally got married after that. So that song and Gail did give him permission to come to the meeting for a little while, Correct? Yeah. Okay. We are gearing up for next year. George and I and a couple of other members had meetings last night with a company called Seagrave, and they're the ones that we're hoping will help us build a new fire truck that we've been working on. And I know Franklin is going to meet with them today, I believe. So, we should have some answers. And final prices. It's just really hard to get chassis and everything else that that that goes with it. So, I don't think we're going to have it for at least another year or two. We have some money set aside that's in my budget this year. I need to talk with Linda and Joe and maybe Matt, because that money needs to get put into a special account as we told we were going to do with the town. Sorry. As we said we were going to do in the town with the town of Islip. **Trustee Blake:** I understood what you were saying. **Chief Levine;** Okay. Thank you. We are replacing a lot of equipment in the firehouse. All our helmets are outdated, so we ordered them and they have arrived. We're going to be doing boots soon. Some of our gear is coming up on its life expectancy, so we'll be taking care of that. Two of our members, Jonathan Scharf and Kelly Becker Smith, are in their firefighter one class or about to start it. And that'll be two new members that will have once the season starts. Joe and I are working with H2m We're trying to get our finalized bid specs so we can put the door project, which is a FEMA project, out to bid so we can get that completed before the season starts. And on March 11th is our St. Patrick's Day. Celebration in the fire hall, and we expect you all to be there. Now, Chris, you live here, so you could do that. Thank you.

OCEAN BEACH POLICE REPORT: No report given by Chief Hesse

ADDITIONS/DELETIONS TO THE AGENDA: NONE

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA): Resolution No. 2023-003: 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 Hargraves seconded the motion. Upon call, the following voted:

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

**RATIFICATION & APPROVAL OF PERSONNEL – APPOINTMENT OF DEPUTY CLERK: Resolution No. 2023-004:** Mayor Mallott moved as follows:

WHEREAS, the Village Mayor and Board of Trustees desire to fill the position of Deputy Clerk, and

WHEREAS, the Mayor has appointed Jacqueline Rulon to fill the position of Deputy Clerk,

Now it is hereby

RESOLVED that the Village of Ocean Beach Board of Trustees hereby ratifies the appointment of Jacqueline Rulon as Deputy Clerk with the following terms and conditions of employment:

1. Starting date of February 8, 2023
2. Hour Salary \$31.00
3. Employee to pay 10% of medical benefits.
4. All other terms and conditions contained in the Employee Handbook not inconsistent with the above

Pending Civil Service approval of term which will expire on July 1, 2024

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

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

**Mayor Mallott:** Would like to congratulate Jackie and look forward to working with you.

**BUDGET MODIFICATIONS: Resolution No. 2023-005:** Mayor Mallott moved as follows:

<b>22-23 BUDGET MODIFICATIONS</b>		
<b>GENERAL FUND</b>		
<b>To:</b>	<b>Description:</b>	<b>Amount:</b>
A0.1110.415	Postage	\$ 50.00
A0.1110.472	Conferences	\$ 100.00
A0.1450.100	Election Personnel	\$ 50.00
A0.1621.452	Lumber	\$ 2,000.00
A0.1621.478	Debris Containers	\$ 70.00
A0.1910.LAW	Law Enforcement Insurance	\$ 1,490.00
A0.1930.499	Judgement & Claims	\$ 60,000.00
A0.3120.111	Overtime – Others	\$ 9,000.00
A0.3120.441	Repair Equipment	\$ 100.00
A0.3410.442	Truck Maintenance	\$ 25,000.00
A0.3410.445	Fire Dept Software	\$ 10,000.00
A0.5110.442	Vehicle Repairs	\$ 6,000.00
A0.7140.100	Beach Personnel	\$ 30,000.00
A0.7140.200	Equipment	\$ 32,000.00
A0.7140.452	Medical Supplies	\$ 1,000.00
A0.7140.493	Training Expenses	\$ 750.00
A0.7180.401	Recreational Program	\$ 10,000.00
A0.7180.411	Supplies	\$ 1,000.00
A0.7989.100	Marina Personnel	\$ 5,000.00
A0.7989.201	Supplies	\$ 150.00
A0.9901.910	Transfers to Capital Fund	\$ 22,535.08

	<b>TOTAL:</b>	<b>\$ 216,295.08</b>
<b>From:</b>	<b>GENERAL FUND</b>	<b>Amount:</b>
A0.1110.411	Supplies/Printing	\$ 150.00
A0.1440.449	Professional Services	\$ 40,000.00
A0.1450.461	Contractual	\$ 50.00
A0.1621.441	Building Maintenance & Repairs	\$ 93,535.08
A0.1910.LIAB	Liability Insurance	\$ 1,490.00
A0.1990.499	Contingency	\$ 30,000.00
A0.3120.104	Seasonal Officers	\$ 9,000.00
A0.3120.200	Equipment	\$ 100.00
A0.3410.200	Equipment	\$ 35,000.00
A0.5110.479	Debris Containers	\$ 70.00
A0.7140.494	Uniforms	\$ 1,750.00
A0.7989.444	Marina Repairs	\$ 5,150.00
	<b>TOTAL:</b>	<b>\$ 216,295.08</b>
<b>To:</b>	<b>WATER FUND</b>	<b>Amount:</b>
F0.8340.200	Equipment	\$ 12,000.00
F0.8340.455	Safety Equipment	\$ 500.00
F0.8340.465	Engineering	\$ 5,000.00
	<b>TOTAL:</b>	<b>\$ 17,500.00</b>
<b>From:</b>	<b>WATER FUND</b>	<b>Amount:</b>
F0.1990.499	Contingent	\$ 17,000.00
F0.8340.451	Tools & Hardware	\$ 500.00
	<b>TOTAL:</b>	<b>\$ 17,500.00</b>
<b>To:</b>	<b>SEWER FUND</b>	<b>Amount:</b>
G0.8120.200	Equipment	\$ 17,000.00
	<b>TOTAL:</b>	<b>\$ 17,000.00</b>
<b>From:</b>	<b>SEWER FUND</b>	<b>Amount:</b>
G0.8120.446	Plant Repairs	\$ 17,000.00
	<b>TOTAL:</b>	<b>\$ 17,000.00</b>

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

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

ACCEPT ASSESSOR'S REPORT 2023-2024: Resolution No. 2023-006: Mayor Mallott moved as follows:

WHEREAS, the Village of Ocean Beach's Assessor will prepare the Assessor's Report, setting the Assessments as of February 1, 2023,

Now, therefore, it is hereby

RESOLVED that the Village of Ocean Beach will accept the Assessor's Report, submitted by Paul Petruzzelli, Village Assessor, after review by Linda Morrisey, Village Treasurer, for the year 2023-2024.

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

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

**NOTICE OF TAX SALE FOR UNPAID TAXES: Resolution No. 2023-007:** Mayor Mallott moved as follows:

PLEASE TAKE NOTICE that pursuant to a Resolution of the Board of Trustees of the Incorporated Village of Ocean Beach, County of Suffolk, and State of New York, passed at a meeting thereof held on the 4th day of February, 2023, the undersigned Village Treasurer of the said Incorporated Village of Ocean Beach will sell tax liens at public auction, in the manner provided by law, on the 3<sup>rd</sup> day of March, 2023 at 1:00 o'clock in the afternoon of that day and on succeeding days, at the office of the Treasurer of the Incorporated Village of Ocean Beach in the Village Office at Cottage and Bay Walk in the Village of Ocean Beach, New York, so much of each of the following parcels of real estate upon which Village taxes remain unpaid as will be sufficient to discharge the tax, interest and charges thereon, which may be due at the time of sale.

Each purchaser at such tax sale may pay the amount listed to the Village Treasurer within ten (10) days of the sale, and upon such payment, the Treasurer shall give to the purchaser a certificate in writing describing the real property purchased and the sum paid therefore.

The following is a list of the parcels that will have liens on the property once the liens are sold; followed by a statement of the amount of the base tax, not including applicable interest and charges:

<u>Item no.</u>	<u>Property Owner</u>	<u>Amount Descriptions</u>	<u>Amounts</u>
31280	PSEGLI Property Tax Department 999 Stewart Avenue Bethpage, NY 11714 Wires & Cables	Taxes: Advertising: Interest (13% to 3/3/2023): Total Due:	\$ 396.63 60.00 43.63 \$ 500.26
31285	PSEGLI Property Tax Department 999 Stewart Avenue Bethpage, NY 11714 Wires & Cables	Taxes: Advertising: Interest (13% to 3/3/2023): Total Due:	\$ 925.29 60.00 101.78 \$ 1,087.07
31320	PSEGLI Property Tax Department 999 Stewart Avenue Bethpage, NY 11714 Wires & Cables	Taxes: Advertising: Interest (13% to 3/3/2023): Total Due:	\$22,024.75 60.00 2,422.73 \$24,507.47
732480	Harriet Beizer 449 12 <sup>th</sup> Street, 2R Brooklyn, NY 11215 280-281 Cottage Walk	Taxes: Utility Charges: Unpaid Refuse: Advertising: Interest (13% to 3/3/2023): Total Due:	\$6,000.04 \$2447.10 538.00 60.00 1,168.07 \$10,213.21
734020	George Kearney 17 East 96 <sup>th</sup> Street, Apt 2-B New York, NY 10128 542-543 Bayberry Walk	Taxes: Utility Charges: Unpaid Refuse: Advertising: Interest (13% to 3/3/2023): Total Due:	\$4,034.51 2,179.58 538.00 60.00 877.77 \$7,689.86

<u>Item no.</u>	<u>Property Owner</u>	<u>Amount Descriptions</u>	<u>Amounts</u>
734820	Dolores Covrigaru 13 Heathcote Dr Albertson, NY 11507-2224 736-737 Ocean Breeze Walk	Taxes: Utility Charges: Unpaid Refuse: Advertising: Interest (13% to 3/3/2023) Total Due:	\$6,089.01 2,459.21 538.00 60.00 <u>1,181.21</u> \$10,327.43
787650	Reliance Globalcom Svcs. 1801 Peachtree Street Atlanta, GA 30309 Wires & Cables	Taxes: Advertising: Interest (13% to 3/3/2023): Total Due:	\$ 101.97 60.00 <u>6.12</u> \$ 108.09

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

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

RATIFICATION & APPROVAL OF AGREEMENT WITH VERIZON WIRELESS FOR MODIFICATIONS OF EQUIPMENT ON WATER TOWER: Resolution No. 2023-008: Mayor Mallott moved as follows:

WHEREAS, Verizon Wireless has requested consent to make modification to the equipment located on our Water Tower, and

WHEREAS, the Board of Trustees understands and supports the need to upgrade equipment;

Now, therefore, it is hereby

RESOLVED that the Board of Trustees gives consent to Verizon Wireless to make said modifications pending approval of the Village Engineers (H2M) and the Mayor is hereby authorized and directed to execute the documents necessary to effectuate this resolution.

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

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

**Trustee Norris:** Just a question, Joe. The repainting of the water tower, is that scheduled? **Joe DiFrancisco:** It is not, no. That's a separate project. And actually everything would have to come off the tower to do that. So, no, there's not yet. **Trustee Norris:** There's no synergy between. Got it. **Chief Levine:** Just a quick question, Joe, if they are going to do service, can they be required to put a trailer here? **Joe DiFrancisco:** Yeah, absolutely

ACCEPT & APPROVE PROPOSAL FROM H2M WATER FOR 2022 ANNUAL WATER SUPPLY STATEMENT: Resolution No. 2023-009: Mayor Mallott moved as follows:

WHEREAS, the Village of Ocean Beach is in receipt of a Proposal to prepare the combined Annual Water Supply Statement/Consumer Confidence Report, required by the US Environmental Protection Agency, the NYS Health Department and Suffolk County Department of Health Services, dated December 19, 2022,

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 \$2,800.00 to be paid from line item F8340.460.

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

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

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

AUTHORIZATION & APPROVAL TO REJECT BID PROPOSALS FOR PHASE I SANITARY & STORMWATER IMPROVEMENT PROJECT: Resolution No. 2023-010: Mayor Mallott moved as follows:

WHEREAS, the Village of Ocean Beach has advertised for and received bids for Phase I Sanitary & Stormwater Improvement Project, copies of which are on file in the Village Office; and

WHEREAS, the Village has received higher than expected bids for said services of said project. The Village wishes to reject all bids as submitted, and

Now, therefore, it is hereby

RESOLVED, that the Village of Ocean Beach Board of Trustees authorizes and directs the Village Administrator and D&B Engineers & Architects to reject all bids received.

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

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

AUTHORIZE & APPROVE ATTENDANCE AT NYS GFOA ANNUAL CONFERENCE: Resolution No. 2023-011: Mayor Mallott moved as follows:

WHEREAS, the Incorporated Village of Ocean Beach encourages employees to attend classes and seminars that will assist them with their duties and responsibilities,

Now, therefore, it is hereby

RESOLVED that Linda Morrissey, Village Treasurer is hereby authorized to attend the Government Finance Officer's Association's Annual Conference on March 29<sup>th</sup> through 31<sup>st</sup> in Albany, NY at a cost of \$943 which includes conference fees and hotel charges, additional costs inclusive of travel expenses, to be paid from line item A1325.425.

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

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

AUTHORIZE & APPROVE ATTENDANCE AT NYS GFOA ADVANCED ACCOUNTING TRAINING: Resolution No. 2023-012: Mayor Mallott moved as follows:

WHEREAS, the Incorporated Village of Ocean Beach encourages employees to attend classes and seminars that will assist them with their duties and responsibilities,

Now, therefore, it is hereby

RESOLVED that Alexa Collins, Clerk is hereby authorized to attend the Government Finance Officer's Association's Advanced Accounting Training online classes March 2<sup>nd</sup>, 9:00 am – 12:00 pm and March 7<sup>th</sup>, 9:00 am – 12:00 pm, at a cost of \$200 which includes fees, to be paid from line item A1325.425.

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

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



RATIFICATION & APPROVAL OF PERSONNEL: TRUSTEES – COMPENSATION/ADJUSTMENTS: Resolution No. 2023-013:

Trustee Norris moved as follows:

WHEREAS, the members of the Board of Trustees receive compensation which includes optional dental/optical and health insurance and annual stipends, with adjustments proportional to health insurance increases, effective January 1, 2023; and,

WHEREAS, the Trustees do not wish to receive the annual adjustment based upon health insurance increases for fiscal year 2023/2024,

Now, therefore, it is hereby

RESOLVED that the Village Treasurer is authorized and directed to continue calculating said adjusting stipends, but not pay said increases to the Trustees for fiscal year 2023/2024.

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

Deputy Mayor Blake	Voted Aye
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Arment	Voted Aye
Mayor Mallott	Abstain

ACCEPT & APPROVE SOURCEPASS I.T. AGREEMENT: Resolution No. 2023-014: Mayor Mallott moved as follows:

WHEREAS, the Board of Trustee authorized Sourcepass to conduct a network assessment of the village’s hardware and computer systems, which revealed vulnerabilities and recommended necessary upgrades; and,

WHEREAS, the Village has received a proposal for such services from Sourcepass, a copy of which on file with the Village Office;

Now, therefore, it is hereby

RESOLVED that the Board of Trustees accepts and approves the proposal submitted by Sourcepass, in the amount of \$5,930 for upgrades, to be paid from line item A0.1925.485 and \$3,703 monthly maintenance charge, to be paid from line item A1325.486; and,

IT IS FURTHER RESOLVED that the Mayor and Village Administrator are authorized to execute the proposal and make payments consistent with the terms therein

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

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

**Peter Bee:** Mayor, the next item is a motion to accept and approve a proposal from source pass, which is, I believe, an entity that has purchased total technology. And there are two options that have been presented to the board, as I understand it. Is the village administrator recommending one of the two alternatives? **Joe DiFrancisco:** Yes. Based on consultation with Trustee Arment, we are looking at option. I'm not sure if there's an A or B, but there's option which includes backup service for the police department, correct? Yes. So, option one, That's option one. **Peter Bee:** Option one.

AUTHORIZE & APPROVE ATTENDANCE AT NEW YORK WATER ENVIRONMENTAL ASSOCIATION (NYWEA)

OPERATOR TRAINING: Resolution No. 2023-015: Mayor Mallott moved as follows:

WHEREAS, the Incorporated Village of Ocean Beach encourages employees to attend classes and seminars that will assist them with their duties and responsibilities, licenses and certifications,

Now, therefore, it is hereby

RESOLVED that Richard Schelling, Maintenance Mechanic III is hereby authorized to attend the New York Water Environmental Association (NYWEA) Operator Training on February 6<sup>th</sup> through 8<sup>th</sup> in New York, NY at a cost of \$106.37, additional costs to include travel expenses, to be paid from line item F8340.493

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

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

AUTHORIZE & APPROVE ATTENDANCE AT NEW YORK AMERICAN WATER WORKS ASSOCIATION (NYAWWA)

TRAINING CLASSES: Resolution No. 2023-016: Mayor Mallott moved as follows:

WHEREAS, the Incorporated Village of Ocean Beach encourages employees to attend classes and seminars that will assist them with their duties and responsibilities, licenses and certifications,

Now, therefore, it is hereby

RESOLVED that Kevin Schelling, Superintendent Public Works, Richard Schelling, Maintenance Mechanic III, Luke Dimino and Garrett March are hereby authorized to attend the New York American Water Works Association (NYAWWA) Training on March 3<sup>rd</sup>, June 7<sup>th</sup>, July 12<sup>th</sup>, September 23<sup>rd</sup> and December 6, 2023 in Melville, NY at a cost of \$85.00 per person per class, additional costs to include travel expenses, to be paid from line item F8340.493.

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

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

PUBLIC HEARING #1

**OPEN TIME: 11:52 AM Mayor/Norris**

**CLOSING TIME: 11:57 AM Mayor/Norris**

**Notes:**

**Mayor Mallott:** That's something that we have been doing regularly. As the attorney said, it's strictly precautionary in case we have to break the tax limit. But at this time, I hopefully don't see any nets being necessary to break that tactic. But we'll listen to the general public if anybody's got anything to say. **Maria Silsdorf:** Good morning, everybody. Can you just confirm what dates the budget will be discussed, which the tap piercing the tax cap would obviously refer to and when the budget will be available for our review?

**Mayor:** You have the we have this schedule there, Joe, Do you have a schedule? You have a schedule. **Joe DiFrancisco:** It's I don't have it in front of me, but I can post it. I will post it, it's approximately April 15th is when the process starts. We'll post these schedule on the website. **Maria Silsdorf:** Thank you. And I appreciate you doing everything you can to not need to pierce the tax gap of 2%.

**Judy Steinman:** Yes, I want to protest the format of this meeting with respect to my friend, Attorney Bee. We in running a meeting this way where the citizenry can neither speak nor be seen, you're excluding, I think, a great deal of not only interest, but expertise. Your emphasis on efficiency, I believe, is insulting to the citizenry of this this village. Not only that, but it violates longstanding precedent of having the citizens of this village participate in trustee meetings. I know I have been told because I've protested before, that other organizations run their meetings so that the citizens are precluded from making comments. Well, that doesn't mean that it will work for the village of Ocean Beach. And I strongly.

**Mayor Mallott:** Do you have anything on the tax on the tax cap? This would come under hearing of the citizens? **Judy Steinman:** Not at this time. I thought we were in the hearing of the citizens, Mr. Mayor. **Mayor:** Excuse me, Judy. **Judy Steinman:** I thought we were in the hearing of the citizens. **Trustee Norris:** Judy, we're talking about the tax cap. Do you have any comment on the tax cap? **Judy Steinman:** No, I do not. Thank you.

**Peter Bee:** Are there any other comments from members of the public with respect to the proposed local law on the tax cap? Hearing? None. Is there a motion by any member of the board to close what?

**David Lipsky:** Yeah. I'm not opposed to passage of the local law, but have you not done any projections, on what inflation and the increased cost of bonds and the I think you've already seen the fact that some of the capital items like the stormwater is going to be probably higher in costs than anticipated, that you're going to be able to keep the budget under 2%. **Mayor:** We're hoping to keep it below the 2% tax cut. That's all I can say at the moment. I haven't seen the budgets have just been handed in for the police department and fire department, blue collar department everywhere. The village administrator and the Treasurer are looking over those budgets now. There is a schedule for budgets which is going to be posted on the website so you can have your questions at the appropriate time. Mayor, If I may just add. **Joe DiFrancisco:** I'm not aware and Linda, maybe you can I don't think the state has set the tax cap yet, have they? No. So we don't know. **Linda Morrissey:** It's not yet. **Joe DiFrancisco:** So, the state needs to set that. **Mayor:** We're just starting our work. **David Lipsky:** Thank you.

**ACCEPT & APPROVE LOCAL LAW 01 OF 2023 TO AMEND CHAPTER 6, SECTIONS 6-1 THROUGH 6-5 – TAX CAP OVERRIDE FOR 2023: Resolution No. 2023-017: Mayor Mallott moved as follows:**

**BE IT ENACTED**, by the Board of Trustees of the Incorporated Village of Ocean Beach, to adopt a local law to override the tax levy limit established in General Municipal Law §3-c, as follows:

1. Chapter 6, Sections 6-1 through 6-5 are hereby created to read as follows:

Chapter 6

**REAL PROPERTY TAX LEVY LIMIT OVERRIDE**

§ 6 - 1. Legislative Intent

§ 6 - 2. Authority

§ 6 - 3. Tax Levy Limit Override.

§ 6 - 4. Severability.

§ 6 - 5. NYSEQRA.

§ 6 - 6. Effective date.

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Ocean Beach to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Ocean Beach, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. New York State Environmental Quality Review Act (NYSEQRA)

The Board of Trustees hereby declares the adoption of this Local Law a Type II action, pursuant to the NYSEQRA and, therefore, no further environmental review is required.

Section 6. Effective date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

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

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

**PUBLIC HEARING #2**

Notes:

**Peter Bee:** The second public hearing that was scheduled was to amend chapter 164 of the Village Code in connection with certain changes to the code that were initiated by the Planning Board. Having reviewed those changes, I wish to engage in further discussion with the Planning Board about the need for that proposed local law. And my recommendation to this board is that that public hearing at this time be canceled. Is there a motion to cancel the public hearing? **Mayor Mallott:** Peter, should we cancel this public hearing or just extend it? **Peter Bee:** Well, the problem, Mayor, is that there needs to be a final form, at least 7 to 10 days in advance of the public hearing. And since that has not occurred and we don't have a final form, we would have to repost in any event. I'm not sure that there's much of a difference, but my suggestion is to cancel this public hearing and repost for a new different local law that I work with the planning department on. **Mayor:** Okay, good.

**ACCEPT & APPROVE CANCELLATION OF LOCAL LAW 02 of 2023 to AMEND CHAPTER 164, Sections 164-1 through 164-3 PLANNING BOARD: Resolution No. 2023-018:** Mayor Mallott moved to cancel the public hearing:

WHEREAS, the Board of Trustees has set a public hearing for February 4<sup>th</sup>, 2023 on Local Law 02 of 2023 to amend Chapter 164, Sections 164-1 through 164-3 Planning Board, and

WHEREAS, further discussion is needed with the Planning Board before the adoption of any changes to said law.

Now, therefore, it is hereby

RESOLVED that Board of Trustees agrees to cancel the public hearing for Local Law 02 of 2023.

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

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

**PUBLIC HEARING #3**

**OPEN TIME: 12:01 PM Mayor/Blake**

**CLOSING TIME: 12:28 PM Mayor/Norris**

Notes:

**Peter Bee:** Mayor, at this time, there is an opportunity for a hearing in connection with the approval of a special permit recommended to this board by the Planning Commission in connection with application number #306 from the Palms Ocean Beach, LLC, commonly known as CJ's, for the address of 479 Bayberry Walk. The motion would be somewhat lengthy, but I believe you have it all before you. Bear with me just a moment. It recites that whereas the Palms Ocean Beach LLC hereafter I'll refer to it as CJ's, are new owners of premises leased by that entity at 479 Bayberry Walk, and they have submitted an application for a special use permit to continue the existing use without change or expansion of a bar and restaurant and the Planning Board and ARB have reviewed the application at a public duly noticed meeting held and closed on January 20th of 2023. And. Whereas, at that meeting, the Planning Board voted to recommend approval to the Board of Trustees of the application subject to certain conditions and the representation of the applicant at the Planning Board hearing. And. Whereas, the Board of Trustees has reviewed the application, the recommendation of the Planning Board, ARB and has taken into consideration comment from the public at its duly noticed public hearing held and closed on February 4<sup>th</sup>, 2023. Now, therefore, it is resolved that the application of CJS for a special use permit to continue the existing use without change or expansion of bar and restaurant is approved subject to certain conditions, which all read following the public hearing at this time. It is on that proposal, however, that a motion could be made to open a public hearing. Is there a motion to open the public hearing move by the mayor, seconded by Trustee Blake.

**Peter Bee:** And there is a public hearing now open on the proposal to continue the special use as a bar and restaurant of CJ's. Does any member of the board wish to make any comment about the item before it is open to the public members? **Mayor:** Joe, would you like to address it? Chairman Speranza. We have his recommendation. I just wondered if there was anything more you'd like to add?

**Joe Speranza:** The planning board thoroughly vetted and the board vetted the application. It was just stepped up to the lines. Yeah. Okay. Step up to the mike. The as I started to say, the planning board vetted the application thoroughly, took testimony and recommended unanimously to continue the special permit that exists. That's all. Mayor; Thank you, Joe. **Peter Bee:** Does any member of the public wish to comment on the application?

**Jon Randazzo:** For this application procedures. The corporation name is CJ's Ocean Beach LLC, not Palms Ocean Beach. I don't know if that makes any difference. **Peter Bee:** Yes, it Does. Jon Randazzo, So that one is CJ's Ocean Beach. **Peter Bee:** My apologies for the error. Is that an LLC? **Jon Randazzo:** Yes. **Peter Bee:** So it is CJ's Ocean Beach LLC. **Jon Randazzo:** Yeah and we have a DBA, CJ's. **Peter Bee:** Do you recall whether the application was in fact signed by CJ's Ocean Beach LLC?

**Jon Randazzo:** Correct. **Peter Bee:** Then my error. **Jon Randazzo:** No problem. Otherwise. Thank you all very much. We look forward to running CJ's. This is a big acquisition for us and we're under construction now, but it's moving along quickly and we hope to be open very, very soon.

**Trustee Hargraves:** I just have a quick question. So, the corporation has read and has agreed to these terms and conditions, right, about windows and doors being closed. **Jon Randazzo:** From the planning board. Yes. **Trustee Hargraves:** And then 12 months a year CJs is going to be open. **Jon Randazzo:** Going to be. Yes. So, I mean, I have a pretty good record with noise violations. I've never been issued a ticket, but we do comply. When asked when asked to close doors or windows or lower volumes. But I've never been issued a noise violation at any of my establishments before. And the only reason why we're closed now is because it needed a renovation. **Trustee Hargraves:** And then, John, when do you expect the renovation to be finished? **Jon Randazzo:** I hope to be done by this weekend, but everything at Ocean Beach is a can of worms. And believe it or not, my biggest problem right now is the delivery of my furniture, which is coming, which should be coming Tuesday 12th, the 14th. **Trustee Hargraves:** Congratulations.

**Trustee Blake:** Thank you very much, John. Just on the specific location of CJ's so vital, you know, it's one of the first things you see when you come off the boat. So that general vibe from that part of town super important. So, you know, really every effort that we can make to comply with the doors. **Jon Randazzo:** I will do my best to make sure that we don't become a nuisance. Okay, I promise you that. **Trustee Blake;** Thank you. **Trustee Hargraves:** Thank you. John. **Trustee Arment:** How about the chili? **Jon Randazzo:** And the chili is on its way. Believe me, it's on it's way.

**Peter Bee:** As representative of the applicant, you're deeming the application amended to read in that name of CJS Ocean Beach LLC. Is that correct? Very good. And the chairman of the Planning Board has no objections. It's the same entity and the same conditions. Is that correct? **Joe Speranza:** Correct. **Peter Bee:** Thank you. With that notation, is there any further comment from any member of the public with respect to the application?

**David Lipsky:** Yes. I think John may have answered this and the clerk reading it may have mentioned the fact that there were special conditions. But could you. Please specify what those special conditions are.

**Peter Bee:** With the permission of the board. **Board:** Sure. Please.

**Peter Bee:** One. The bar and restaurant are to be heated and air conditioned with doors and windows closed at all times. Two. No exterior work other than. Let me comment that some of these conditions are reprinted from earlier special permits and have already been met. Nevertheless, they are continued in the language of the resolution. The second condition being no exterior work other than maintenance work, such as repairing installation, existing installations, painting and staining of the premises shall be performed without further approval of the appropriate village board. No awnings shall be installed without further application to the ARB for review and subsequent determination and recommendation to the Board of Trustees. But any such submission to be made without additional application fees. Three applicants shall make further inquiry and response to Planning Board requiring the need for handicapped facilities if required by code. Plans for same are to be submitted to the Planning Board and Board of Trustees before the special permit shall be granted and issued for the applicant shall operate the establishment 12 months a year as a restaurant and bar. Additionally, the establishment shall also sell essential food items, including but not limited to milk, bread, eggs and other essential food items between the period of November 1st and April 15th of each year, provided that no other provider of the aforementioned food items is continually open for business during said period. Five. There are to be no obstructions or improvements in the West setback other than the existing icemaker or smaller replacement well mounted exhaust fan and propane tanks. Plastic corrugated roofing material shall be removed from existing eyebrow roofs overhanging south and west setbacks. Six. All work shall be done in accordance with plans as modified and approved by the Planning Board or be attached hereto as Exhibit B, and they were attached at the original permit. Seven If a certificate of occupancy or its equivalent is not issued within one year after the issuance of the Special permit issued pursuant to Special permit application #306 said special permit shall become null and void. Eight All conditions of any existing special permits for 479 Bay walk Ocean Beach shall be and hereby are incorporated into the special permit issued as a result of this Special permit application #306. Nine. The above conditions are to be incorporated into any building permit issued pursuant to this special permit application. It is further resolved that the following additional conditions be imposed upon the special permit and be further incorporated into any building permit issued pursuant to the special permit application. One applicant shall install lattice work to block the view of the premises compressors from Bayberry. Two There shall be no outdoor seating in the space adjacent to the west of the premises and to the east of the Sand Bar. It is also noted in the resolution that the recommendations do not cure existing violations of the law, if there are any, and it does not mean that the subject premises are now in compliance with the building code. That completes the conditions.

**David Lipsky:** Okay. So, you mentioned something about noise and operating the restaurant and bar and music. So as not to create a nuisance. So, that's why I was asking about how that's addressed in this.

**Jon Randazzo:** So, if I may answer that. So, we have torn out all of the old speakers in CJS and revamping them. It just so happens the old ones were all pointed outside. I don't think anybody walks up and down the street more than me. And so I realized their faults in the past. And so we are reworking that. So, the speakers are coming out from the ceiling and then the two other speakers in the front will be facing the back. So, I really think that that'll make a huge difference for noise pollution on the street. **Trustee Norris:** And John, just to be clear, windows closed, doors closed. **Jon Randazzo:** Yeah. I mean, you know, I've got to be honest with you, I don't see the problem of noise during the day. I see their biggest problem was in the PM hours when they were more of a bar. People do like open air, so I would ideally like to keep the doors open unless it was necessary for me to close the doors to where I would be polluting in the street. I will pay attention to it and I will make sure that I will keep everyone as happy as possible for me to keep those doors closed at all times. It's a box, a small box. And it doesn't mean that less people would come in, but it's about making people feel comfortable at the beach. So, I would like you to give me and the police department to give me the opportunity to prove that we can handle it the right way. **Trustee Hargraves:** May I just respond to that, though, John, because this specifically says doors and windows closed at all times. So, I'm assuming from that language that that was discussed already with the planning board, because this is how it came to us. **Jon Randazzo:** So, it actually it wasn't it probably was part of the previous permit, but that was those words were not discussed in our planning board meeting. So otherwise. **Trustee Hargraves:** You're not agreeing to this language, then. **Jon Randazzo:** I want to I want to agree to it, but I want to agree to it when necessary. That's that was not brought up in the planning board at all to us in that meeting

**Trustee Norris:** It is part of your special permit, It was part of their special permit. Your establishments are great for this community, but one of the issues that we have is that special permits are issued with specific language and then it erodes over time. And I have no doubt that you're a good corporate citizen. I'm not saying Jon Randazzo: I understand, Trustee Norris: but you're asking this board to approve something that has very specific guidelines. And at the same moment you're saying you're not going to apply to me. **Jon Randazzo:** I don't want to sit here and lie to either any of you or anybody that's on this board and say that that door is going to be closed at all times. I just don't even think it's possible. I mean, we just installed two new two ton air conditioning and heating units that work beautifully. I don't want to sit here and tell you that they're going to be closed at every moment of the day at 12:00 in the afternoon when no one's in there, or maybe there's just a table when there's no noise pollution at all. I want to be honest and tell you that I will. Do my best in making sure. So maybe if we could I don't know if this is even a possibility, but perhaps we could revisit in a one year time. That part of the suggestions and go from there to give us a chance to show you that it won't be because, I mean, I think previously before the, the previous owners it wasn't as big of a problem, but when they installed these humongous speakers, it became a little bit of a problem. And then, you know, the center of town where CJ's is and its neighbors has become a nuisance. And so I think that all my other establishments have proved that they are good neighbors and citizens, and I would like to have the opportunity to do the same here.

**David Lipsky:** Can I make some suggestions here? Because it sounds like I was correct in raising this issue. A lot of the problems with noise are when people go in and out of an establishment. And there should certainly be different requirements in the daytime versus nighttime. But one thing that possibly could be entertained is, one, some type of double door system. But or if that's not a possibility within the code, then to put in noise delimiters. So that you take the measurements. You know, when people aren't around, you see how much noise is filtering out, and then you adjust your speakers system so that it does not exceed an acceptable level, particularly at night. **Jon Randazzo:** I wish I had room.

**David Lipsky:** For all of the establishments and not just John, who's been a great citizen. All right. Thank you. **Trustee Norris:** There are practical limitations, which I think this board acknowledges. And John, I know you know, it's a big issue for us. I understand we want to support our commercial citizens to the full extent. But there have been overreaches. And when you look at a literal interpretation of special permit against the backdrop of just outright ignorance or willful denial of those special permits becomes problematic. I think we do have the opportunity to have some discretion. And from my position, I would be satisfied in offering or just referring to the discretionary nature of this board and our police force to enforce the special provisions that we're looking at right now. Should it become the case that noise becomes a problem, People have to walk in and out of your establishment. So that the door will open when it becomes excessive. I would charge this board and the police department to exercise the laws and the provisions within this special permit, literally if it becomes an excess. So, Peter, I don't know if I'm navigating through this correctly. **Peter Bee:** Yes, sir. I think you have correctly observed that the condition contemplates, even in its current wording, that the doors will be open sometimes since people would otherwise have no ingress and egress. So, there is a level of discretion that is inherent in the wording closed at all times. With that said, the applicant would place itself at risk of a proceeding to withdraw the special permit if it were to be found in violation, meaning that it is opening its doors at times not contemplated by that wording. In my experience, and that my legal advice special permits are not revoked on the spot the instant that a door is opened in violation, there is a due process that would go through. And I think you've expressed that there be some level of discretion by the building department and police and on the part of the applicant to have the doors closed at all appropriate times. **Jon Randazzo:** Nevertheless, I would agree I would agree to that. I would I would I would definitely agree. **Peter Bee:** But I'm simply suggesting that that may be inherent in the wording already. If the board wishes to adopt a resolution approving the special permit with different wording, it certainly could do so. It could return the matter to the planning board for further deliberations if it chose to do so. The board has a number of choices. The present resolution calls for doors to be closed at all times, Simply commenting that, in my opinion, built into that statement is a certain level of discretion.

**David Simpson:** Is this open to comments from the citizens as yet, or should we wait? This is Dr. Simpson, David Simpson?  
**Trustee Arment:** Oh, David, this is the proposal about the special permit application. The the overall hearing of the citizens hasn't occurred yet. **David Simpson:** No, no, It's on this specific issue that we're discussing right now. I don't know if you want to take comments now or later. **Peter Bee:** Yes, sir. This is the public hearing on that application. **David Simpson:** Can I make a comment. **Peter Bee:** That the citizens are free to make comment during this time on the application?

**David Simpson:** Okay. So I speak to this issue from having been a member of the Quality of Life Committee and been responsible for the noise pollution issue for some years. My greatest concern is the use of the word discretion. And the reason that concerns me is because discretion is a very imprecise term, and it leaves open many opportunities for lack of action or enforcement. And in my experience, what that has led to is doors open, windows open. John is not the best example of this because we know he's a wonderful citizen and takes good care of his properties. But I would. Be concerned of the slippery slope of the use discretion being applied to all the establishments, some of whom we know are great offenders. And I like the language that is in the permit currently. That the default is windows and doors closed at all times with the understanding that people need to walk in and out. I think the double doors solution is an excellent one, but I am concerned about discretion being taken too far because it leads to the situation we've had for years, which is the default of windows and doors open all the time without any enforcement by police or others. I'll stop there.

**Jon Randazzo:** So, Doc, if you remember, I was on that committee with you, too, and I'm on a couple of committees. I'm on the Ocean Beach Association, the Community Fund. I was a founding member of the Quality of Life Committee with him. And so, I do care about the village. It's not. It's not I'm not here just about money. I mean, this is my career, but I do care about the people of the village and which is why I think that people talk most of the time highly of me. But, you know, I don't want to I said I don't want to sit here and say that those doors and windows can be closed at all times if there's two tables in there and the doors are open and there's not like you can't hear anything outside. I don't want to sit here and lie to the trustees and everybody on this room. If you take another take another restaurant into consideration. I hate I don't want to I hate to name, but I will just so we can picture, you know, you have the Sandbar who has no who has windows that can't be open or closed. And you could still hear it from a block away. So, I think because this is a special permit for this establishment, maybe using that verbiage might be acceptable.

**David Simpson:** Well, I wonder if we could use this discussion to extend this policy village wide and have adherence in all the establishments and not just single out options that may be beyond the extent of this discussion, but perhaps you could be brought up later. **Jon Randazzo:** And, you know, I'll make another example. Let's go to 310 Bay Walk, which is my building, and I'm a tenant there also for Taco Beach, formerly the old home of Castaway, you know, that has two double doors and a main entrance door. And, you know, it's on the street. It's like it's right there. If you have those doors open, you do hear some noise pollution. If you look at the new castaway where the door is set back 15 feet, those doors are open all the time and you don't hear anything outside. So, I think that each place should it should be specific to each place. That's my opinion. Thank you, Dr. Simpson. Anybody else have any?

**Maria Silsdorf:** Yes, it's Maria, if I might. So, the suggestion. Thank you. The suggestion made was made by somebody else in the chat that I think is worth saying out loud. So I will. Can the closing of the doors possibly be tied to the playing of music during the daytime hours? **Jon Randazzo:** So what we've done is we've installed six, eight inch speakers. They're very, very small on the ceiling, so they'll be pointing down rather than having five 12 inch speakers with subwoofers that and three of them pointed to the street. So, I think right off the bat, that's going to make a huge difference. I mean, we designed it like when I designed it with this sound guy, I mean, I took that into consideration. The doors and windows there aren't very good. Like we just installed a beautiful new heating and air conditioning system. I have it on 75. If you stand by the doors, it feels like you're outside. So, eventually that's something we're going to want to change for sure. I can't do it this year. One because of money and two, because of time. But I mean, Maria, you know me very well. I think that you would know that I'm going to do my best to mitigate this, this problem with noise at CJ's. And I know I mean, I mean, I sit with the benches sometimes. I mean, I know the noise that comes from these establishments. And so I think that this location, this permit maybe could be giving given whether it be a chance or a revisit in a year, I think that would be a fair thing to do. **Mayor:** All right, John. Thank you, Maria.

**Maria Silsdorf:** If I might, Jimmy, I actually now have just a comment on my own. When Peter Bee read the resolution, he said that there's no outside seating on the East and the West. Is there any outside seating allowed? I thought the North was also prohibited. **Jon Randazzo:** Well, no, but previously they allowed seating in the west side of the alleyway and we agreed that we would never want that. **Mayor:** There is no more outside seating. **Maria:** Okay. Thank you. Thanks for clarifying.

**Peter Bee:** Are there any more comments from members of the public?

**Lauren Chenault:** I just want to stand from a homeowner aspect and a visitor aspect. If I come to the beach, I don't want to be sitting behind closed doors in such a small place. I know CJS has a reputation for noise and police being called and everything, but we have somebody new. I think we should give him a chance. Because what's the difference between his bar being open and Scott's doors being open? **Mayor:** Thank you. **Trustee Arment:** I agree.

**Peter Bee:** Are there any other members of the public who wish to speak to the application?

**Tiffany Arment:** I also agree with that. It's nice during the day to sit outside with the doors open and it's not loud. So it's it is nice to have the doors closed at night when it gets too loud. So as someone who's walking around the beach, I kind of like a lively daytime atmosphere that you feel like it's an inviting place and not like just behind a closed door. So I agree with that. Thank you.

**Trustee Arment:** Yeah. I think separately from the technicalities of this application and what the wording says on the permit, we've all been charged by the public here to keep noise under control. And but I think the issue here is noise, not whether it's caused by an open or closed door specifically. And so if there's other ways to keep noise under control while still maintaining us, having a nice, beautiful day and having doors open and being able to sit in a nice place, I think we're all for that. And as long as we can navigate that with the required paperwork and with other needs as well, I think that's a good goal to strive for. **Trustee Norris:** At the end of the day, John, we have your assurance that this will not be a nuisance establishment and that you will exercise your already demonstrated good corporate citizenry in this new establishment. **Jon Randazzo:** Yes. The last thing I'd want is for any of my places to reputation. **Trustee Norris:** We take you at your word. Thank you.

**Trustee Hargraves:** And if I just may add to that, the only reason I brought it up is because it is very strict. And I wanted you to be aware of what you were agreeing to. **Jon Randazzo:** When you read it. It was the first the first time I heard it. And I know that some of the other things come with this, but we didn't know. **Trustee Hargraves:** So, we're going to trust your discretion. **Jon Randazzo:** I appreciate it. I appreciate it and I won't let you down.



**David Simpson:** I'm sorry. Can I make one more comment in response to what Marco just said? This is David Simpson again. Go ahead, David. Marco, I wholeheartedly agree with exactly what you just said. It's not doors open, close windows open, close music on or off. It's whether the noise coming from any establishment day or night is disruptive. And in fact, if you go through the bylaws of the village and the code, historically there were recommendations of decibel readings and ways of monitoring that noise. And so when the spirit of Marcos recommendation, I wonder whether we might reconsider some form of monitoring the noise output of any particular establishment, whether it be decibel readings or otherwise, to determine when it exceeds what one might consider an acceptable level. I know Dave Lipsky and others have expertise in this area, but I would put that out as a recommendation. Okay. **Mayor Mallott:** Thank you, Dr. Simpson. Is there anyone else that wishes to be heard in this public hearing?

**Trustee Hargraves:** I do. Just a house cleaning issue. So, the board has made clear that we trust Jon's discretion. Do we need to amend the wording? Or is it inherent that this discretion in that? **Peter Bee:** Does the board wish my opinion expressed in public session? **Trustee Norris:** From my perspective, Dawn, obviously not from an attorney's perspective. Language as it stands, I would be okay with almost advise to keep again it's trust but verify if we receive something that we haven't that's contrary to the commitment that was just made. It's a vehicle for us to remedy that that violation. **Trustee Hargraves:** John, that's okay with you that the language stays as it is. **Jon Randazzo:** Yes. **Peter Bee:** Is there any other member of the public that wishes to speak on the application? Hearing None is there a motion to close the public hearing? The board may now wish to consider a resolution to approve, disapprove or modify the recommendation of the Planning Commission. The motion as proposed is, as I read it earlier, to approve the Planning Board recommendation with its seven conditions. As I read into the record earlier.

**ACCEPT & APPROVE SPECIAL PERMIT APPLICATION #306: CJ's OCEAN BEACH LLC (CJ's): Resolution No. 2023-019:** Mayor Mallott moved as follows:

**479 BAYBERRY WALK a/k/a BAY WALK, OCEAN BEACH, NEW YORK to consider Special Use Permit for change of ownership/site plan review at 479 Bayberry Walk, Ocean Beach, NY. § 164-32 – Uses permitted by special permit; § 164-36 – Site Plan Review**

**WHEREAS**, the applicant CJ's OCEAN BEACH LLC (hereinafter "CJs"), new owners of the premises leased by that entity at 479 Bayberry Walk (a/k/a Bay Walk), Ocean Beach, NY submitted an application for a Special Use Permit to continue the existing use (without change or expansion) of "bar and restaurant"; and

**WHEREAS**, the Planning Board/ARB reviewed the application at a public duly noticed meeting, held ad closed on January 20, 2023; and

**WHEREAS**, the Planning Board did vote at such meeting to recommend approval to this Board of Trustees of the application, subject to certain conditions and the representations of the applicant at the Planning Board/ARB hearing; and

**WHEREAS**, this Board of Trustees has reviewed the application, the recommendation of the Planning Board/ARB, and has taken into consideration comment from the public at its duly noticed Public Hearing, held and closed on February 4, 2023; now, therefore, it is

**RESOLVED**, that the application of CJs for a Special Use Permit to continue the existing use (without change or expansion) of "bar and restaurant" is **APPROVED** subject to the use and structure of the premises otherwise being in compliance with the Village Code, and further that the conditions of the prior Special Use Permit for the premises be continued, to wit and summarized as follows:

1. The Bar and Restaurant are to be heated and air-conditioned with doors and windows closed at all times.
2. No exterior work, other than maintenance work (i.e., repairing existing installations, painting and staining of the premises) shall be performed without further approval of the appropriate Village Board. No awnings shall be installed without further application to the ARB for review and subsequent determination and recommendation to the Board of Trustees (but any such submission to be made without additional application fees).
3. Applicant shall make further inquiry and response to Planning Board requiring the need for handicapped facilities. If required by Code, plans for same are to be submitted to the Planning Board and Board of Trustees before the Special Permit shall be granted and issued.
4. The applicant shall operate the establishment 12 months a year as a restaurant and bar. Additionally, the establishment shall also sell essential food items, including but not limited to milk, bread, eggs and other essential food items between the period of November 1<sup>st</sup> and April 15<sup>th</sup> of each year, provide that no other provider of the aforementioned food items is continually open for business during said period.
5. There are to be no obstructions or improvements in west setback other than the existing ice maker (or a smaller replacement, wall mounted exhaust fan and propane tanks. Plastic corrugated roofing material shall be removed from existing eyebrow roofs overhanging south and west setbacks.
6. All work shall be done in accordance with plans as modified and approved by the Planning Board/ARB, attached hereto, as Exhibit B.
7. If a Certificate of Occupancy or its equivalent is not issued within one year after the issuance of the Special Permit issued pursuant to a Special Permit Application #306, said Special Permit shall become null and void.



8. All conditions of any existing Special Permit(s) for 479 Bay Walk, Ocean Beach, NY shall be and hereby are incorporated into the Special Permit issued as a result of this Special Permit Application #306.
9. The above conditions are to be incorporated into any building permit issued pursuant to this Special Permit Application.

**AND IT IS FURTHER RESOLVED** that the following additional conditions be imposed upon the Special Permit, and be further incorporated into any building permit issued pursuant to this Special Permit Application:

1. Applicant shall install lattice work to block the view of the premises' compressors from Bayberry
2. There shall be no outdoor seating in the space adjacent to the west of the premises (and to the east of the "Sand Bar.")

PLEASE TAKE NOTICE: This recommendation does **not** cure existing violations of law (if any). It does **not** mean that the subject premises are now in compliance with the Building Code of the Village of Ocean Beach, nor with any other Federal, State or local law.

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

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

#### **PUBLIC HEARING #4**

**OPEN TIME: 12:29 PM Mayor/Blake**

**CLOSING TIME: 12:32 PM Mayor/Hargraves**

#### Notes:

**Peter Bee:** There is now open a public hearing on the application for the permit to operate as a full service hotel with a premises at 167-169 Cottage Walk. Is there any member of the board that wishes to make any comment before a hearing of the citizens? Hearing? None. Is there any member of the public that would like to speak to that application?

**David Lipsky:** Yes. I don't know if this applies to the Palms at Cottage, but there's a lot of excessive light pollution from that facility or the Palms in total. The lights are on constantly, and it's a danger to some of the migratory birds, as well as just being excessive. So, if there's a chance to have a commitment to looking at that, as the Palms hands would be helpful. I didn't see anything. John, did you get that? **Jon Randazzo:** So, about light pollution. I'm so sorry. One more time. **David Lipsky:** At all of the palms. **Jon Randazzo:** We're actually going to replace them. There's I think there's three. I think there's two. I think there's two lights that are lower. They're LED and I think there are two like spotlight-ish ones on the higher part of the building. And so, I mean, I would be happy to consult with you before we change them. **David Lipsky:** Great. I think it applies to all of the Palms establishments. **Jon Randazzo:** This one is just for one, we have six more to go. **David Lipsky:** Okay. Just wanted to be looked at as an issue. I'd be glad to discuss with you. **Jon Randazzo:** Yeah, for sure. Thank you. **David Lipsky:** Thank you.

**Peter Bee:** Any other person wishing to be heard on the application? Hearing None. Is there a motion to close the public hearing? Some move by the mayor, seconded by second Trustee Hargraves. Any discussion on that motion? Hearing then all those in favor signify by saying I. The ayes have it unanimously in the public hearing is closed. Does anyone wish to now make a motion to approve special permit application number #307, which, notwithstanding the wording of your agenda, is not made by the individuals John Randazzo, Joe Bonocore, Mitch Diamond and Mark Transport. But those individuals signed on behalf of the correct applicant Palms Ocean Beach LLC. So moved to approve that application, and the wording of the resolution is before this board. It resolves that the application of that entity for a special use permit for a full service hotel is continued and approved, subject to the use and structure of the premises, otherwise being in compliance with the Village Code. A determination made by the Building Inspector and Zoning Board of Appeals. I heard that motion made by the by the Mayor. Is there a second? Second, seconded by Trustee Norris. Any discussion on that motion? Hearing None. All those in favor signify by saying I. And that motion is approved unanimously.

**ACCEPT & APPROVE SPECIAL PERMIT APPLICATION #307: Resolution No. 2023-020:** Mayor Mallott moved as follows: **PALMS OCEAN BEACH LLC (Palms Hotel), 167-169 COTTAGE WALK OCEAN BEACH, NEW YORK to consider Special Use Permit for change of ownership/site plan review at 167-169 Cottage Walk, Ocean Beach, NY. § 164-32 – Uses permitted by special permit, § 164-36 – Site Plan Review.**

**WHEREAS**, the applicants JON RANDAZZO, JOE BONOCORE, MITCH DIAMOND and MARK TRANSPORT (hereinafter collectively referred to as the “Palms”), new owners of the premises at 167-169 Cottage Walk, Ocean Beach, NY, submitted an application to declare that certain interior changes, together with an awning replacement, are consistent with its operation as a “full service hotel” and are not violative of its pre-existing and non-conforming use, and that a new Special Use Permit be granted in connection with same; and

**WHEREAS**, the Planning Board/ARB reviewed the application at a public duly noticed meeting, held ad closed on January 20, 2023; and

**WHEREAS**, the Planning Board has taken note that the “hotel” is in the R-4 residential zone and therefore, absent other authorization, hotel use is a prohibited use under Village Code 164-30. A as not being expressly permitted; but

**WHEREAS**, the Applicant has represented to the Planning Board/ARB that the use of the premises as a hotel has been in existence for a sufficient period of time to qualify for an exemption as a pre-existing non-conforming use under Village Code 164-18. D (extension of a nonconforming use); and

**WHEREAS**, based upon the representations of the Applicant, and after due deliberation, the Planning Board did vote at such meeting to recommend approval to this Board of Trustees of the application, subject to certain conditions and the accuracy of the representations of the applicant at the Planning Board/ARB hearing; and

**WHEREAS**, this Board of Trustees has reviewed the application, the recommendation of the Planning Board/ARB, and has taken into consideration comment from the public at its duly noticed Public Hearing, held and closed on February 4, 2023; now, therefore, it is

**RESOLVED**, that the application of the Palms for a Special Use Permit for a “full-service hotel” is continued and **APPROVED** subject to the use and structure of the premises otherwise being in compliance with the Village Code, a determination to be made by the Building Inspector and/or Zoning Board of Appeals.

PLEASE TAKE NOTICE: This recommendation does **not** cure existing violations of law (if any). It does **not** mean that the subject premises are now in compliance with the Building Code of the Village of Ocean Beach, nor with any other Federal, State or local law.

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

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

**HEARING OF THE CITIZENS: 12:33 PM**

**Maria Silsdorf:** Uh, if I could. **Peter Bee:** Sure. **Maria:** Hi, it's Maria Silsdorf again. This time I'm speaking as president of the Ocean Beach Association. Thanks for the opportunity to speak. I have a couple of announcements. The Ocean Beach Association winter meeting will be held via Zoom this upcoming March 14th, which is a Tuesday at seven. We've confirmed that the community leadership will be available to present to you. We've confirmed that most of the village board will be present. Hopefully all of them will be present. And as there is an upcoming election of two trustee positions in June, we will invite any declared and all declared candidates to address the audience at that time. So that's Tuesday, March 14th at 7 p.m.. Several meetings ago at the meeting that the mayor was actually not present at the Ocean Beach Association, had asked for a full discussion about the New York State Comptroller audit of Steve Brautigam, and at that point Trustees Blake and Norris requested that we put our questions in writing, which we did do, and we submitted those questions to the board on January 25th. So, Chris had also specifically asked that I not submit that note the morning or the evening before meeting. So, we did give it to you a couple of weeks in advance. So, I'd like to understand how the board would like to handle that. And then I have two additional comments I had asked in the chat about the resolution that Peter Bee read regarding the trustees salary cap, just to confirm whether that included the mayor or not, and it does not include the mayor. So, I just wanted that on the record. It's for the four trustee positions as well. And then I also had a question in the chat that was not answered. There was a reference to an assessment report. I don't know what that is. I don't know if I need to know what that is. But I did ask the question that hasn't been asked, answered. So, if we could maybe start with the Brautigam. Note that the Ocean Beach Association sent to the board. **Mayor Mallott:** Yeah. Maria. Maria. The village is still under that audit, so it's not really appropriate to comment on it at this time. I refer you to our reply to the comptroller's office, which is on the website.

**Maria:** And any sense of when that how long that audit will continue? And is that audit broader than just Steve Brautigam, who's no longer an hour employee? **Mayor:** We don't know the length and breadth of the audit at the moment because there are things that we're not told about. We'll be told when we get a final determination from the state auditors. **Maria:** Thank you, Jimmy.

**Mayor:** You're welcome. **Maria:** Do you want to comment on the assessment? Is that what is the assessment report? **Mayor:** Peter, would you address the assessor's report? **Peter Bee:** I believe that was the assessors report rather than the assessment report. **Maria:** Okay. Thank you. **Peter Bee:** And bear with me just a second, if I can locate that Item. 13. Okay. You know. The motion that was passed was. Whereas the Village of Ocean Beaches Assessor will prepare the assessors report, setting the assessments as of February one, 23. Now, therefore, it is hereby resolved that the Village of Ocean Beach accepts or will accept the assessors report submitted by Paul Petruzzelli. Village Assessor after review by Lindsey Morris. Village Treasurer for the year 23-24. So that is the setting of the assessments on the village properties. **Maria:** Okay. Thanks for the explanation, Peter. **Peter Bee:** No problem. **Maria:** That is it for me. Thank you, gentlemen.

**Judy Steinman:** I will not repeat the comments that I made earlier, but I think you all know that. I think the format of these meetings in which the public can neither be seen nor heard is terribly disrespectful of the public. I've been going to trustee meetings for about 30 years, and I've had this discussion with several mayors. I've been told by my friend Mr. B that this is the way things are done in other communities. Frankly, I don't care what's done in other communities. This is Ocean Beach. We are unique in many respects, and one of them apparently is that we allow our citizens to participate during an ongoing trustee meeting. I resent what you have done. I think it's terribly disrespectful to the members of this community who take the time to come to meetings, to participate, to make suggestions, to ask questions. And I think that what you're doing is to diminish the role of the citizens in our government and in our village. And I think ultimately that is very harmful to us. Thank you. **Trustee Arment:** Judy, can I ask some clarifying questions? What you're referring to is are you. So, the being able to see you on video, That's for sure. That's on us. It's more of a practical concern. We don't really have like a big screen in here set up yet. **Judy:** And that's fine. **Trustee Arment:** And I'm we're looking into that for future equipment upgrades. But that's not we just don't have that yet. Are you referring to being muted before the public hearings? **Judy Steinman:** I'm speaking about being muted during the entire meeting. It used to be that a member of the board or the mayor or a head of a department would make a presentation and then would entertain questions from the citizenry. You've precluded that by muting us. **Trustee Hargraves:** Judy, I think what we did is we just moved the comments from during the meeting to the to a different part of the meeting. **Judy:** That's exactly what you did. And effectively, you shut us up. **Trustee Hargraves:** I don't, I totally disagree with you. You are still, at this point allowed to address anything that's been discussed or presented during the meeting. **Judy Steinman:** I understand that very well. And I understand that tactically your move is very disadvantageous to the citizenry. **Trustee Hargraves:** I have to tell you, I don't think **Judy Steinman:** It's not a war where in. We want to participate with you. We're not in competition with the board. We want to work with you. And it happens better when comments are made. Appropriately in time, not a half an hour or an hour later. **Mayor Mallott:** Thank you, Judy. Noted.

**Trustee Blake:** Can I just add one thing, Judy? You'll remember Well, I mean, one of the maybe positive things that came out of the COVID period was an ability now to broadcast the meeting like this. **Judy:** I agree with you Matt. **Trustee Blake:** You know, in the dead of winter, we're looking at a fair amount of capacity in this room, Right, for people to come in and. There just aren't that many people here. And for a long time we didn't have the technological capability to include people at all and so **Judy:** We do now, Matt. **Trustee Blake:** I know. But I think just keeping things in perspective in that vis a vis years ago, we've made material strides forward on this front. You know, can we look at the structure of the meeting? I guess we could. I mean, to your point, and you made it. Most jurisdictions that we're aware of don't allow for interventions from the public. After every piece of the agenda. It just it makes operating the meeting. But we hear you. We hear you. I'm not dismissing what you're saying. We hear you. But thank you for adding the specificity because I was a little bit lost, to be honest at the outset. But thank you. **Judy:** this is a comment I have made before. Matt, you should not be lost. You've been a trustee long enough that you've heard me make this statement several times. I've made it to Mr. B as your attorney. I've made it to the mayor. I've made it to the board. I think by now you ought to take your earplugs out.

**Trustee Blake:** Yeah. So? So just in terms of earplugs. I always interpreted your comment as being in the off season. Not having access to meetings. **Judy Steinman:** No never have I made that specific comment. Never. Not once. **Trustee Arment:** I'll tell you what. So, this is what we're talking about is actually the video is a big a big issue that is hard to solve. The issue of being muted during the first part of the of the meeting is a very small issue. So, the main reason we do it is more technical. It's that people often will accidentally on mute and there be a lot of noise in here. It makes it hard to hear. So, it's more of a practical concern. But if you want, I'm happy to try next meeting, letting people unmute themselves whenever they need to and we can see how it goes. **Judy Steinman:** Well, we could raise our hands, for example, if we're unmuted and we could be recognized. This is what has always been done, Marco. And I'm going back 30 years. I'm going back to Joe Loffler as mayor, I'm going back to Natalie Rogers as mayor. I'm going back to others whose names escaped me at the moment. This is an ongoing discussion with the board why the board wants to preclude the citizenry from active discussion at the time it's appropriate. It doesn't make sense to me at all.

**Trustee Norris:** I think I just heard Trustee Arment say that we're going to open it up next meeting. So, yeah, Congratulations, Judy. You made some ground there. **Trustee Arment:** Yeah, let's try it. **Mayor Mallott:** That's a bad move. **Judy Steinman:** Chris don't be sarcastic. **Trustee Norris:** It's part of my nature. **Mayor Mallott:** It's a bad move

**Trustee Blake:** Judy, at the same time, I'm a bit flabbergasted because you referenced previous mayors, administrations, and going back in time like this is a new capability for us. For the longest period of time in February, we did preclude a large part of the population because they weren't physically here. And now we've got technology actually allowing for comments like yours to come through. So that's a material change for the better. **Judy Steinman:** Okay, But you don't act on it. It's not the first time I've made this comment to the board. This board, I make it every time you try to change the format of the meeting. And if you go back, if somebody has recorded my comments, you'll see this is not the first time. Marco may be the only one who hasn't heard me make this comment before. **Trustee Arment:** No, I've heard it before. **Judy Steinman:** Okay. So there you go. **Mayor Mallott:** It descends into chaos if you have everybody talking at once. **Judy Steinman:** It doesn't, it never has. **Mayor Mallott:** It does Judy. And your the exact point is going on now. You're like a dog with a bone when you got a subject and there's no end to it. **Judy:** Excuse me. I was properly recognized and I'm speaking. You're the one that has interrupted me. **Mayor:** Judy, your time's up. Okay? Anybody else got anything to say? Please.

**Patty Brahe - OBYG:** Hi. Sorry. I was just trying to do my video, but that's okay you don't need to see me. Just really quick. I wanted to let everyone know that registration is open and so is applications for working at OBYG. We have a search out for a new camp nurse. We need a wakeboarding director and a tennis pro. So, if any of those jobs fit anyone you know, please pass the word along OBYG.org. And we're so excited for summer 2023. Thank you.

**Linda Elton:** Good morning, everyone. Can you hear. Yes. **Linda Elton:** Oh, thanks so much for your time. I just wanted to mention to everyone that as most of you or all of you know, we lost our beloved Martha Mason on November 5th. Martha was a dear, dear friend to all of us. And Rachel Doran, Kelly Becker and I are working with Martha's family to plan a celebration of life, which will take place on June 25th in the Community House. And I really just wanted to use this opportunity to let everyone know in advance so you can mark your calendar will be working with the village office. We've already reserved the community house for that morning, and I really just wanted everybody to know in advance because time is going to pass, things are going to get crazy busy. And I know that Martha would love to see all of her loved ones there. **Mayor:** Who okayed this. **Linda Elton:** Lisa Schwartz, who is working with Lisa, who is Martha's sister, filed an application in the village hall. **Mayor Mallott:** Because we don't usually have memorials in the community house. It's not something it's not a practice that the village has ever done because it can, you know, once you open the door to something like that, it everybody wants to have a memorial for everybody who passes away. And it's usually better for the village to stay out of the memorial business. I don't know if anyone from the village office informed you of this. **Linda Elton:** I know that. Well. Well, I'll actually be speaking to Martha's sister later on today and let her know that we had this conversation. I believe that DJ her son and Martha's nephew filled out the documents, the application. I know. I know Bunny's away. And I had planned to speak with her next week on this. But if you're saying, Mayor, that this is not something that you, the board, would be open to, then I need to let the family know. **Mayor Mallott:** It's not an open policy. I think we need to discuss this a little further. **Trustee Norris:** But we will discuss it. All right. And we'll get back to you also. **Linda Elton:** Okay. Just a note. We had a Zoom meeting, Rachel, myself and Martha's family on Thursday night. And what we had planned to do is have something that would include a small or short coffee hour that Rachel would be providing coffee and pastries and an opportunity for the community members to be together for half hour, 45 minutes. And then we would have a short a short service, mostly just community members and friends speaking about Martha and their relationship with Martha and we would have posters with various family photographs, and we had planned to have a real playing as we had done for her service in New Jersey. But again, I'm glad that I'm bringing this up because I believe the family is under the impression that the community house was going to be open for this. **Mayor Mallott:** Okay. We'll be in touch. **Linda Elton:** Thank you so much.

**Lisa Lowe:** Wait, wait. I'm here. Yeah. I'm speaking through my husband's computer right now. Yeah. So, I had a question for you. You referenced during the meeting number of number of documents. I'm assuming that they're available at the meeting house, but they're not available online or I'm not finding them online. If you're going to have documents that. **Speaker2:** You're going to reference, like the budget changes to the budget as shown in the attached. Could you make sure that they're available for those of us that participate via Zoom? **Mayor:** Do we put all the documents online. **Peter Bee:** They should be **David Lipsky;** They're not. **Trustee Norris:** We're not. If not already posted, we'll make sure they are. **Lisa Lowe:** Thank you.

**David Lipsky:** In reference to the whole discussion on noise from John's restaurant and the noise code, I mean, this has been an outstanding issue for. You know, 20 years probably, but certainly in the last ten years. And it's been a issue of failure on the part of the village to actually rein in the noise, VOBEC not only provide revised noise code, but also a approach to noise enforcement which relied upon measuring noise when there is a large crowd and setting the limiters, something that I think, Jimmy, you promised to do years ago as a pilot project. And to have different requirements for the day versus the night. I'm. You know, the police basically have never enforced the noise code other than a general sense that some places too loud and they tell the owner to shut the doors. But it's often complaint driven. It's not really in some locations like Hauser's. It almost never happens. And I think the village should invest in maybe hiring a noise expert and to require all of the establishments that have music. Which is the primary problem. To go around with their windows open and then with their windows shut to establish acceptable levels of noise getting out into the street. And also think about hiring a code enforcement officer rather than having Ocean Beach Police Department do what a lot of other communities do, which is to go through code enforcement rather than police enforcement. Thank you.

**Jonathan Jossen:** Hi. Hey, Board, It's Jonathan. Hi. Just a question. I hope you've had a great winter. Over the last couple of years, we've noticed how the village has grown and we've noticed how the houses and everything seems to be much more beautiful. How are you guys going to attack the cleanliness of the village? I was down in Florida over the over the holidays and there were thousands of people circulating around the bars. And I noticed that there was constantly workers cleaning till like two in the morning. So, there was never garbage on the floor, nothing ever looked dirty. Unfortunately, when we walk through the town at 9:00 at night, you've got pizza plates everywhere you have you have ice cream cups, you have ice cream spilled all through the middle of town. You it's just it never looks clean until like 11:00 or 12:00 Sunday morning. How does that change after 30 years? **Mayor Mallott:** We've been talking about that this morning in executive session. We're trying to put a plan together to clean the village a lot better this summer. It's also includes hiring more part time and full time help and readjusting a schedule. We'll have to look at it in our budget constraints.

**Trustee Norris:** And Jimmy, I'm sure that the communication to some of the establishments, whether it's ice cream or by the garbage alleys, that the village is communicating to those establishments, that it's a collaborative effort that they have to pick up after themselves. Ice cream is sold. Clean up the sidewalk in front of your establishment. Pizza's sold. Those are your pizza plates all over the place. Just reaffirming that communication would be good.

**Mayor Mallott:** We're looking at more garbage cans with people to empty the garbage cans throughout the day and throughout the night so that there's never overflowing garbage cans anywhere and keeping the streets clean. It's a matter of personnel that we have to we have to try and hire. **Jonathan Jossen;** Well, I understand that. And I really think that's great that it's finally, you know, you guys are really discussing it in earnest. I think that's great. I really do. You know, the issue is the ice cream place. They're the ones that should be paid another \$25 an hour to put somebody there to constantly clean. And the pizza place, not necessarily the onus on the village, even though everybody pays taxes. I mean, I understand that we have lifeguards. **Mayor:** We agree with that statement. **John.** We agree with that statement. **Jonathan Jossen;** And, you know, you have lifeguards, I'm sure a lot of those young kids that is staying in the village with their parents or whatever might want to pick up an extra whatever the paying is. But I just have one other thing and it's great. **Mayor:** Don't think things don't work like that anymore, John. That's you know, you get a college kid to walk around and pick up garbage doesn't work anymore. **Jonathan Jossen:** Well, I know you got a 1099 them. You've got to put them. You know, you've got to do that. One other thing, one other thing that really is upsetting and it's been going on forever. The gentleman that owns the mermaid, when you walk behind his thing over there, behind the mermaid, it just always looks awful. 24 seven and he's starting and it smells and he's starting to do the same thing in the supermarket at the other end of town. There's always boxes strewn. There's it's always now become a mess over there. So, on both ends of the town. He's really doing nothing to help the town by. It just looks like you could go and look at both sides and you could see how bad it smells. Why can't we stop that before it gets worse and worse and worse? And that's it. **Mayor:** Thank you for your comments. **Jonathan Jossen;** Well, can we do something about that? **Mayor:** We'll take it under consideration. **Jonathan Jossen:** I love that. Thank you, Jimmy. Thank you. Board. It's been a pleasure. **Peter Bee:** Any other members of the public? Hearing none, is there a motion to adjourn.

**ADJOURNMENT:** Mayor Mallott moved to close the meeting at 12:58 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 Arment	Voted Aye
Mayor Mallott	Voted Aye

  
Jonneigh M. Adrion, Village Clerk

  
Jacqueline Rulon, Deputy Clerk