



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 March 19, 2022 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 9:01 AM from the Village Office, for the purpose of discussing personnel, contracts and pending litigation.

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

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

No motions or resolutions were acted upon in Executive Session. Executive Session was closed at 11:05AM by Mayor Mallott. The motion was seconded by Trustee Hargraves, upon call the following voted:

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

GENERAL SESSION: At 11:17 AM, Mayor Mallott moved to open General Session. Trustee Power seconded this motion. Upon call, the following voted:

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

Following the pledge to the Flag and Roll Call at 11:17 AM:

There were present:	Mayor:	James S. Mallott
	Trustees:	Matthew M. Blake, Absent
		Dawn L. Hargraves, Via Zoom
		Christopher F. Norris
		Brian J. Power
	Village Counsel:	Peter Bee
	Village Clerk/Treasurer:	Steven W. Brautigam, Via Zoom

Mayor Mallott opened the meeting. Good morning everybody thank you for coming. We are here live in Ocean Beach. I'd like to start with a sad note. I have to mention some people we lost in the past few months. Steve Einig, ex Trustee, village resident for many years. Everybody knew him and everyone had an opinion of him and he had an opinion about everyone. He will be sorely missed. Amy Fortgang passed away, she lived on Wilmot with her family. It was sudden. Jack Marks on Evergreen Walk and Kathy Compitello of Ocean Road also passed away. Our condolences go out to their families, they will all be missed. Peter Bee; sadly I have to add to that announcement my partner, Peter Fishbein also passed. He was for many years over in Summer Club. Mayor Mallott; he was also a village attorney and member of the Fire Dept. He will be sorely missed. A moment of silence please.

Mayor Mallott I'd like to start with some good news. Fire Island Ferries will start running to Ocean Beach tomorrow morning. We come to a tentative agreement, we still have to cross our "t's" and dot our "i's". Are we happy with the agreement? No Are they happy with their side? No, but we do have an agreement for a two-year term. I'm sure that will come as a welcome surprise It's been quite a battle for the past couple of weeks and the ferry will be running tomorrow. Peter Bee; I received a text the service will not start later than tomorrow, but it's possible it will begin today. As soon as I have confirmation I will let you know. For right now the service will start tomorrow morning, if I get a further information or a text, I will distribute that information as soon as I know.

Maria Silsdorf; Jimmy and the Trustees we would like to thank you. We know how much hard work went into this. It's very much appreciated by all the communities. Thank you very much, well done. Mayor Mallott; Maria thank you for your able assistance.

APPROVAL OF MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON JANUARY 15, 2022: Resolution No. 2022-015:

Mayor Mallott moved as follows:

BE IT RESOLVED that the Minutes of the Board of Trustees Meeting held on January 15, 2022 are accepted as amended

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

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

APPROVAL OF BILLS AND CLAIM VOUCHERS: Resolution No. 2022-016: 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 \$379,924.33, for Gross Payroll from 01/12/22 through 03/08/22

General Fund, in the amount of \$213,659.27, check numbers A26593 through A26680, and

Water Fund, in the amount of \$38,375.24, check numbers F3568 through F3584, and

Sewer Fund, in the amount of \$54,800.22, check numbers G6572 through G6590, and

Bay Front Project, in the amount of \$165,607.38, check numbers 2019 through 2020, and

Sewer Collections Project, in the amount of \$15,094.93, check numbers 1052 through 1054

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 \$ 183,430.19, starting with check number A26681, and

Water Fund, in the amount of \$ 25,953.63, starting with check number F3585, and

Sewer Fund, in the amount of \$ 29,591.09, starting with check number G6591, and

Bay Front Project, in the amount of \$ 146,966.23, starting with check number 2021, and

Sewer Collections Project, in the amount of \$ 26,401.33, starting with check number 1055

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

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

MAYOR'S REPORT:

1. You have my report really. The Fire Island Ferries has been taking up every waking minute almost. It's been long, hard and it's only a two-year term. We have a lot of hard work in front of us. I don't want to say too much more, I don't want to jeopardize what we have going on. It leaves us a lot of work. I don't have much more to add on my report.

SUPERINTENDENT'S REPORT: Kevin Schelling spoke

Wastewater: Sewer plant is fully operational.

Emergency Systems and Generator systems operational fuel supplies full.

All pumps tuned up and tested

We were inspected by the Department of Health - passed

Chemical supplies are full

Three (3) new sewer connections installed

Unclogged sewer lines for Village Office and School.

Water: Wells #2, 3 and 4 are operational

All Emergency Systems and Generator system operational with full fuel tank

Chemical supplies are full

Quarterly testing of all wells completed

Three (3) new 2" fire system water services installed

Repaired fire hydrant that was hit on Ocean Breeze

Worked on Main Street for Well #5 project. Concrete to be re-poured this week

Buildings: Renovations of apartment at 504 Bayberry Walk continue

Environmental systems (heat etc.) of Windswept have been put on stand-by

All fire systems have been inspected and tested

Marina: Bubbler system was installed for icing conditions and was removed and stored away.

Marina opens April 15th

- Properties: Continue to work with Chesterfield – Dock installation in Ferry area to be completed by April 1st.
 Playground – Working toward shade installations & possibilities, met with representative from Gametime
 Ordered new infant swings (4) with shade for playground
 PSE&G project ongoing, helping with power line installation by sewer plant
- Streets: One blizzard & other storms we plowed and sanded
 Sand removal from streets to start soon

OCEAN BEACH VOLUNTEER FIRE DEPARTMENT REPORT: Chief Levine spoke

Good morning. Thank you for the ferry contract. The fire dept closed out it's 2021 year. We responded to over 300 calls, it's about the same as the year before. We are in the planning stages for the new season coming up. Wanted to let you know we are planning our duty shift every member of EMS and OBFD every other weekend does a 12 hour shift, where they commit themselves to responding to alarms. Just wanted to thank them for that. We have submitted our budget and once the calendar starts, we are going to replace some equipment that has timed out, boots and helmets. It's expensive but it has to be done. Next year we will start the process of replacing our oldest truck. It will be about a two and half year process. We will be replacing the truck built in 1990. Jim Wicks, Peter Brennan and Andy Miller are our new CFR- Certified First Responders similar to EMTs and can respond to scenes. Drew Becker is almost complete with his EMT class, just waiting to take state test. Jake Putnam is in the middle of his EMT class. We have 3 new probies in Firefighter I, Luke Hirsch, Adam Morano and Mike Fesselmeyer. they are about two-three weeks away from our newest full-time members. We will have drills starting soon. I know LOSAP is on the agenda and I'm available if you have any questions. Mayor Mallott, thank you Ian and all the members for all their hard work, I know it's not like it used to be when I was a member. It's a lot more work and I thank them all.

OCEAN BEACH POLICE REPORT: Chief Hesse spoke.

Good morning. We are prepping for the summer season. We have nine new recruits in the academy who are set to graduate April 28th, 2022. We have our annual meeting scheduled for May 1st with the entire department, it's a training day. We will catch up on requirements and any updates moving forward for season. Some questions I have been getting is about the bike rules. I'm going to give that to the board to think about and mull it over and decide what you want to do. I expect this year to be busy compared to the last couple of years. Mayor, where do you see us with the bike laws, to give us some kind of guidance? Last year they weren't enforced as per the Board's instruction. We really had no major incidents other than people riding without lights at night. I'm just putting it out there for you guys to mull it over. The association reached out because they are updating their sheet that they give homeowners for village rules & regulations. Mayor Mallott; remind us of the difference. Well in years past we went from no bike riding to riding whenever you want. Kevin Schelling; there was a lot of bikes in town and at the ocean blocking the walks. George, that's always a problem and something we will have to try to remedy. Trustee Norris; but you had no bikes down town did the expansion or relaxation of the rules precipitate more people riding down town. George Hesse, No, you'll get the kids but mostly underage they were spoken to. Trustee Norris; if we take the same course and find the volume changes on the weekend becomes problematic, we could always reverse course. George Hesse, yes we can re-visit and change it. Ok understood. Other than that, there's a lot of construction going on in this village. There's a lot of movement, a lot of golf carts, a lot of vehicle traffic. There's been some violations issued for speeding, blocking the walk. There is some permit issues with some of these contractors. I mean, I understand everybody. You know, the weather is starting to turn nice. People are trying to get things done. Please talk to the building inspector and get your permit in place before they do the work. Other than that, like I said, we're getting ready for the summer and we shall be ready. So, if you have any questions, concerns, call me or email me anytime.

ADDITIONS AND/OR DELETIONS TO THE AGENDA: NONE

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA): Resolution No. 2022-017: 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 Norris seconded the motion. Upon call, the following voted:

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

RATIFICATION & APPROVAL OF PERSONNEL: Resolution No. 2022-018: Mayor Mallott moved as follows:

WHEREAS, Steven W. Brautigam, Clerk/Treasurer, at the time of hire, has provided a report to the Board of Trustees detailing and listing new hires to be paid under general funds appropriation code, EMT/Paramedics A3410.100, not to exceed these budget line items, and has requested ratification and approval by the Board of Trustees for said new hires; and

Now it is hereby

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

<u>Name</u>	<u>Start Date</u>	<u>Status</u>	<u>1/1/22-5/15/22</u> <u>9/16 -12/31/22</u>	<u>Pay Rate</u>	<u>5/16/22-</u> <u>9/15/22</u>	<u>Pay Rate</u>
EMT/Paramedics	Dept. -A3410.100		Fall/Winter/Spring Hours		Summer Hours	
Auricchio, Peter	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Bialek, Nathaniel A.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Bolender, Adam	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Brandman, Kasara	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Cantore, Jessica L. -BASIC	3/19/2022	Seasonal	20 hrs. per wk.	\$50/Hr	40 hrs. per wk.	\$25.00/Hr.
Cherry, Patrick	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Colyvas, Nicholas	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Dackow, Timothy R.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
DiGregorio, Adam	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Falley, Scott M.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Gazzo, Schuyler P.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Hager, Jason A.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Halloran, Angela E.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Hoffman, Jason L.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Killoran, Jessica	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Laidman, Keith	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Lambert, Erin	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Lee, Winston	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Masem, Jennifer	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
McDonald, William	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
McGrath, Sean M.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Miller, Shawn S.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Nirrengarten, Ray J.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
O'Connor, Ryan	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Palumbo, Madison	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Quinn, Brian P.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Rudolph, Richard	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Smyth, Thomas A.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.
Wilson, Christian - CCA	3/19/2022	Seasonal	20 hrs. per wk.	\$60/Hr	40 hrs. per wk.	\$30.00/Hr.
Zabiela, Ernest S.	3/19/2022	Seasonal	20 hrs. per wk.	\$75/Hr	40 hrs. per wk.	\$37.50/Hr.

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

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

APPOINTMENT OF ELECTION INSPECTORS: Resolution No. 2022-019: Mayor Mallott moved as follows:

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

WHEREAS, the Village of Ocean Beach authorizes the use of non-village, Suffolk County residents because there is not sufficient qualified residents to fill the positions;

Now, therefore, it is hereby

RESOLVED that Election Inspectors shall be paid at a rate of \$20.00 per hour; and

Be it further RESOLVED that no person shall be entitled to vote at any Village election whose name does not appear on the register of qualified voters supplied by the Suffolk County Board of Elections; and

Be it further RESOLVED that the date, place and hour at which inspectors of election shall meet to prepare the register, and the general village election, shall be as follows:

1. The inspectors of election shall meet on the 31st day of May 2022, at the Village Office, between the hours of 12:00 Noon and 3:00PM to prepare the register for the Village election
2. Voting for the General Village Election shall be conducted at the Ocean Beach Community House, Cottage and Bay Walk, from 8:00AM. to 9:00PM on Friday, June 3, 2022
3. The following are appointed Inspectors of Election:
 - a. Alexa Collins
 - b. Diane Montes
 - c. Jacqueline Rulon
 - d. Krysia McBride
 - e. Kate Kurka
4. The following individual is appointed as Inspector of Election Chairperson: Diane Montes

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

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

HEARING OF REAL PROPERTY ASSESSMENTS: Resolution No. 2022-020: Mayor Mallott moved as follows:

WHEREAS, the Village is in receipt of the following Grievances which have been reviewed by the Village's Assessor, Paul Petruzzelli and Tax Certiorari Counsel, James Ryan; and

Now, therefore, it is hereby

RESOLVED, per the recommendation of both the Assessor and Tax Certiorari Counsel, the following Complaints on Assessments have been Denied or Dismissed:

Commercial:

- 1.) District: 502 Section: 1 Block: 4 Lot: 026 Item #31310
Long Island Lighting Co., dba: LIPA
634-636 Ocean Breeze Walk, Ocean Beach
Recommendation: Denied - Property is exempt
- 2.) District: 502 Section: 914 Block: 99 Lot: 031.028 Item #31280
Long Island Lighting Co., dba: LIPA
Roadway/Road, Ocean Beach
Recommendation: Denied
- 3.) District: 502 Section: 914 Block: 99 Lot: 031.285 Item #31285
Long Island Lighting Co., dba: LIPA
Roadway/Road, Ocean Beach
Recommendation: Denied
- 4.) District: 502 Section: 000 Block: 00 Lot: 000.000 Item #31320
Long Island Lighting Co., dba: LIPA
Roadway/Road, Ocean Beach
Recommendation: Denied
- 5.) District: 502 Section: 000 Block: 01 Lot: 026.000
Long Island Lighting Co., dba: LIPA
Roadway/Road, Ocean Beach
Recommendation: Denied
- 6.) District: 502 Section: 1 Block: 3 Lot: 9 Item#733730
Fire Island Sandpiper, Inc.
479 Bay/Bayberry Walk, Ocean Beach
Recommendation: Denied
- 7.) District: 502 Section: 1 Block: 4 Lot: 28 Item#735010
780 Bay Walk Land Co. Inc.
778-780 Bay Walk, Ocean Beach
Recommendation: Denied

Residential:

- 1.) District: 502 Section: 1 Block: 1 Lot: 8.002 Item#737490
Arnold Mazel
339-341 Surf Road, Ocean Beach
Recommendation: Denied
- 2.) District: 502 Section: 1 Block: 1 Lot: 36.001 Item #736820
Patricia Mascolo
177-178 Wilmot Road, Ocean Beach
Recommendation: Dismiss - Filed in the moratorium period
- 3.) District: 502 Section: 2 Block: 1 Lot: 54.001 Item#736410
Ellen Reiss Portnoy Trust
89-90 Ocean Road, Ocean Beach
Recommendation: Denied
- 4.) District: 502 Section: 2 Block: 4 Lot: 12.001 Item#734130
Mark DeAngelis
568-569 Bayberry Walk, Ocean Beach
Recommendation: Denied
- 5.) District: 502 Section: 2 Block: 5 Lot: 24.010 Item#735992
Kent Gardens, LLC
1003-1005 Surf View Walk, Ocean Beach
Recommendation: Denied
- 6.) District: 502 Section: 1 Block: 4 Lot: 37.004 Item#734925
Carin Roth
761-762 Ocean Breeze Walk, Ocean Beach
Recommendation: Denied
- 7.) District: 502 Section: 2 Block: 3 Lot: 43.000 Item#733530
Thomas Regina & Laura Delanoy
437-438 Dehnhoff Walk, Ocean Beach
Recommendation: Denied

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

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

AUTHORIZATION TO ACCEPT LEASE WITH NORTH SHORE COMMUNITY SERVICES, INC.: Resolution No. 2022-

021: Mayor Mallott moved as follows:

WHEREAS, the Village will receive a Lease Agreement with Southside Hospital to rent certain space (office and residential) at 504 Bayberry Walk, Ocean Beach, NY, for a term of three years 2022-2024; and

WHEREAS, the first year will commence May 16, 2022 and terminating September 16, 2022 the proposed rent is \$1,287.50 and \$183.93 per day for partial weeks for a total of \$22,807.15 for the 2022 season; the second year will commence May 15, 2023 and terminating September 15, 2023 the proposed rent is \$1,326.13 and \$189.45 per day for partial weeks for a total of \$23,491.46 for the 2023 season and the third year will commence May 13, 2024 and terminating September 13, 2024 the proposed rent is \$1,365.91 and \$195.13 per day for partial weeks for a total of \$24,196.12 for the 2024 season

WHEREAS, it has been determined that the proposed rent will be payable in full each year on or before June 25th of the corresponding year; and

Now, therefore, it is hereby

RESOLVED that the Mayor and/or Village Clerk/Treasurer is authorized to enter into a Lease Agreement, subject to final review by Village Counsel.

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

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

PUBLIC HEARING #1

OPENED BY: Mayor/Norris CLOSED BY: Mayor/Power

OPEN TIME: 11:37 AM

CLOSING TIME: 11:42 AM

Notes: Peter Bee, the local law essentially adds the phrase water limos to the existing local law that concerns water taxis and charter boats there as there was, as the board is aware, a recent court case that noted that the phrase water limo is not expressly contained within the local law to identify it for purposes of an application. Accordingly, this proposed local law would correct that technical deficiency and add water limos to the local law. Does any member of the board wish to speak to the proposed local law? Mayor Mallott; I'm sure that everybody knows what this is about by now. We had an application for a new water taxi company, H2O, to come into the village before we had a chance to act on it and give him due process. He found a loophole in the law. That was he was a water limo, not a water taxi. And he was given permission to dock here by the courts. Today we plugged that loophole, but we're still here to talk to H2O about their application to become a water taxi. A second water taxi here in Ocean Beach. So that's the explanation of that change in the code.

David Lipsky: I'm wondering, does the board have any estimate of the numbers of people that are discharged to Ocean Beach by the various taxis, limos and so forth? And have you considered. Since we can't have unreasonable licensing fees. Whether there should be a per person tax to handle the security and other things that go with the administration of this local law? Mayor Mallott; we haven't decided anything yet. We're investigating all possibilities of allowing a new water taxi and the old Fire Island ferries water taxi. We're working on that now. We just want to listen to the applicant today for H2O and our decision will probably be based on some of that information that he gives us. David Lipsky: I thought this was a hearing on the (inaudible) Peter Bee; There are actually two items on the agenda. One is a hearing on the proposed local law, which is what we are in the midst of at the moment and that simply adds water limo to the existing local law. There is a separate agenda item, which is the application of H2O limo. We are not on that item at this time. David Lipsky; So, can we consider a revision to the local law being proposed? That provides the board with the ability to attach a per person fee and would someone like to make that as an amendment. Peter Bee; At the current time. The legislation as proposed would provide for an annual fee. That annual fee could be set taking into account the likelihood of a particular number of passengers being taken back and forth. But under the current legislation, it would be an annual fee. David Lipsky: So, are we going to get into the same situation that we've had with the bars and restaurants where, you know, they've challenged the administrative fee as being excessive? And don't we have a fee for the ferries? I thought that was one of the changes to the ferry contract that we had added some type of fee based on the number of passengers brought to Ocean Beach. Mayor Mallott; It's a talking point that the board will have.

Michelle Scarola; I was just hoping that you could clarify because I'm not quite understanding. Last year, H2O limo did dock at our docks to pick up passengers. So, what you're saying is that they didn't they didn't have to get a license to us or whatever the ferries water taxi does because there was a loophole, a loophole in the law. Answered; Yes. All right. So, now I understand. Thank you. Maria Silsdorf: I have a quick question. Thank you. So, the local law that does that cover both cross-bay water taxis, slash limo service and lateral. Answered; Yes. Maria; I have more questions but I'll save them for the next hearing.

LOCAL LAW 02 of 2022 to AMEND CHAPTER 106, Sections 106-1 through 106-11 – WATER TAXI'S, WATER LIMOS AND CHARTER BOATS: Resolution No. 2022-022: Mayor Mallott moved as follows:

**VILLAGE OF OCEAN BEACH, NEW YORK
BOARD OF TRUSTEES
Local Law No. 2 of 2022**

**A LOCAL LAW TO AMEND CHAPTER 106 OF THE
VILLAGE CODE CONCERNING WATER TAXIS, WATER
LIMOS AND CHARTER BOATS**

BE IT ENACTED, by the Board of Trustees of the Village of Ocean Beach, as follows:

The Code of the Incorporated Village of Ocean Beach, County of Suffolk, New York, is amended by:

[New Language]

[Old Language]

Section 1. Amendment. Amend Chapter 106 of the Village Code by adding the underlined words and deleting the strikethrough words as follows:

ARTICLE I – WATER TAXIS, WATER LIMOS & CHARTER BOATS

§ 106-1 Legislative Intent

It is hereby declared to be the policy of the Village Board of Trustees to regulate charter boats, and water taxis and water limos landing and picking up or discharging passengers within the Incorporated Village of Ocean Beach or along the shoreline thereof or within 1,500 feet of the shoreline thereof or any place in the water above where the bay bottom is owned and/or leased by the village in order to ensure the safety of the inhabitants of the village and to avoid overuse of village facilities and to prevent interference with the authorized ferry schedule of the village, the preservation of which is necessary for the well-being of the village's inhabitants.

§ 106-2 Definitions.

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

CHARTER BOAT

A watercraft for hire with legal capacity, as defined by the United States Coast Guard, of more than 25 persons, either on a scheduled or unscheduled run, including a party boat but excluding watercraft owned by any person providing regular ferry service to the incorporated Village of Ocean Beach pursuant to a valid contract with the village.

OPERATOR

Any person who owns, controls, navigates, directs or supervises a water taxi or charter boat.

WATERCRAFT

A vessel used or capable of being used as a means of transportation in, over or upon water, including nondisplacement craft.

WATER LIMO

A water taxi the capacity of which is limited to eight persons and which is limited to making 10 landings per day at a Village dock.

[Added 5-31-2003 by L.L. No. 2-2003]

WATER TAXI

A watercraft for hire with legal capacity of no more than 37 persons, either on a scheduled or unscheduled run, but excluding watercraft owned by any person providing regular ferry service to the Incorporated Village of Ocean Beach pursuant to a valid contract with the village.

§ 106-3 License required.

No person shall operate a water taxi, water limo or charter boat within the Incorporated Village of Ocean Beach or along the shoreline thereof or within 1,500 feet of the shoreline thereof or any place in the water above where the bay bottom is owned and/or leased by the village without first having obtained a license therefor issued by the Village Clerk after the approval thereof by the Board of Trustees of the village. No license shall be issued hereunder unless the applicant complies with the provisions of this article.

§ 106-4 Application for license.

A.

Applications for licenses to operate a charter boat, ~~or water taxi,~~ or water limo within the Incorporated Village of Ocean Beach or its shoreline or within 1,500 feet thereof or any place in the water above where the bay bottom is owned and/or leased by the village shall be made to the Board of Trustees on any form as may be promulgated by the Board requesting such information as the Board may deem appropriate. Said application shall be accompanied by the fees set forth in § 106-6 hereof, all insurance certificates required in § 106-10 hereof and all Coast Guard licenses and inspection certificates required by § 106-8 hereof.

B.

Applications for permission to operate a water taxi or water limo shall be made on or before December 31 of the calendar year prior to the calendar year for which a license is sought or at least 60 days prior to any landing or docking for the purpose of discharging or picking up passengers. Applications for permission to operate a charter boat shall be made at least 30 days prior to the day for which permission is sought. The time provisions for application may be waived by the Board of Trustees in its sole discretion at the time of any public hearing regarding any application.

§ 106-5 Approval of application.

A.

Time for approvals. The Board of Trustees shall hold a public hearing upon an application under § 106-4 hereof at least 30 days before the date sought for permission. This time period may be waived by the Board of Trustees in its sole discretion.

B.

Considerations and conditions for approvals. In determining whether to grant or deny a license, the Board of Trustees shall consider, in addition to the requirements of this article, the convenience, safety and health of the inhabitants of the village, the effect upon the licensed ferry service of the village, whether permission for landing of the charter boat ~~or water taxi,~~ or water limo serves the public interest, the extent to which the facilities and services of the village may be burdened, the safety of the proposed landing site, the time of the landing in conjunction with the above factors and any other factor or factors which are reasonable in the judgment of the Board of Trustees. The Board of Trustees may condition its approval of a license hereunder upon any factors it considers reasonable, including but not limited to strict compliance with permitted hours of operation as set forth in § 106-11B and C herein and upon compliance with such rules and regulations that the Board may, from time to time, adopt after a public hearing thereon. Failure to comply with such permitted hours of operation may be cause for the revocation of a license by the Board of Trustees after a public hearing upon at least five days' written notice to the operator of a charter boat, ~~or water taxi~~ or water limo. The operator of a charter boat, ~~or water taxi~~ or water limo and any person permitting the landing of either at or upon his property shall be responsible for making reasonable efforts to ensure that no persons who are disorderly are permitted to disembark within the village.

§ 106-6 Fees for license applications; fees for landing.

[Amended 5-31-2003 by L.L. No. 2-2003]

A.

Fees for license applications for a charter boat, water taxi or water limo shall be paid upon the filing of the application and shall be nonrefundable.

B.

Fees for landing a charter boat shall be determined as a "per landing" fee and shall be paid in full upon filing the request for permission to land. In the event the request to land a charter boat is denied, the fee for landing shall be refunded.

C.

Fees for landing a water taxi or water limo shall be determined as an annual fee and shall be paid in full upon the approval of permission to land.

D.

Fees referred to in this chapter may be set and amended from time to time by resolution of the Board of Trustees. The Board of Trustees shall take into account, inter alia, the differences in service, capacity and frequency of landings when setting landing fees for charter boats, water taxis and water limos.

§ 106-7 Suspension or revocation of license.

A license granted by the Board of Trustees pursuant to the provisions of this chapter may be suspended by the Mayor and/or Village Administrator in the event of a hazardous or dangerous violation of the provisions of this chapter. Such suspension shall be effective for a period not to exceed 15 days. A license may be revoked by the Board of Trustees in the event of a hazardous or dangerous violation of the provisions of this chapter after a public hearing upon at least five days' prior written notice to the operator of a charter boat, or water taxi **or water limo.**

§ 106-8 Inspection of vessels.

Each water taxi, **water limo** or charter boat landing or docking and/or discharging or picking up passengers within the Incorporated Village of Ocean Beach or its shoreline or within 1,500 feet thereof or any place in the water above where the bay bottom is owned and/or leased by the village shall be inspected according to the rules of the United States Coast Guard and shall have in effect at all such license or licenses as the Coast Guard may require and shall also meet all other requirements of law.

§ 106-9 Boarding of vessels by Police Department.

The operator of a water taxi, **water limo** or charter boat, by applying for a license from the Board of Trustees, grants permission to the Police Department of the Village of Ocean Beach to board the vessel or vessels at any time and/or location to determine whether the vessel is in compliance with this article and any other applicable articles, sections, ordinances or local laws of the Incorporated Village of Ocean Beach, laws of the State of New York, the United States Code and any rules or regulations promulgated by any body or agency pursuant thereto and with the requirements of the United States Coast Guard.

§ 106-10 Insurance required.

Any operator of a water taxi, **water limo** or charter boat which seeks a license hereunder shall provide and at all times thereafter maintain liability coverage in the amount of \$1,000,000 and property insurance coverage in the amount of \$50,000 per occurrence, written by insurance companies either licensed by the Department of Insurance of the State of New York or otherwise lawfully offering insurance within the State of New York, protecting against loss or damage to person or property occasioned by the operation of any such water taxi, **water limo** or charter boat. Upon request of the Board of Trustees, there shall be filed with the Village Clerk a certificate showing that said is in force and effect. Failure to file such certificate within seven days of such request shall result in forfeiture or revocation of any licenses or permissions granted herein. In every policy of insurance required hereby, the Incorporated Village of Ocean Beach shall be named as an insured, together with the operator of the vessel. Such requirement shall in no manner be deemed an admission of any liability on the part of the village. The limits of liability of said insurance requirements may be increased by the Board of Trustees after a public hearing.

§ 106-11 Landing of vessels.

A.

No charter boat, or water taxi **or water limo** may land unless there has been compliance with this article and unless the Board of Trustees finds that approval shall be granted.

B.

To the extent permitted by this article, no charter boat, or water taxi **or water limo** shall be permitted to land or dock and/or pick up or discharge passengers between the hours of 3:00 p.m. on Thursday and 8:00 a.m. on Monday during the months of June, July, August or September, except those boats picking up passengers in Ocean Beach and returning said passengers to Ocean Beach which have received permission hereunder. Each license for a charter boat shall set forth specifically the permitted time for the arrival and departure of the charter boat. Water taxis **and water limos** with licenses shall be governed as to the times for landing and/or docking by the times, if any, specified in the applicable water taxi **or water limo** license and/or permit and Subsection **C** hereof.

C.

The Board of Trustees may, from time to time, establish hours for permitted landings or departures of water taxis **and water limos** and specify locations for landings.

D.

Notwithstanding the foregoing, charter boats, or water taxis **and water limos** shall be permitted to land or dock and/or pick up or discharge passengers during any otherwise prohibited time of day in the event of an emergency and pursuant to the direction of the Mayor or Chief of Police of the Incorporated Village of Ocean Beach or such other persons as may be authorized by the Village Board to permit such landing or docking or pickup or discharge of passengers.

E.

Determination of landing of vessels. The Board of Trustees shall have exclusive authority over the landing of vessels; however, the Board of Trustees hereby delegates its authority as aforesated except as to ferry service, and water taxi **and water limo** service, except as otherwise provided heretofore, as follows:

(1)

The Mayor and the Village Administrator shall have the initial authority to permit and/or approve the landing of vessels upon such terms and conditions as the Village Administrator shall deem proper and reasonable, including but not limited to providing insurance coverage to the village, determination of dates and times of landing and the terms and conditions of landing.

(2)

All applications for landings shall be in writing and filed with the Village Clerk at least 14 days prior to the requested usage, on forms to be supplied by the Village Clerk, and shall be kept on file by the Village Clerk from the time of receipt and for at least one year thereafter or such longer time as may be required by this Code or any other statute.

(3)

In the event that the use is approved, the application form shall be signed by the Mayor and Village Administrator, and the terms and conditions of landing shall be attached or endorsed thereon and a copy provided to the applicant.

(4)

Any member of the Board of Trustees shall have the right to place the issuance of approval on the agenda at the next Board of Trustees meeting, at which time the approval of landing shall be subject to confirmation, rejection or modification.

(5)

Any applicant shall have the right, in the event that the applicant's request, in writing, filed with the Village Clerk at least 10 days prior to the Board of Trustees at which review is sought, is rejected or the conditions imposed are sought to be modified, to make a request that the permit application be placed upon the agenda of the Board of Trustees at the next meeting thereof and that the Board of Trustees approve the application or modify the permit. The Board of Trustees shall have the right, by majority vote of a quorum present and voting, to entertain the application or approve the application or modify the license or reject the application in whole or in part.

F.

Licenses.

(1)

A license shall be issued by the Village Administrator only, based upon the foregoing procedure for the landing of vessels, based upon the foregoing provisions, which license shall be in writing and shall constitute the signatures of the Mayor and Village Administrator indicating approval upon the application together with the terms and conditions of approval annexed to the initial application.

(2)

Any rejection of an application shall be indicated upon the initial application by the signatures of the Mayor and the Village Administrator.

Section 2. This local law is determined to be a TYPE II action under the NY State Environmental Quality Review Act ("SEQRA").

Section 3. This local law shall take effect immediately upon filing with the Office of the Secretary of State.

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

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

PUBLIC HEARING #2

OPENED BY: Mayor/Power CLOSED BY: Mayor/Power

OPEN TIME: 11:43AM

CLOSING TIME: 12:10PM

Notes:

Brian Davis. Thank you for allowing me to appear by Zoom. Peter, how are you? Brian, bear with us for one second. Peter Bee; Is there a motion to open up a public hearing on the application of H2O, so move by the Mayor. Is there a second? Seconded, any discussion on that motion? Hearing None. All those in favor signify by saying Aye. The ayes have it unanimously and the public hearing is open.

Peter Bee; Mr. Davis. Brian Davis, Yes, thank you. Again, I'm Brian Davis. My office is in Garden City and I'm representing Rob Mag, who's also on the Zoom, although he's having problems with his with his video but he's on you can see his name up there. And I represent, of course, his company H2O limo, not to. I sort of like that loophole that we had in the law until you closed it up a few minutes ago. But that's a side it's fully expected. Just a

little bit about my client's business. 95% of his of his clientele is lateral. You know, up and down the Fire Island shore, very, very little of it is cross is cross bay. And most of that 95% of travel between the villages is going from Ocean Beach, your location, going east and back. He does very, very little work going west of you. So that's the scope of the geographical scope of his work. Last year, he was working with two boats called six packs. He had up to six passengers on those boats. And, as I've done the analogy, his business concept is that of Uber on water. He's not going by a fixed schedule. He's not going to be your location at nine and then going east Ocean Bay Park at 9:10 going he's an on-call service. So, if you want to get picked up at 7:30 at night because you want to have dinner at a restaurant in the Pines, you'll make your arrangement. He'll show up, pull up, pick you up and transport you to the Pines. You want to ride back, you'll call. He'll come pick you up and bring you back. So, it's an on-call business. It's not a scheduled a scheduled business. This year he wants to add a third boat to his let's call it the fleet. It's a larger boat. It carries up to 36, 36 passengers. And that is still under construction but he wants to he wants to add that. And that was the reason why I made an application in December in anticipation of that boat being brought on, because that would have fit the definition of the water taxi under the old law, the law that was just amended. The taxi needed the license. Of course, you know, my argument in court which prevailed was that the water limo didn't need the license because it wasn't specified in that in that statute, in your in your ordinance. That's closed up now. So, he needs he wants a license for his three boats, two active right now, the third to be brought on sometime this Spring. And I just want to give you an idea. I'm very happy for you and the village residents that you worked out the contract with Fire Island Ferry. I think there is a separate contract because Fire Island Ferry and Fire Island Water Taxi are two separate businesses. But I followed it in Newsday. And again, I don't know how accurate Newsday is, but one of the stats that came out was that that Fire Island Ferry carries approximately 349,000 passengers during the year. I mean, and generates millions. I think it was 7 million just off the top of my head, but I remember 349,000 passengers. My client's company is not even 100th of that. I mean, he wouldn't he won't be carrying 3,000 and 3500, probably be half of that more in the range of 1,750 during the course of the season. So, it's you know, I don't know what the contract was. I mean, again, reading a Newsday, I don't know what you settled on, but I mean, his business is different. You know his pick up and drop off is at the outer. I'll call it the outer pier. You know, when you when you're walking from where the restaurants are, you've got the ferry pier on the right, the enclosed area. You continue to walk out then. Then the pier goes out at that like a 30 degree angle. He was picking up and dropping off at the end there. And that was at the direction of the of the police department. And that's where they preferred him to do pick up and drop offs. And that worked fine. And his use and his use is no more than that. I mean, he picks up and drops off. He's not sitting there waiting for passengers. He's picking up people that have already called him that are waiting for him. You know, as he gets close, he calls on the cell phone that makes sure that they're out. He pulls up, they get on. It's a five minute process. As long as I mean, most people on Fire Island have familiarity with boating, however long it takes for him to pull up, throw a couple of lines out to secure the boat, get the passengers out and get him seated. He unties and he's off to his destination. So, my point is that there is not that much of a of an incursion or that much use of the village's dock. It's just that one small portion out there that he that he uses. The new boat, the larger called the 36 passenger boat. He would like to make some modifications. He may need to make some modifications because it's a front-end loader. But I'll let I'll let Rob speak on that. I mean, he I'm the attorney. He's the he's the boater and it's his company. I think he could give a little bit more detail on that. But I think that that that says it, it's Uber on water working for the most part from Ocean Beach, going east to your neighbor villages going east, transporting people who are willing to pay for a specialized service. And I will say this, people want the service. People are willing to pay for it. Both village residents and people who are visitors like the service, they like to be able to call and say, pick me up at 6:00 and it's there. They know we're in a society that a lot of people don't want to wait for things. They don't want to wait for the Fire Island ferry to come along its schedule. It's you know, they call up Rob, pick me up at this time, drop me off here. And it's been it's been it's been for a first year. It's been very successful. It's been very successful for him. You know, I mean, he was using the to six packs and he feels that there's more demand. And that's why he wants to add the larger boat. And at this point, I'd like to Rob, if you want to fill in any of those details, something I might have left out.

Robert Maag; Thank you. Good morning, Mr. Mayor. Village trustees, residents of Ocean Beach and also guests and anybody that's tuned in. Yeah. I'm Rob Maag; I am the president of H2O Limo, and this is going to be starting our third season. First, we started off the east end of the bay. That was our original model because there wasn't any service down at Davis Park and watch Hill or whatnot. And from there it grew. And my focus is still mostly all the communities east. Business has definitely been in high demand. We are following due process as we did last year and we have our county licenses. I saw a couple of messages. People are interested in what the fees are. You can go right on the county website to see all our locations. We also have a website. It also has the fees on the county and the county resolution. We have a website that will be going live soon. It all depends on this hearing and year. And one other one that we have coming up. But yes, there is a high demand. The residents have loved it. More and more people want it, want it. And we have access basically to every Community beach. East all the way to Whitehill and we have Fair Harbor as well. And the Fire Island Lighthouse going west, but we haven't had. Much demand from there. In regards to the dock, we're talking about a 12 foot to 14 foot wide section of basically putting the same type of material that the Fire Island Water Taxi has just created and for the loading, the safety of the residents. To load safely in the condition that is there. So, it would be minimal impact. We would do it in our cost. I believe they did it at their cost. And from that point, it would be something that we would incur, you know. There's in the past that in the history there was always two. And I think at 1.3 water taxis, you know, for people to have the option to move around the public. It's definitely I think it's something very important. And people always want more service. And, you know, we can definitely provide that. But we are looking to stay focused east of east of Ocean Beach, and that is definitely. Our business model. So, you know, I appreciate this opportunity to speak. Anybody that has questions, we can be reached out directly. Our phone number is advertised on our Facebook Page and we. Go from there and we'll be using social media. And everything else. Depending on the outcome. Of how this works out with the village, we will then go live and get the residents and guests as much information about our service as possible. Brian Davis: So Rob, I just wanted to add there were questions about fees. I mean, the fee is different, obviously, from I know from Ocean Beach to Ocean Bay Park, it's \$10. But to go to watch Hill. It's I know it's substantially more I mean, every village is different based on the distance. Is that correct? Rob Maag; That is correct. But it's within dollars. It's not \$5 or \$10. It's within dollars of the other company. But you get a more personalized service, so you're getting a better bang for your buck. That's pretty much how the price structure works. So, we're very similar to the other company that is out there. Peter Bee: Just to clarify, this is a water taxi application, not a water limo application, correct? Brian Davis: That is correct, yes. Peter, now that. Peter now, I mean, when I made the application in December, we were operating under the fact that we had a decision from Suffolk County Supreme Court that the limo didn't need it. Now that you've passed the law 20 minutes ago, that limos need the licenses, I'd like to amend our petition to include the water taxi that is going to bring on in the next couple of months. And for the two limos that have already been that have already been in operation, because they need a license under the newly amended local law. So, if you'd allow that. Peter Bee: Mr. Davis. I don't know that there'd be any opposition to that, except that the information you've provided on this application for the limo, is that information also available for the other craft, the watercraft that are water taxis? Brian Davis, Peter, if you look at last year's application, those two boats were included in there. I mean all the information is available. Peter Bee: So, is the board willing to accept an oral application to amend the application to include the both the water limo that previously was involved with us and now the water taxi? David Lipsky: Doesn't the water limo have a restricted number of trips that it can make? Brian Davis; Yes, under ten. And it's not going to be any different for the taxi. Rob doesn't anticipate any more than ten trips. He was roughly in a week. That was about 20 trips altogether. You know, sometimes during the week there was nothing. On the weekend there would be there'd be more. There'd be six or seven. Eight. But he doesn't anticipate more than ten. I have.

I have a question. It's Maria Silsdorf, if I could. Is there a capacity limit on either a taxi or a limo? Because 36 passengers to me feels it's not even like a taxi business. It feels more like a ferry. To me. Brian Davis; That's the limit. Under the law is up to 37. So, does the taxi have a limit? Brian Davis; Yes, a limo is up to 8. The taxi is under 37. Maria; Yeah. I would just urge the board to consider a front loading boat at the ends of the marina, which I'm very familiar with. 36 people getting on, 36 people getting off, potentially 72 people feels like a safety hazard to me.

Peter Bee; Just for the benefit of the members of the public who are listening. A water taxi has no more than 37 persons on a scheduled or unscheduled run, and a water limo has a capacity of eight persons limited to making ten landings per day at a village dock and the prior work limo. And the current application is for a water taxi, although the applicant is seeking to amend it to include the water limo. Maria; Thank you for that clarification.

Peter, to go back to the question that you asked the board. Peter Bee; Yes, the present application made at this time is to amend the application to include the existing water limo service, as well as this new application for a water taxi on the assumption that all of the appropriate information has already been made available to the board through the litigation. Does the Board wish to entertain an amendment to the application to include the water limo? Trustee Norris; I would be willing to entertain that.

I would just say, this is Ann Maltz. I would urge the board to think about this a little more largely. Peter Bee; Just a moment, if you would, which is that we're not determining that the application is granted. All we're doing at the moment is to say that the application is deemed amended to include a request for both the water limo and the water taxi. The information is available without objection, and I hear no objection. Mr. Davis, your request to amend the application is granted. And at this time, if you wish to continue with just elaborating on any of the information for either or both. Brian David; Well, no, I think I gave the brief history that he was operating last year with the two boats which fit the definition of the limo were they were quote unquote, six packs. It was up to six people. So, they qualified and it wasn't there were no more than ten trips, usually less. I mean, during the week, they may not be any during the week, there's an average of about 20. So, he certainly fit the description of the water limo. Under the law, the taxi goes up. Under your law, it's up to 37. He's had a boat that's been built out that will carry up to 36. That doesn't mean that there's going to be 36 people on this, but it can carry up to 36. So, and that's why it falls under the definition of taxi. But now, again, as I said, because of the amendment to the local law before the water limos will need licenses as well as the taxi. Okay. I'd like to comment on the application for both limo and taxi status.

Mr. Mayor, I'd like to jump back. David Lipsky; Excuse me, but are you jumping to an actual resolution now or I'd like. I think your negative declaration under SEQRA may not be correct if you are essentially expanding the capabilities of more water taxis as well as limos without limitation, because there are water quality and air quality issues associated with expanded use of the harbor. Peter Bee And thank you for your comments. And that's will certainly be taken into consideration. But again, at this point in time, there's no proposed resolution for approval. There is simply a public hearing on the application as amended. Ann Maltz; I have a question. Mr. Davis originally said that this was a as needed sort of service and it was prearranged. So, unless there is a party for 36 people, I don't understand how it could anything on a boat that size could be pre-arranged. So that means. So, what is your intention with that boat? I'm sorry. I'm in with Maria Silsdorf on this. Looks like bus to me kind of thing. Or it looks like a ferry.

Robert Maag; So, to clarify on the occupancy, that occupancy will mostly be used between the pines and the grove for the phase out of there. The demand that we have gotten from Ocean Beach is nowhere near that. We've had basically bachelor parties, bachelorette parties and stuff like that and families out to dinner. I have at no point have I gotten a request for groups that big. I would say the most I've gotten a request for is about 10 to 15 people. But let's keep in mind, too, that the Fire Island Water Taxi comes in there sometimes with four boats at a time and each loaded with 40 to 50 passengers on their average occupancy. And maybe the police chief is there. He can he can maybe speak or the dock master. Yeah, the dock more than handles it. And we're out actually on the furthest part way away from them. And you know, even if 30 people went down there, it's not a public hazard because at times they have well over 100 people on that dock that they're in. The other thing, too, is we know they're usually they're at the top of the hour and we schedule for different times as to also alleviate any bottlenecks or whatever may be. So just to help out with the occupancy.

Ann Maltz; Thank you. I've never seen I'd like confirmation from this is Ann Maltz again I'd love confirmation from the police chief or the dock master that there is really that volume of people on that dock. I've been at that talk a lot and I've never seen hundreds of people in more than two boats at a time from the ferry from. From the taxi, water taxis. Trustee Power; No, no, I was just asking what's the. What's the maximum occupancy on the water taxis per taxi? George Hesse; Currently, I believe it's 35, Trustee Power; so, it's the same size but I would believe it's the same it's the same size boat. Trustee Power; So, it's not it's not the definition. The description of it as a bus or something different than currently exists. Is inaccurate than your taxes. But it's essentially the same. Vessel that currently operates. Well. But you described it as an Uber, and an Uber is generally two people in a car or four people in a car. That's where my problem is you're saying it's an Uber, but you're running it like a scheduled taxi. And that's not that's what the clarification I'm seeking is. Trustee Power; I'm not commenting on his description. Of his business. I'm commenting on the capacity of the boat being equal to the taxis that are currently running all day. Every day, all summer. Ann Maltz; on a schedule. On a schedule, and he's saying he's as needed. That's why I'm asking. And just to clarify, this is Michelle Scarola. I actually took H20 a number of times last summer. And when he says Uber, I think what he's meaning is that it's on demand, like you said, not necessarily that it's you know, he's talking about the number of people, even though the limo is restricted to eight, each time I did it, I did it with six. But it's versus having to wait on the half hour for a water taxi, you can call and say, you know what, I have dinner reservations at 7:30 and they'll come pick you up at 7:15. I mean, that's essentially it. So, I think you just when he says Uber, it's just on demand versus having to wait for a scheduled ferry. Aviva Grasso; You might want to turn your mike off before you say anti, anti, anti. There are a lot of people who are just interested in the quality of life in Ocean Beach. And there are a lot of people who don't run businesses in Ocean Beach, but instead have families and small children and long histories and are trying to make sure that everything that's happening in the village is good for everyone in the village. And we're just trying to understand this is a hearing of the public citizens. This is not a forum for you to say everything you want to say and no one else to say anything else and you to sit there. And so now that I've gotten that out of the way, I just want to say that I think I appreciate the clarification that the large numbers of people are mostly going between the Pines and Cherry Grove. There's nothing to stop that large number of people from deciding they want to come as a large number of people to Ocean Beach or to go from Ocean Beach to Cherry Grove. And I think, by and large, there's nothing there's nothing to say. There's no reason to say we shouldn't have another company providing access to and from the village, because that's not going to solve the problems that people are concerned about. I agree that I don't really want a party bus, and I think that we need to be sure that there are systems and structures in place to ensure that water taxis don't become party buses or aren't used as party buses. But I'm not positive and that's why I leave this to the board. Who makes these decisions? I'm not positive that the application to run a water taxi is the way to solve that problem. So that's what I wanted to just toss out. Mayor Mallott; Thank you. Peter Bee; Any other comments from the public, hearing none, I will ask Mr. Davis, would you kindly supply a separate or amended EAF to deal with your water taxi portion of your amended application? Yeah, I'll get it out this week. Beat it up. I'll send it to Mr. Gray.

Trustee Norris; About your question, can we get a cut sheet on the larger vessel? What, sir? The cut sheet specifications for the larger vessel. Brian Davis; Sure, Rob, will get that. Thank you. Peter Bee; Do we have a member of the public wishing to speak on the application. Hi, Marco Arment. I think we just saw with the Fire Island Ferries issue that we had. That we could probably benefit long term from some dilution of their monopoly. And so, I strongly support in general diluting that. And I think we need to consider that as a major factor here. I know this is a drop in the bucket. Compared to the entire business that they do of serving us. But we really need that monopoly to have less monopoly power over us. And so, I encourage if there's no other major downsides to this, I encourage this because it's again, it's a drop in the bucket, but it's a start. We've got to start somewhere. Thank you.

PUBLIC HEARING - H2O LIMO, INC. WATER TAXI/LIMO APPLICATION: Resolution No. 2022-023: Mayor

Mallott moved as follows:

WHEREAS, H2O Limo, Inc. by Robert Maag – President, has submitted a Water Taxi/Limo License application to the Inc. Village of Ocean Beach dated December 21, 2021 for the year 2022; and

WHEREAS, H2O Limo, Inc. wishes to provide year-round “on call” service with approximately 95% of its business transporting passengers from points of departure from neighboring communities on Fire Island and approximately 5% of its business to provide cross-bay services; and

WHEREAS, H2O Limo, Inc. will utilize one (1) 31’ – 36 passenger boat, and two (2) other “6 pack” boats for Water Taxi & Limo service from the western portion of the taxi dock area; and

WHEREAS, the village advertised for a public hearing on Saturday, March 19, 2022 and received comments from the public;

Now, therefore, it is hereby

RESOLVED, that the Inc. Village of Ocean Beach Board of Trustees hereby accepts the application of H2O Limo, Inc. and will consider granting the application for a license.

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

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

PUBLIC HEARING #3

OPENED BY: Mayor/Norris CLOSED BY: Mayor/Norris

OPEN TIME: 12:13 PM

CLOSING TIME: 12:17 PM

Notes: Peter Bee; There is a third public hearing to consider the special use permit for a change of use or ownership to operate as an air conditioning, heating and refrigeration business by Chris Wright for Wright Refrigeration PLLC on Evergreen Walk. Mayor Mallott; Chairman Speranza, would you address this one for us? Chairman Speranza; This is special permit application #300, which was, as counsel recited, Chris Wright applying for a special use permit to change use to operate a refrigeration business. Previously, the space was used for a plumbing contractor. So, we had a hearing. The applicant did testify and issues of signage came up which were remedied. And there are two conditions of we recommended approval the planning board did for the trustees to approve this application, subject to two conditions. The first is the sign in the window that existed at the time of the hearing needs to be removed and a new sign placed outside in accordance with a drawing showing the proposed sign to be approved by member Karalis, who most people know. He's an architect who sits on the. Planning board as well and that occurred. Member Karalis approved the sign, which is not up right now because it's still winter technically. But that will go up shortly. The second condition was that if additional architectural review board treatment is given to the window, that would need. To be submitted for further approval by member Karalis. Now the reason we appointed Member Karalis is because we just couldn't get anybody to come out here in the winter he lives here so and he's actually the most qualified person to review anything submitted. We trusted him and he did a good job. That's our recommendation. Thank you. Mayor Mallott; Thank you, Joe

Peter Bee; Does any member of the public wish to comment on the application? First, I apologize. I don't think we actually opened the hearing on that, did we? Is there a motion to open the public hearing?

ACCEPT & APPROVE SPECIAL PERMIT APPLICATION NO. 300: Resolution No. 2022-024: Mayor Mallott moved as follows:

Chris Wright – Wright Refrigeration, PLLC, 786-787 Evergreen Walk, Ocean Beach, New York to consider Special Use Permit for Change of Use/Ownership to operate as an air conditioning heating and refrigeration business.

The following recommendation is made to the Board of Trustees for Special Permit Application SPA#300, as submitted, as per motion made by Chairman Speranza, seconded by Member Lieber.

WHEREAS the Village has received Special Permit Application #300, submitted by Christopher Wright, Wright Refrigeration, PLLC, 786-787 Evergreen Walk, Ocean Beach, NY, as the new owner, and,

WHEREAS, the Village Planning Board / Architectural Review Board has reviewed said application and has received testimony from the applicant at a published public hearing held on November 20, 2021, and

The Village Planning Board / Architectural Review Board hereby make a recommendation to the Village Board of Trustees to “Approve” this application subject to the following conditions:

1. The sign currently in the window shall be removed and a new sign placed outside in accordance with a drawing approved by Member Karalis
2. If any additional architectural treatment is proposed to be given to the window, that would need to be submitted for further approval by Member Karalis.

Now, therefore, the Planning Board / Architectural Review Board recommends to the Board of Trustees Approval of said application. Subject to the conditions stated above.

WHEREAS, the Board of Trustees reviewed the application, took comments from the public and was advised by Joe Speranza, Chairman of the Planning Board/Architectural Review Board that all conditions had been met, at a duly noticed Public Hearing, held and closed on March 19, 2022; and,

Now, therefore,

RESOLVED, the Board of Trustees approves said application, as per design specifications submitted.

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

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

AUTHORIZATION TO ACCEPT PICK-UP OPTION YEAR FOR REFUSE PICKUP AND DISPOSAL PROGRAM:

Resolution No. 2022-025: Mayor Mallott moved as follows:

WHEREAS, the Village has previously approved an Agreement with Stang Carting Corp. d/b/a: Stang Carting to provide refuse pickup and disposal services, which expires March 31, 2022; and

WHEREAS, said Agreement entitles the Village to four (4) one-year options; and

WHEREAS, the Village has been satisfied with the services provided by Stang Carting Corp. during the current contract period and has determined that it would be in the best interests of the Village to continue with such services at this time,

Now, therefore, it is hereby

RESOLVED that the Village of Ocean Beach Board of Trustees hereby opts to exercise the first one (1) year option for Option Year 2022/2023 contained in the Refuse Pick-up and Disposal Program and extend the Agreement with Stang Carting Corp. for the period of April 1, 2022 through March 31, 2023, pursuant to the terms and conditions of the existing Agreement; and

IT IS FURTHER RESOLVED that the Village Mayor and Village Clerk/Treasurer are hereby authorized to enter into such agreement consistent with the terms of this resolution.

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

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

SET PUBLIC HEARING DATES FOR THE 2022/2023 TENTATIVE & FINAL BUDGET: Resolution No. 2022-026: Mayor

Mallott moved as follows:

WHEREAS, the Village wishes to set a public hearing date to consider the passing of the 2022/2023 Tentative Budget for Saturday, April 16, 2022; and

WHEREAS, the Village wishes to set a public hearing date for the adoption of the 2022/2023 Final Budget for Saturday, April 30, 2022; and

Now, therefore, it is hereby

RESOLVED that the Village Clerk shall schedule and publish notice of a Public Hearings for Saturday, April 16, 2022 and Saturday April 30, 2022 at 11:30AM for the purpose of considering the 2022/2023 Tentative Budget and Final Budget Adoption

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

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

Mayor Mallott; We're a little behind the eight ball with the budget this year, going into contract negotiations with Fire Island Ferries and knowing exactly what we can put into our budget so we're a little behind the eight ball has been a lot of a lot of work here with us and our budget is just a little behind. So, it will be the 16th and the 30th. So moved.

AUTHORIZATION AND APPROVAL TO ATTEND SUFFOLK COUNTY VILLAGE OFFICIALS ASSOCIATION

(SCVOA) LEGISLATIVE MEETING: Resolution No. 2022-027: Mayor Mallott moved as follows:

WHEREAS, the Village, in an effort for employees to gain knowledge and improve proficiency in their municipal duties, encourages and extends the opportunity to James Mallott – Mayor and Steven Brautigam – Clerk/Treasurer to attend the Suffolk County Village Officials Association (SCVOA) Legislative Meeting; and

Now, therefore, it is hereby

RESOLVED the above-stated members are authorized and approved to attend the SCVOA Annual Meeting at Hotel Indigo, Riverhead, NY, on April 13, 2022, from 6:00-9:00PM, at \$75.00 per person, to be charged to line items A1210.472 and A1230.472.

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

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

VOLUNTEER FIREFIGHTERS SERVICE AWARDS PROGRAM: Resolution No. 2022-028: Mayor Mallott moved as follows:

WHEREAS, the Village of Ocean Beach participates in the Volunteer Firefighters Service Awards Program (the “Program”); and

WHEREAS, the Ocean Beach Fire Department has presented to the Board of Trustees a list of members who are eligible for the 2021 Service Award program Contribution (covering service made in the Year 2021);

Now, therefore, it is hereby

RESOLVED that the Village of Ocean Beach Board of Trustees hereby accepts and adopts said list as submitted, as the Final Report and further authorizes the Mayor to execute the Sponsor Authorization Form and/or Sponsor.

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

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

AUTHORIZE & ACCEPT L.K. MCLEAN ASSOCIATIES REQUEST FOR ADDITIONAL FUNDS FERRY TERMINAL

PHASE III: Resolution No. 2022-029: Mayor Mallott moved as follows:

WHEREAS, the Village currently has a contract with L. K. McLean Associates, regarding the Ferry Terminal – Phase III; and

WHEREAS, L.K. McLean Associates, Inc. has requested additional funds for 2.5 months of inspections. Construction Inspection, 160 hours @ \$100/hr. = \$16,000 and Construction Administration, 20 hours @ \$175/hr. = \$3,500. The total additional funds for this request will be \$19,500.00; and

Now, therefore, it is hereby

RESOLVED that the Village accepts and approves the additional funds request in the amount of \$19,500.00, a copy of the request is on file in the Village Office, dated March 9, 2022; and

It is further RESOLVED that the Village Clerk/Treasurer and Village Mayor are 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	Absent
Trustee Hargraves	Voted Aye
Trustee Norris	Voted Aye
Trustee Power	Voted Aye
Mayor Mallott	Voted Aye

AUTHORIZATION & APPROVAL TO CHANGE BOARD OF TRUSTEES MEETING DATE: Resolution No. 2022-030: Mayor Mallott moved as follows:

WHEREAS, the Board of Trustees desires to change the next Board of Trustees meeting date,

Now, therefore, it is hereby

RESOLVED that the April 9, 2022 meeting date has been changed to April 16, 2022.

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

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

HEARING OF THE CITIZENS: 12:18PM

Peter Bee; The last item on the agenda is the hearing of the citizens. Thank you, Mayor. Stephanie Cassell; I have just one quick comment. Stephanie, Cassell, thank you again for your hard work on the ferry contract for all we everybody appreciates it. This is just my 17th request for a bike rack. Another bike rack at the terminal, please. Thank you. Jimmy. It's Maria, if I might. I'm sorry I'm speaking so much. May I? I just wanted to publicly mention that I had sent to you, Jimmy, and the trustees two notes this past week as we kind of face into another spring and summer season. I want to be sure that we are looking at what I call several key quality of life issues. I won't read the whole list. But we want to ensure that some issues that are really important to ensuring that our residents and homeowners enjoy the summer as much as our visitors do. Quite frankly, we'd like to make sure that the Wagon Park is addressed. There's a whole program that Holly Etlin, Jan Blakesburg, Judy Steinman and Therese Bloom and I worked on regarding short term rentals that I know was received very positively by you last fall. And I want to make sure that we're making some movement on that, specifically on code enforcement. Code enforcement is a big theme, looking for really stepping up our activities in garbage violations, which I think we made inroads in last summer. Code signage is lacking enforcement on the beach in partnership with both the lifeguards and the police. And a few more issues are on the list. And I just I've been talking to you, Jimmy, about it and Dawn and I want to make sure that we keep moving forward on that list so that we actually make some changes to in advance of the spring and summer season. So thank you for your consideration. Thank you, Jim.

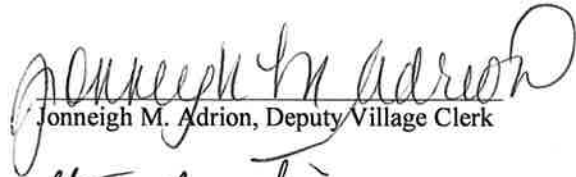
May Mallott Thank you. Are there any more comments from citizens? I have one. Judy. Peter. Yes. Go ahead, Peter. It's Judy Steinman. I understand the need to expedite the passage of the budget, but I want to make you aware of the fact that. The 16th is the first day of Passover. I don't know what impact that's going to have on attendance, but I think many people are going to be involved. In a very important religious observance on that day. Mayor Mallott; Judy, I'm pretty much handcuffed by the budget itself. You know, as I explained early on that we'd been having problems getting the budget out because of the delay in the ferry contract. I'm not going to have it ready for the sixth. I have to have it passed by the 1st of May. So, I'm kind of handcuffed, too, to have it on those two days, the 16th and the 30th, that's just a two week window for the budget to get a job. Judy Steinman; I understand that very well. But I wonder, I'm going to speak heresy here, whether it be possible to have a board meeting on a Sunday rather than a Saturday. That's Easter Sunday, too. Trustee Power; They would be a problem as well. Well, not really. What would be the problem? Trustee Norris; It's Easter Sunday. We go. I can only do what I can do in that in that period of time. So, we'll go by Zoom so people can take the 30 minutes that they need to address the budget on that day and we'll move forward as best we can. Judy; I know it may be a Herculean task, but it would certainly be appreciated if you could get the proposed budget posted on the village website sooner rather than later, so that those of us who won't be in attendance at the meeting would be able to see it and figure out whether we have any recommendations to the board. Mayor Mallott; We'll do the best we can, Judy. Thank you. Thank you, Byron. I know you guys have had your hands full with the ferry contracts. I just sent a communication about the summer volleyball league this year and possibly some teen night activities for the tennis court. So just when you have a chance, if you could just get back. Trustee Norris Have you had any conversations with Jill, the chief lifeguard? Byron; Not yet. Not. Trustee Norris; Jonneigh, can we broker that? The conversation? Byron; This would be an evening league, though, to make sure that we're outside guys. The beach. I mean, that's not for you to do. Talk. Absolutely. That's fine. Thank you, guys. Thank you. And also we're talking about after the meeting, a program, an extended program for the youth with OBYG. There's a lot of there's a lot of movement going on as far as keeping the kids occupied. The volleyball was going to be in for an adult league, a weeknight adult league. Oh, you said team stuff. Yeah. And then that was for the we're working on with that as well. Thanks. Fine. Who did we interrupt before you got to speak.

Dr. David Simpson here? Firstly, I'd like to thank the trustees for providing an update on the bike safety issue. Having been on the Quality of Life Committee for quite a number of years, this issue of biking, particularly on weekends, was of great concern to us as far as safety and the fact that there have been what appears to be no major incidents, injuries, crashes and the like, I find very reassuring. And in that regard, I think this should continue to be monitored, but would propose that the board strongly support continuing to permit bike riding as long as the safety is maintained and is monitored. Just that comment. My question to the board is just extending Maria's comments about the wagon park. Everybody knows that has been a major inconvenience for all the residents. I know there's major construction projects going on, including the Wagon Park. But I wonder for this season, is there even a short term solution that might be available. To ameliorate some of the major hassles involved in that wagon park? Whether it be short term reconfiguration or some other solution. I'll meet with Kevin this week. We'll go over it and we'll have we'll give you a report on the at the meeting on the 16th of April. Thank you. Mayor Mallott; You're welcome. How did you. Have you been out to see the new crossover Ocean Breeze? I have Mare. And I want to thank you and the board and the construction folks for doing a very nice job on that. There was a lot of concern about how it would end up, but I think I think all went well. So, thanks for that. One issue that remains a problem, of course, is the parking of wagons and bikes at the overpass. You know, that's a chronic problem. And unfortunately, apparently, there's no clear solution to that. We have made further on that on that issue. Yeah. We go through all kinds of things. We go through the ferry contract and fire department contract, and all we come back to is wagons. Exactly. Well, I know it's not the highest priority, but it is a bit of a chronic nuisance. It's that's a harder solution. And the ferry contract. Is the way. Thank you, then. Sure. Are there any other citizens wishing to be heard?

I think Anna had had a hand up first. All right. Hi, this is Aviva Grasso. And I just wanted to come back to the thing because I respectfully disagree with Mr. Simpson. I came to a different conclusion based on the report. I'm glad to hear there have been no serious incidents that rose to the level of needing police response. But I think if we expect a busier village over the summer, as we've had in years gone by, that it would be nice to not have the bikes around on the weekends. As someone who grew up there with no bikes and the freedom to wander as I don't have to worry about getting run over and trying to deal with small people out there now having the weekends. All right. Nobody can hear me there because you're screaming. We're going to. All right. Never mind. I give up. He wants to go out for a bike ride right now, so we'll leave you with weekday. Bike rides are great. I can give that. But weekends I would love to see not have the bikes around during the high season when. I believe there was one other person wishing to speak I have a question. It's Cathy Luby here. Hi. I just have a question on this year. Are you going to continue to allow tables out in front of places like the Sandbar? Because last year, on weekends, evenings, I mean, people were out there drinking. It took up half the street. It seemed to get by. And now that the pandemic seems to be have ebbed and regulations changed. I just was wondering your view on that. Mayor Mallott; We are in discussion the board is in discussion on that very topic. And we'll have an answer very soon. okay. Thank you. Thank you. Jimmy, I have a question this is George Eastman. I have a question comment. Go ahead, George Eastman. I'm on relative to the wagon. I'm wondering if the previous comment was about a short term solution. I'm wondering if we might consider on the same line as a dock master, perhaps a wagon master employment for a teenager or two, especially at the busy times to be there when the boats come and go and be able to move and organize the wagons and direct some traffic. So. Just a thought. Okay. Thank you. I'll run it by Kevin. Okay. All right.

ADJOURNMENT: Mayor Mallott moved to close the meeting at 12:30 PM. Trustee Norris seconded this motion. Upon call, the following voted:

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



Jonneigh M. Adrion, Deputy Village Clerk



Steven W. Brautigam, Clerk/Treasurer