BOARD OF TRUSTEES MEETING
INC. VILLAGE OF SANDS POINT
TUESDAY, APRIL 29, 2025

Present:	Peter A. Forman	Mayor
	Jeffrey Moslow	Deputy Mayor
	Elena Karabatos	Trustee
	Sloane Ackerman	Trustee
	Danny Khazai	Trustee
	Daniel Scheyer	Advisor to the Mayor
	Liz Gaynor	Village Clerk
	Denise de Reyna	Treasurer
	Michael Sahn, Esq.	Village Attorney

Upon motion of Trustee Karabatos and seconded by Deputy Mayor Moslow, the **Public Hearing of the Board of Trustees was opened** at 8:15 p.m. to consider the **proposed Budget for the Incorporated Village of Sands Point for the fiscal year June 1, 2025 through May 31, 2026.**

The Mayor announced receipt of the affidavit of publication indicating that the proposed budget hearing notice was published in the *Port Washington News* and announced receipt of the affidavit of posting, stating that the Budget Hearing notice was posted in the office of the Village Clerk.

Mayor Forman then called for comments from the Public, after discussion of the Board and on motion from Trustee Karabatos and seconded by Deputy Mayor Moslow and carried unanimously, the Public Hearing was closed.

At 8:20 p.m. upon motion by Trustee Karabatos and seconded by Deputy Mayor Moslow the **Public Hearing to consider a Proposed Action for a New Water Supply Well, Well No. 9, located at The Village Club of Sands Point**.

A presentation was made by James L. Nieri, P.E. and Lisa Rickmers, Senior Environmental Planner with H2M architects + engineers detailing the project.

The Mayor announced receipt of the affidavit of publication indicating that the proposed budget hearing notice was published in the *Port Washington News* and announced receipt of the affidavit of posting, stating that the Budget Hearing notice was posted in the office of the Village Clerk.

Mayor Forman then called for comments from the Public, after discussion of the Board and on motion from Trustee Karabatos and seconded by Deputy Mayor Moslow and carried unanimously, the Public Hearing was closed.

At 8:30 p.m. upon motion by Trustee Karabatos and seconded by Deputy Mayor Moslow the Public Hearing was opened to **consider Renewal of the Cable Franchise Agreement between the Incorporated Village of Sands Point and Verizon New York, Inc.**

The receipt of the affidavit of publication of the public hearing was published in the *Port Washington News* and the affidavit of posting of the public hearing was posted at the office of the Village Clerk.

Mayor Forman called to **continue the public hearing on cable franchise renewal** to the May 20, 2025 Board meeting. Upon motion by Trustee Karabatos and seconded by Trustee Ackerman and carried unanimously the Board agreed to **continue the hearing to the May 20, 2025 Board meeting**.

On motion of Trustee Karabatos and seconded by Deputy Mayor Moslow and carried unanimously the Board agreed to **continue the following public hearings on the following Proposed Local Laws to the Tuesday, May 20, 2025 meeting**:

1) Proposed Local Law to Amend Chapter 105, "Lighting" of the Code of the Village of Sands Point
2) Proposed Local Law to Amend Chapter 82, "Fees & Deposits" of the Code of the Village of Sands Point
3) Proposed Local Law to Amend Chapter 141, "Streets and Sidewalks" of the Code of the Village of Sands Point
4) Proposed Local Law to Amend Chapter 176, "Zoning" of the Code of the Village of Sands Point
5) Proposed Local Law to Amend Chapter 1, "General Provisions" of the Code of the Village of Sands Point
6) Proposed Local Law to Amend Chapter 132, "Site Plan Review" of the Code of the Village of Sands Point

The receipt of the affidavit of publication for the public hearing was published in the *Port Washington News* and the affidavit of posting of the public hearing was posted at the office of the Village Clerk.

All those who wished to be heard, having been heard and there being no further call for discussion, and on motion of Trustee Karabatos and seconded by Deputy Mayor

Moslow and carried unanimously the Board agreed to continue the public hearing to the Tuesday, May 20, 2025 meeting.

Mayor Forman opened the **Regular Meeting** of the Board of Trustees at 8:35 p.m.

The **Minutes** of the meeting held on March 25, 2025 were reviewed. On motion by Trustee Karabatos, seconded by Deputy Mayor Moslow and carried unanimously, the minutes of March 25, 2025 were approved.

The Board received the **Water Commissioner's Report,** which is appended hereto and made a part of the minutes.

Mayor Forman announced that water pumpage during March of 2025 was 11,103,542 gallons pumped vs. 11,213,300 gallons pumped during March of 2024.

The **Treasurer's Report** showing cash balances as of March 31, 2025 was reviewed (copy attached). On motion by Deputy Mayor Moslow, seconded by Trustee Karabatos and carried unanimously, the Treasurer's Report was accepted and filed.

Claims as presented on **Abstracts** for payment in March were reviewed. On motion by Deputy Mayor Moslow, seconded by Trustee Karabatos and carried unanimously, the claims as contained on **Abstracts** for March were approved for payment. Abstract of Claims is appended hereto and made a part of the minutes.

The Board received **Recommendations of the Building Commissioner** as to Granting of Building Permit Extensions that are appended hereto and made a part of the minutes. On motion of Deputy Mayor Moslow, seconded by Trustee Karabatos and carried unanimously, the Building Commissioner's recommendations were adopted.

The Board received the **Building Department Report of Activity** for the month of March 2025, which showed:

Building Permits issued – 17
Building Permit Applications filed – 17
Certificates of Occupancy Issued – 0
Certificates of Completion Issued – 13
Temporary Certificates of Occupancy Issued –2
80 Trees to be Removed/Replaced

The Board received the **Justice Court Report** for the month of March 2025, which showed:

Arraignments – 26

Trials - 0
Total VTL Amount Collected- $2,308.00
Total Village Code Fines Collected: $1,825.00
Total VTL & Village Code Fines Collected: $4,133.00

Mayor Forman placed on the table for consideration towards adoption was the **Proposed Budget and Tax Rate** for the Incorporated Village of Sands Point for the fiscal year beginning June 1, 2025.

Whereupon, Trustee Karabatos proposed the following Resolution and moved its adoption:

RESOLUTION 04292025-01
ADOPTION OF BUDGET JUNE 1, 2025 – MAY 31, 2026
FOR THE INCORPORATED VILLAGE OF SANDS POINT

WHEREAS, the Board of the Incorporated Village of Sands Point having, on March 25, 2025 & April 29, 2025, duly had a public hearing on the budget for the fiscal year commencing June 1, 2025, and having heard all persons desiring to be heard in the matter, and the matter of the budget for such fiscal year having been fully discussed and considered, it is

RESOLVED, that said budget for the Incorporated Village of Sands Point is hereby adopted and established as the annual budget for the fiscal year beginning June 1, 2025 and that such annual budget as so adopted is detailed in the minutes of the proceedings of this Village Board; and be it further

RESOLVED, to adopt the Tax Levy for the fiscal year June 1, 2025 to May 31, 2026, said levy to be at a rate of 5.07576 per $100 of assessed valuation to be levied on a total assessed valuation of the Incorporated Village of Sands Point of $2,224,438; and be it further

RESOLVED, that the Village Clerk shall prepare and certify as provided by law, duplicate copies of said annual budget hereby adopted, and deliver one of such copies to the Mayor and that she shall present such copy to the Board of Legislators of Nassau County as required by law, and that she shall present such copy to the Office of the State Comptroller as required by law.

The motion was seconded by Deputy Mayor Moslow. On roll call:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	aye
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Resolution 04292025-01 was duly adopted.

Mayor Forman placed on the table for consideration in accordance with the requirements of the Election Law of the State of New York the following resolution to **appoint the Inspectors of Elections for the general Village election to be held on Tuesday, June 17, 2025.**

Whereupon, Trustee Karabatos proposed the following Resolution and moved its adoption:

RESOLUTION 04292025-02
GENERAL VILLAGE ELECTION
APPOINTMENT OF INSPECTORS
TUESDAY, JUNE 17, 2025

WHEREAS, the next General Village Election will be held on Tuesday, June 17, 2025; and

WHEREAS, no person shall be entitled to vote whose name does not appear on the Register of the Inspectors of Election for the Incorporated Village of Sands Point; and

WHEREAS, Inspectors of Election are needed to verify voters; and

NOW THEREFORE, BE IT RESOLVED that the following persons be appointed Inspectors of Election for the Incorporated Village of Sands Point:

Joan Naughton
Robin Gershon
Paula Lefkowitz
Steve Lefkowitz
Sandra Zuniga Rodriquez

AND BE IT FURTHER RESOLVED THAT each shall serve at a compensation of $200.00 per day; and; be it further

RESOLVED THAT Joan Naughton be and hereby is appointed as Chairperson of the Inspectors of Election; and be it further

RESOLVED THAT the General Village Election shall be conducted at the Village Hall, 26 Tibbits Lane, Sands Point, New York on Tuesday, June 17, 2025 from 12 noon to nine o'clock in the evening; and be it further

RESOLVED THAT the Village Clerk be and hereby is directed to publish the Notice of Election as required by Election Law of the State of New York in the official newspaper of the Village and to post copies of said Notices in six conspicuous places in the Village, one of which is the Office of the Village Clerk.

The motion was seconded by Deputy Mayor Moslow. On roll call:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	aye
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Resolution 04292025-02 was duly adopted.

Mayor Forman placed on the table for consideration a **Resolution Adopting a Determination of Significance Pursuant to the State Environmental Quality Review Act for the Construction of a Well Enclosure, Well Treatment Building, and Supporting Infrastructure in Connection with the Construction of Well No. 9 on the Site of the Village Club of Sands Point and Exempting Same from Compliance with the Village's Zoning Laws.**

Whereupon, Trustee Karabatos proposed the following Resolution and moved its adoption:

RESOLUTION 04292025-03

RESOLUTION ADOPTING A DETERMINIATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE CONSTRUCTION OF A WELL ENCLOSURE, WELL TREATMENT BUILDING AND SUPPORTING INFRASTRUCTURE IN CONNECTION WITH THE CONSTRUCTION OF WELL NO. 9 ON THE SITE OF THE VILLAGE CLUB OF SANDS POINT AND EXEMPTING SAME FROM COMPLIANCE WITH THE VILLAGE'S ZONING LAWS

WHEREAS, the Incorporated Village of Sands Point (the "Village") is a duly incorporated municipality of the State of New York; and

WHEREAS, the Village's territory encompasses approximately 5.2 square miles of area, including 4.2 square miles in upland area, located in northern Nassau County, within the Town of North Hempstead; and

WHEREAS, the current Village population is approximately 2,751 persons; and

WHEREAS, the Village exclusively contains residential zoning districts and is characterized primarily as a community of single-family residential dwellings on large lots, generally between one and five acres; and

WHEREAS, the Village is also home to a limited number of institutional and recreational uses (e.g., The Village Club of Sands Point, Sands Point Park and Preserve, Sands Point Golf Club, Helen Keller National Center for Deaf-Blind Youths and Adults, and Village Hall) and some religious uses; and

WHEREAS, the Village owns certain real property known as the Village Club of Sands Point, located at 1 Thayer Lane, Sands Point, New York, and further identified as Section 4, Block B, Lot 146 on the Land and Tax Map of Nassau County (the "Village Club"); and

WHEREAS, the Village Club is approximately 210 acres in area and is improved with a golf course, pools, tennis courts, clubhouses, a telecommunication monopole, and is occupied by facilities of the Village Water Department, including, but not limited to various components of the Village's potable water system – e.g., two water supply wells (Well Nos. 3 and 4); and

WHEREAS, pursuant to Article 11 of the New York State Village Law, the Village owns, maintains, and operates a system of water works and facilities that supply potable water to the Village's inhabitants (the "Village's Water Supply System"); and

WHEREAS, the Village's Water Supply System is under the control of the Village's Board of Trustees (the "Board of Trustees"), which possesses the rights and exercises the powers of, and acts as, the Village's Board of Water Commissioners, there being no Board of Water Commissioners in the Village; and

WHEREAS, the day-to-day maintenance and operation of the Village's Water Supply System is managed by the Village's Superintendent of Water & Public Works, Christian DiMartino, who supervises the Village Water Department; and

WHEREAS, due to the Village's topography, the Village's Water Supply System is divided into two separate pressure zones (a high and a low zone) that are supplied by six wells located at three sites; and

WHEREAS, the Village's high pressure zone, which is located east of Middle Neck Road and southeast of Governors Lane, is serviced by two wells (Well Nos. 3 and 4); and

WHEREAS, the Village's low pressure zone, which encompasses the remainder of the Village, is serviced by four wells (Well Nos. 2A, 5A, 6 and 8); and

WHEREAS, Well Nos. 3 and 4 are located at the northern portion of the Village Club, just south of Thayer Lane; and

WHEREAS, Well Nos. 3 and 4 draw groundwater from the North Shore Aquifer; and

WHEREAS, in addition to the existing wells, the Village's Water Supply System includes, among other things: (i) three elevated water storage tanks; (ii) one ground water storage tank; (iii) fire hydrants; (iv) 36 miles of underground water mains and piping; and (v) 1,650 water connections that supply potable water to the residents of the Village and their respective facilities and municipal and institutional facilities; and

WHEREAS, the Village faces the threat of emerging contaminants, specifically per and poly-fluoroalkyl substances ("PFAS"), which have been detected in four of their six active water supply wells, including Well Nos. 2A, 3, 4 and 5A; and

WHEREAS, in 2017, the Village's water consultant, D & B Engineers and Architects, P.C. ("D&B"), recommended that the Village construct a new well ("Well No. 9") in the high-pressure zone to provide additional water supply, increase the system's reliability, add redundancy for the Village. and reduce stress in other areas of the North Shore Aquifer; and

WHEREAS, after performing extensive studies, D&B determined that, based on the feasibility of well construction, future well maintenance, and Nassau County Department of Health ("NCDOH") requirements regarding land ownership, controls and clearances, the only Village property on which the new Well No. 9 could feasibly be constructed is the Village Club; and

WHEREAS, based on the Village's Water System information for the years 2012 through 2016, D&B also determined that Well No. 9 would be approximately 449 feet deep, screened in the North Shore Aquifer, and have a capacity of 600 gallons per minute ("GPM"); and

WHEREAS, in or around 2017, at the recommendation of D&B, the Board of Trustees determined that it was in the public interest to improve the Village's Water Supply System by constructing: (i) a new 600 GPM water supply well (known as Well No. 9), a well building, and supporting infrastructure in the Village's high-pressure zone on the south side of the Village Club (the "Well No. 9 Project") and (ii) a new granular activated carbon treatment facility at Well Nos. 3 and 4 for the removal of PFAS (the "Well Nos. 3 & 4 Project") (the Well No. 9 Project and the Well Nos. 3 & 4 Project ware hereinafter collectively referred to as the "Village Club Water Project"); and

WHEREAS, the Village Club Water Project was funded by the same grant from the New York State Department of Health's Environmental Facilities Corporation and the Water Infrastructure Improvement Act; and

WHEREAS, on April 18, 2017, D&B submitted a water withdrawal permit application to the New York State Department of Environmental Conservation ("DEC") in connection with the Well No. 9 Project. In the application, D&B noted that Well No. 9 would be screened in the North Shore Aquifer; and

WHEREAS, D&B also filed a public water supply improvement application with the NCDOH in connection with the Well No. 9 Project. In its submission, D&B noted that Well No. 9 would be screened in the North Shore Aquifer; and

WHEREAS, on December 2, 2019, the NCDOH approved the engineering plans and specifications for the drilling of the new 600 GPM public supply Well No. 9 on Astor Lane at the Village Club that would be approximately 449 feet deep and screened in the North Short Aquifer; and

WHEREAS, in 2022, the Well No. 9 Project was subject to review under the State Environmental Quality Review Act ("2022 SEQRA Review"); and

WHEREAS, pursuant to SEQRA, on or about June 15, 2022, with the assistance of D&B, the Village's Superintendent of Public Works, Christian DiMartino, completed Part 1 of a Full Environmental Assessment Form in connection with the Well No. 9 Project; and

WHEREAS, on June 15, 2022, Superintendent DiMartino served by mail a notice of intent stating the Village's intent to serve as lead agency under SEQRA for the Well No. 9 Project in connection with the 2022 SEQRA Review; and

WHEREAS, during the lead agency coordination period no objection to the Board of Trustees assuming lead agency status was received from any other potentially involved agency; and

WHEREAS, during the 2022 SEQRA Review, in accordance with the coordinated review process under SEQRA, the Board of Trustees, by Resolution 07262022-08, dated July 26, 2022, declared itself lead agency of the Well No. 9 Project and classified the project as a Type 1 Action as defined under SEQRA (as it exceeded the threshold of 25% of 2 million GPD of water use on publicly owned parkland); and

WHEREAS, D&B prepared Parts 2 and 3 of the Full Environmental Assessment Form pursuant to SEQRA; which assessed the potential environmental impacts of the Well No. 9 Project, for consideration by the Board of Trustees; and

WHEREAS, by Resolution 08232022-03, dated August 23, 2022, the Board of Trustees adopted a Negative Declaration pursuant to SEQRA, pursuant to which it found that the Well No. 9 Project would not have any significant impact on the environment; and

WHEREAS, despite the fact that D&B's application indicated that Well No. 9 would be screened in the North Shore Aquifer, the DEC ultimately determined that the Lloyd Aquifer was the proper water source, and on June 9, 2023, the DEC issued a water withdrawal permit for Well No. 9 to be screened in the Lloyd Aquifer (Permit ID-1-2822-01791/00001); and

WHEREAS, by Resolution 09262023-13, dated September 26, 2023, the Board of Trustees accepted a proposal from H2M Architects, Engineers, Land Surveying and Landscape Architecture, DPC ("H2M") to prepare design plans and for services through the construction phase of the Well No. 9 Project; and

WHEREAS, on May 9, 2024, H2M submitted an application, engineering plans and specifications to the NCDOH in connection with the Well No. 9 Project; and

WHEREAS, by letter dated May 29, 2024, NCDOH notified H2M that it needed to submit a supplemental engineering report because the D&B Engineering Report dated March 2017 and approved by the NCDOH on August 25, 2017, was outdated; and

WHEREAS, H2M submitted a Supplemental Engineering Report dated October 2024 to the NCDOH for approval; and

WHEREAS, by letter dated December 3, 2024, the NCDOH questioned, among other things, whether Well No. 9, which the DEC permitted on June 9, 2023, was in

compliance with Section 15-1528 of the Environmental Conservation Law (the "ECL") statutory moratorium on the granting of new permits for the drilling of public supply wells into the Lloyd Aquifer that applies to all areas within the counties of Nassau, Suffolk, Kings, and Queens that are not considered "coastal communities" (as defined under ECL § 15-1502); and

WHEREAS, by letter dated January 22, 2025, the DEC responded to the NCDOH's letter dated December 3, 2024, and advised that the moratorium under ECL § 15-1528 is not applicable to Well No. 9 because the area in which the proposed well was permitted is considered a coastal community; and

WHEREAS, by letter dated January 28, 2025, the NCDOH approved H2M's Supplemental Engineering Report dated October 2024; and

WHEREAS, since the 2022 SEQRA Review, design changes have been made to the proposed site plan, which do not alter Well No. 9, but do alter the configuration of the site and placement and design of the water treatment building; and

WHEREAS, the Village determined that it was necessary to conduct a separate SEQRA review of the revised site design in connection with the construction of Well No. 9 (the "2025 SEQRA Review"); and

WHEREAS, the revised site design is described in the plans prepared by H2M, dated January 2025, and includes the construction of a 64 square foot well enclosure building ("Well No. 9 Enclosure") and 780 square foot well treatment building ("Well No. 9 Treatment Building") with supporting infrastructure, including, but not limited to, the installation of chemical treatment systems, retaining walls, new site piping, and drainage systems in connection with the installation of Well No. 9 at the Village Club of Sands (the Well No. 9 Enclosure, Well No. 9 Treatment Building, and supporting infrastructure are collectively referred to as the "Proposed Action"); and

WHEREAS, the Proposed Action will be constructed on the southern portion of the Village Club, north of Astor Lane (the "Proposed Action Site"); and

WHEREAS, the Proposed Action Site consists of a 0.53 acre parcel of land located on the north side of Astor Lane and is known and identified as Section 4, Block B, Lot 146 on the Land and Tax Map of Nassau County; and

WHEREAS, the Proposed Action Site is bounded by Astor Lane to the south, with residential properties further to the south, by the Village Club golf course to the north and west, with Middle Neck Road further west, and by residential properties to the east; and

WHEREAS, the Well No. 9 Enclosure will be positioned adjacent to the Village Club golf course and the Well No. 9 Treatment Building will be accessed from Astor Lane; and

WHEREAS, for zoning purposes the Proposed Action Site is located in the Village's Residence C zoning district; and

WHEREAS, the Proposed Action is a permitted use in the Residence C zoning district because "Village of Sands Point municipal uses and purposes, except incinerator and sewage disposal plants" are permitted in such zoning district as a matter of right (*see* Village Code § 176-33.3.D), and the Proposed Action includes a well building, well enclosure, and associated equipment in connection with the construction of a new water supply well serving the Village Water Department; and

WHEREAS, the Village Building Department has determined that the Proposed Action would likely require the following zoning variances from the Village's Zoning Board of Appeals (the "Zoning Board") if it is determined that the Village's zoning laws should apply of the Proposed Action:

(i) Pursuant to Village Code §§ 176-33.14 and 176-18(A), a variance to allow an accessory structure in a front yard, where accessory buildings or structures are only permitted in the year yard; and

(ii) Pursuant to Village Code §§ 176-33.14 and 176-18(D), a variance to allow an accessory structure that is 49.4 feet from the street line, where an accessory structure must be at least 80 feet from a street line; and

WHEREAS, if the Village's zoning laws applied, the Proposed Action would also be subject to site plan approval by the Zoning Board pursuant to Village Code § 132-4(A)(3); and

WHEREAS, pursuant to the ruling of the New York State Court of Appeals in the *Matter of Monroe County v. City of Rochester*, 72 N.Y.2d 338 (1988), the Board of Trustees has the power to exempt the Proposed Action from compliance with the Village's zoning laws if, after engaging in a "balancing of public interests" test, the Board of Trustees determines that such exemption is warranted; and

WHEREAS, the "balancing of public interests" test requires the Board of Trustees to consider the following factors in determining whether to exempt the Proposed Action from the Village's zoning laws:

1. The nature and scope of the instrumentality seeking immunity,

2. The encroaching government's legislative grant of authority,

3. The kind of function or land use involved,

4. The effect local land use regulation would have upon the enterprise concerned,

5. Alternative locations for the facility in less restrictive zoning areas,

6. The impact on legitimate local interests,

7. Alternative methods of providing the proposed improvement,

8. The extent of the public interests to be served by the public improvements, and

9. Intergovernmental participation in the project development process and an opportunity to be heard; and

WHEREAS, according to the Court of Appeals, "[r]ealistically, one factor in the calculus could be more influential than another or may 'be so significant as to completely overshadow all others', but no element should be 'thought of as ritualistically required or controlling.'" *County of Monroe*, 72 N.Y.2d at 343; and

WHEREAS, the decision by the Board of Trustees to allow the construction of the Proposed Action to proceed and exempt same from compliance with the Village's zoning laws pursuant to the "balancing of public interests" test is subject to the requirements of SEQRA; and

WHEREAS, H2M assisted in preparing and reviewing Part 1 of a Full Environmental Assessment Form (the "EAF-Part 1") in connection with 2025 SEQRA Review of the Proposed Action; and

WHEREAS, in accordance with SEQRA, the Board of Trustees, by Resolution 03252025-09, dated March 25, 2025, declared its intent to serve as lead agency to conduct the environmental review of the Proposed Action; and

WHEREAS, on March 26, 2025, H2M served by e-mail a copy of the Board of Trustees Notice of Intent to Serve as Lead Agency, EAF-Part 1, and EAF Expanded Write Ups on all interested and involved agencies; and

WHEREAS, the Board of Trustees has determined that the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, pursuant to 6 NYCRR 617.6(b)(3), a coordinated review was undertaken by the Board of Trustees; and

WHEREAS, no objections were received within thirty (30) days of the issuance of the aforementioned Notice of Intent from any involved or interested agencies as to the Board of Trustees serving as the lead agency for the Proposed Action; and

WHEREAS, H2M prepared Parts 2 and 3 of the Full EAF ("EAF-Parts 2-3") pursuant to SEQRA, copies of which are annexed hereto and made a part hereof, which assessed the potential environmental impacts of the Proposed Action, for consideration by the Board of Trustees; and

WHEREAS, the Proposed Action, including the question of whether to exempt the Proposed Action from compliance with the Village's zoning laws pursuant to the "balancing of public interests" test, was the subject of a duly noticed public hearing before the Board of Trustees on April 29, 2025 (the "Public Hearing"); and

WHEREAS, at the Public Hearing, H2M made a presentation on the Proposed Action to the Board of Trustees and the public; and

WHEREAS, all parties present at the Public Hearing who wished to be heard on the Proposed Action were given the opportunity to do so; and

WHEREAS, the Board of Trustees has reviewed and analyzed the information and documents submitted into the record, and the testimony at the Public Hearing, and has considered same in its deliberations on the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees declares itself to be the Lead Agency of the Proposed Action; and

BE IT FURTHER RESOLVED, that the Proposed Action constitutes an Unlisted Action under SEQRA; and

BE IT FURTHER RESOLVED, that the Board of Trustees, in consideration of the analysis of potential environmental impacts set forth in EAF-Parts 2-3, hereby adopts the

attached Negative Declaration pursuant to SEQRA, finding that the Proposed Action does not pose the potential for significant environmental impacts; and

BE IT FURTHER RESOLVED, that the Board of Trustees, applying the *Monroe County* "balancing of public interests" test, hereby finds as follows:

1. The nature and scope of the instrumentality seeking immunity. The instrumentality seeking immunity is the Board of Trustees, which, as discussed above, is responsible for supplying potable water to the Village's inhabitants. The supply of potable water to the Village's inhabitants is a vital public function. Accordingly, the Board of Trustees finds that this factor weighs heavily in favor of exempting the Proposed Action from compliance with the Village's zoning laws.

2. The encroaching government's legislative grant of authority. The Board of Trustees is seeking immunity from the Village's zoning laws with respect to the Proposed Action. Since the Proposed Action is a Village project, involving the construction of two buildings and supporting infrastructure in connection with the installation of a new water supply well, there is no "encroaching government." The Village Water Department's legislative grant of authority is set forth in Article 11 of the New York State Village Law. Pursuant to Village Law § 11-1108, the Village Water Department, as overseen by the Board of Trustees, is responsible for, among other things, keeping the Village's Water Supply System "in repair and may, from time to time, extend the mains or distributing pipes within the village, replace obsolete, inadequate, damaged, destroyed or worn-out apparatus and equipment, improve or reconstruct existing facilities and appurtenances and acquire or construct or additional facilities." Thus, pursuant to Village Law § 11-1108, the Village Water Department has a direct grant of legislative authority from New York State to construct necessary improvements to the Village's Water Supply System. The Board of Trustees finds that this factor weighs heavily in favor of exempting the Proposed Action from compliance with the Village's zoning laws.

3. The kind of function or land use involved. The land use involved is the municipal water supply well, well enclosure and associated treatment facilities operated by the Village Water Department. This is a municipal use which is permitted in the Village's Residence C zoning district. The Board of Trustees finds that this factor weighs in favor of exempting the Proposed Action from compliance with the Village's zoning laws.

4. The effect local land use regulation would have upon the enterprise concerned. If the Board of Trustees were required to comply with the Village's zoning laws, applications would have to be made to, and approval obtained from, the Zoning

Board for site plan approval and variances. Applying for and obtaining these zoning approvals would delay the implementation of the Proposed Action, which is scheduled to commence in the Summer of 2025, and add to the cost of the Proposed Action. The Board of Trustees finds that this factor weighs in favor of exempting the Proposed Action from compliance with the Village's zoning laws.

5. Alternative locations for the facility in less restrictive zoning areas. The entire Village is zoned for single-family residential use. Although the Village Club is zoned Residence C, which is the Village's most restrictive zoning district (with a five-acre minimum lot size), it presently contains active non-residential (i.e., municipal) uses – i.e., the facilities for Village's Water Supply System, including Well Nos. 3 and 4 and the monopole. The Proposed Action Site was chosen based on the feasibility of well construction, future well maintenance, and compliance with the NCDOH requirements regarding land ownership, controls, and clearances. Both D&B and H2M determined that there are no other feasible locations in the Village to construct a new municipal water supply well, well enclosure and treatment building with supporting infrastructure that could service the Village's high-pressure zone. Accordingly, the Board of Trustees finds that this factor weighs in favor of exempting the Proposed Action from compliance with the Village's zoning laws.

6. The impact on legitimate local interests. As set forth in the EAF-Parts 2-3 and accompanying Negative Declaration issued under SEQRA, the Proposed Action will not have any significant adverse impacts on the environment. Accordingly, the Proposed Action will not have significant impacts on any legitimate local interests. Moreover, the Proposed Action mitigates potential visual impacts to the degree practicable, as shown in the EAF Expanded Write Ups, which depicts the Well No. 9 Treatment Building, as viewed from the east and north elevations. The Well No. 9 Treatment Building will be largely obstructed due to topography and vegetation. Moreover, the Well No. 9 Treatment Building will be built at a long point along Astor Lane and although the building will be approximately 13' tall with a stairway to an elevated platform at 16', only minimal views of the portion of the roof will be visible from where the golf course and neighboring residences are situated. Visual impacts will be further mitigated by new and existing vegetation. While 29 trees will be removed to allow for the development of the Well No. 9 Building, both sides of Astor Lane have significant natural vegetation, including mature trees, which will provide continued screening of the Proposed Action Site from most vantage points. The Village also intends to install some additional landscaping surrounding the Proposed Action Site, including evergreen trees and shrubs. Moreover, it is anticipated that the Proposed Action Site will be largely obscured from view while vehicles and pedestrians traverse Astor Lane until they are nearly adjacent to the site. Visual impacts for passing vehicles and pedestrians will be mitigated by the architectural details of the Proposed Action Site including the natural cobblestone driveway, stone retaining walls, and a louvered fence and gate. Furthermore,

the Well No. 9 Enclosure will be no more than 64 square feet in area and is consistent with typical maintenance structures commonly found in parks and other municipal properties. The Well No. 9 Enclosure is not expected to have significant visual impacts to the golf course and the neighboring residences as it is a small structure consistent with the existing use. Based on the foregoing considerations, the Board of Trustees finds that this factor weighs in favor of exempting the Proposed Action from compliance with the Village's zoning laws.

7. Alternative methods of providing the proposed improvement. There is no feasible alternative method of providing additional water supply needs and supporting treatment facilities that would be less impactful than the Proposed Action. H2M has determined that interconnections from neighboring systems (i.e. the Port Washington Water District) could serve the Village for a short-term emergency, but the neighboring systems do not have sufficient facilities to provide water to the Village for extended periods. Wellhead treatment is being explored by the Village to combat emerging contaminants, but this alone will not resolve the Village's capacity needs. Therefore, given the lack of a feasible alternative method of providing the proposed improvement, the Board of Trustees finds that this factor weighs in favor of exempting the Proposed Action from compliance with the Village's zoning laws.

8. The extent of the public interests to be served by the public improvements. As discussed previously, the public interest to be served by the Proposed Action is improvement of the Village's Water Supply System to ensure that the Village has adequate and sustainable system capacity to continue providing high quality water to its customers, while also increasing the Village's system redundancy. The additional capacity provided by Well No. 9 will assist the Village with balancing the pumpage operations of their other supply wells impacted by water quality issues such as emerging contaminants and saltwater intrusion, as well as sites that require routine maintenance or upgrades. The Board of Trustees finds that this is a significant public interest, and that this factor weighs in favor of exempting the Proposed Action from compliance with the Village's zoning laws.

9. Intergovernmental participation in the project development process and an opportunity to be heard. All interested and involved government agencies have been given notice of the Proposed Action under SEQRA and an opportunity to participate in the project development process by providing comments on the Proposed Action to the Village. Other than comments received from the NCDOH and PSEG Long Island, which the Board of Trustees has taken into consideration, no interested or involved agency has provided any comments on the Proposed Action to the Village. Additionally, the Board of Trustees held a duly noticed public hearing on the Proposed Action on April 29, 2025, at which time all interested persons were given an opportunity to comment on

the Proposed Action. Thus, this factor weighs in favor of exempting the Proposed Action from compliance with the Village's zoning laws.

BE IT FURTHER RESOLVED, that, based on the foregoing "balancing of public interests" analysis, the Board of Trustees finds that the public interest in exempting the Proposed Action from compliance with the Village's zoning laws outweighs the public interest in the Village complying with its zoning laws by applying for and obtaining variances and site plan approval for the Proposed Action. Accordingly, the Board of Trustees hereby finds that the Proposed Action is exempt from compliance with the Village's zoning laws.

BE IT FURTHER RESOLVED, that the Village is authorized to proceed with the Proposed Action.

The motion was seconded by Deputy Mayor Moslow. On roll call:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	aye
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Resolution 04292025-03 was duly adopted.

Mayor Forman placed on the table for consideration a **Resolution Approving Sands Point Police Department Policy Manual Updates guided by Lexipol. WHEREAS,** it is necessary at times for policy manual updates to ensure consistent and legally sound decision-making, personnel safety, and department transparency; and **WHEREAS,** Police Chief Thomas Ruehle's recommendation and policy updates are appended hereto and made a part of the minutes; and **WHEREAS,** the policies have been reviewed and approved by Village Legal Counsel Richard Zuckerman, **NOW, THEREFORE BE RESOLVED** that be and hereby the Board approves the following Police policy manual updates:

1000 Recruitment and Selection 2.0
1002 Reporting of Arrests, Convictions, and Court Orders2.0
1004 Sick Leave 2.0
1007 Personnel Complaints 2.0
1010 Personnel Records
1011 Request for Change of Assignment
1012 Commendations and Awards
1013 Fitness for Duty
1014 Meal Periods and Breaks

1015 Lactation Breaks
1016 Outside Employment and Outside Overtime
1017 Work-Related Illness and Injury Reporting
1018 Personal Appearance Standards
1019 Uniforms and Civilian Attire
1020 Conflict of Interest
1021 Badges, Patches and Identification
1022 Temporary Modified Duty Assignments
1023 Speech, Expression and Social Networking
1024 Illness and Injury Prevention
1025 Line-of-Duty Deaths
1026 Wellness Program
1027 Long Island Railroad Police Ride Program

Upon the motion of Trustee Karabatos and seconded by Trustee Ackerman and carried unanimously the policy updates were approved. On roll call:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	aye
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Resolution 04292025-04 was duly adopted.

Mayor Forman placed on the table for consideration a Resolution **re Transfer of Village Funds from One Account to Another in the General Fund** for the Year Ending May 31, 2025.

Whereupon, Trustee Karabatos proposed the following Resolution and moved its adoption:

RESOLUTION 04292025-05
TRANSFER OF VILLAGE FUNDS FROM ONE ACCOUNT TO ANOTHER ACCOUNT IN THE GENERAL FUND FOR THE YEAR ENDING MAY 31, 2025

WHEREAS, the Villages' certified public accountants and auditors, Cullen & Danowski have recommended to the Board of Trustees that they authorize budget revisions, as needed, in order to provide for sufficient appropriations in the Village budget; and

WHEREAS, during the course of the fiscal year several transfers of Village funds from one account to another account in the general fund have been authorized by the Board,

NOW THEREFORE, BE IT RESOLVED that the following transfers be completed in the 2024/2025 Village Budget:

FURTHER, BE IT RESOLVED that the following transfers are subject to further review by the Mayor:

GENERAL FUND
Transfer to:

A.1110.0103	Court	Personnel Service	$1,100.00
A.110.0442	Court	Training	$600.00
A.1450.0420	Elections	Machine Rental/Supplies	$1,000.00
A.1450.0465	Elections	Public Notice	$250.00
A.1620.0470	Village Hall	Payroll Fees	$1,800.00
A.3120.0424	Police/Equip	Repair Cars	$1,000.00
A.3120.0425	Police	Copier	$275.00
A.3410.0450	Fire Contract		$1.00
A.3620.0101	Building Dept	Code Enforcement Payroll	$15,000.00
A.3620.0420	Building Dept	Engineering	$5,500.00
A.3620.0451	Building Dept	Superintendent	$170,000.00
A.3620.0452	Building Dept	Arborist	$5,000.00
A.3620.0453	Building Dept	Code Consultant	$8,500.00
A.5110.0210	Roads	Equipment Purchase	$1,000.00
A.5110.0451	Roads	Repairs	$35,000.00
A.5110.0452	Drainage	Drain Maintenance	$33,000.00
A.5110.0460	Roads	Mats & Supplies	$250.00
A.8510.0401	Community	Beautification	$2,400.00
A.9010.0801	NYS Ret/Sys	Admin	$18.969.00
A.9030.0801	Admin	Social Security	$30,000.00
A.9050.0800	Unemployment	Ins	$3,044.83

GENERAL FUND
Transfer from:

A.1010.0415	Trustee	Legal	($10,000.00)
A.1010.0420	Trustee	Engineering	($5,000.00)
A.1620.0414	Village Hall	Maintenance Contract	($1,800.00)
A.1990.0400	Cap Add	Contingency	($10,963.83.00)
A.3120.0220	Police	Equip Purchases	($1,275.00)
A.3410.0450	Fire	Workers' Comp	($1.00)
A.3620.0101	Building Dept	Payroll	($204,000.00)
A.5110.0450	Roads	Resurfacing	($68,250.00)
A.8560.0451	Trees	Planting	($2,400.00)
A.9030.0800	Police	Social Security	($30,000.00)

WATER FUND
Transfer to:

F.8310.0410	Water	Admin/Consultant	$66,000.00
F.8310.0415	Water	Rental/Lease	$70,000.00

F.8310.0461	Water	Plant/Supplies	$13,000.00
F.8320.0424	Water	Repair to Equip/Distrib	$165,457.00
F.8360.0410	Water Dept	Renovation/Engineering	$12,259.00
F.9010.0800	Water	NYS Retire/Benefits	$22,071.00

WATER FUND
Transfer from:

F.1990.0400	Water	Cap Add/Contingency	($59,287.00)
F.8310.0210	Water	Purchase Equipment	($30,000.00)
F.8310.0215	Water	Vehicle Purchase	($6,500.00)
F.8310.0414	Water	Uniforms	($1,000.00)
F.8310.0420	Water	Admin/Telephone	($2,000.00)
F.8310.0426	Water	Admin/Auto Repair	($3,000.00)
F.8310.0440	Water	Admin/Computer Exp	($10,000.00)
F.8310.0460	Water	Materials/Supplies	($7,000.00)
F.8320.0200	Water	Capital Improvements	($175,000.00)
F.8320.0410	Water	Engineer Fees	($20,000.00)
F.8320.0414	Water	Maint/Alarm Sites	($8,000.00)
F.8320.0444	Water	Distrib/Miscellaneous	($6,000.00)
F.8320.0450	Water	Chemicals/Other	($8,000.00)
F.9040.0800	Water	Workers' Comp	($10,000.00)
F.9060.0800	Water	Retirees Health Ins.	($3,000.00)

The motion was seconded by Deputy Mayor Moslow. On roll call:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	aye
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Resolution 04292025-05 was duly adopted.

Mayor Forman placed on the table for consideration a **Resolution Authorizing the Transfer of Funds from the Village of Sands Point's General Fund Operating Account to the Village of Sands Point's Capital Reserve Fund**.

Whereupon, Trustee Karabatos proposed the following resolution and moved its adoption:

RESOLUTION 04292025-06
AUTHORIZING THE TRANSFER OF FUNDS
IN THE VILLAGE OF SANDS POINT'S
GENERAL FUND OPERATING ACCOUNT
TO THE
VILLAGE OF SANDS POINT'S CAPITAL RESERVE FUND

WHEREAS, pursuant to Local Law 3 of 2022, the Village Board enacted § 145-32 of the Village Code, "Deposit for Capital Reserve and Repair Reserve Funds", for capital improvements for the Village's infrastructure, or for repairs to capital improvements for the Village's infrastructure; and

WHEREAS, there is currently a balance of $50,000.00 in the Village's General Fund Operating Account; and

WHEREAS, the Village Board finds that based on the Village's present needs, it is in the best interest of the Village to transfer the $50,000.00 from the Village's General Fund Operating Account to the Village's Capital Reserve Fund; and

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is hereby authorized to transfer the amount of $50,000.00 from the Village's General Fund Operating Account to the Village's Capital Reserve Fund.

The motion was seconded by Deputy Mayor Moslow. On roll call:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	aye
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Resolution 04292025-06 was duly adopted.

Mayor Forman placed on the table for consideration a **Resolution Authorizing a Change Order to include new Epoxy Flooring at the Round Hill Wells 2A & 5A site for the existing well buildings and for the new installed Granular Activated Carbon ("GAC") building through Philip Ross Industries, Inc.**

Whereupon, Trustee Karabatos proposed the following Resolution and moved its adoption:

RESOLUTION 04292025-07
AUTHORIZING CHANGE ORDER
PURCHASE OF EPOXY FLOORING
AT THE ROUND HILL LANE WELLS 2A & 5A SITE
FOR THE EXISTING BUILDINGS AND GAC BUILDING
PHILIP ROSS INDUSTRIES, INC.

WHEREAS, as per Water Superintendent Christian Di Martino there are two well buildings and a newly constructed GAC building in need of new flooring at the Round Hill Lane Wells 2A & 5A site, a copy of his recommendation is appended hereto and made a part of the minutes; and

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes the change order per quote No. 4 dated April 22, 2025 from Philip Ross Industries, 88 Duryea Road, Suite 204, Melville, New York 11747 in the amount of $26,220.00.

The motion was seconded by Deputy Mayor Moslow. On roll call:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	aye
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Resolution 04292025-07 was duly adopted.

Placed on the table was **notification of a 2025 Private Event from the Sands Point Preserve Conservancy, a** copy of the event is appended hereto and made a part of the minutes.

- Sunday, September 14th – Gabrielle Robertson Wedding

Mayor Forman placed on the table for consideration a Resolution **Authorizing Mayor Forman to sign a Tender Agreement between the Incorporated Village of Sands Point and the Philadelphia Indemnity Insurance Company, regarding the construction of a Granular Activated Carbon System for Wells 2A and 5A of the Village of Sands Point's Water Supply System.**

Whereupon, Deputy Mayor Moslow proposed the following Resolution and moved its adoption:

RESOLUTION 04292025-08
AUTHORIZING MAYOR FORMAN TO SIGN A TENDER AGREEMENT BETWEEN THE INCORPORATED VILLAGE OF SANDS POINT AND THE PHILADELPHIA INDEMNITY INSURANCE COMPANY, REGARDING THE CONSTRUCTION OF A GRANULAR ACTIVATED CARBON SYSTEM FOR WELLS 2A AND 5A OF THE VILLAGE OF SANDS POINT'S WATER SUPPLY SYSTEM

WHEREAS, on November 22, 2022, the Patriot Organization Inc. ("Patriot"), entered into a contract with the Incorporated Village of Sands Point (the "Village"), to construct a Granular Activated Carbon System for Wells 2A and 5A of the Village's water supply system (the "Project"); and

WHERAS, as part of the contract to complete the Project, the Philadelphia Indemnity Insurance Company (the "Surety"), executed and delivered performance and payment bonds to the Village; and

WHEREAS, by letter dated November 20, 2024, the Village declared Patriot to be in default of the contract, terminated Patriot from the Project, and called upon the Surety to complete the Project under the performance bond; and

WHEREAS, the Village has received an agreement, dated March 2025, from the Surety to tender Philip Ross Industries ("PRI") to complete the Project (the "Tender Agreement"); and

WHEREAS, the Village's Board of Trustees (the "Village Board") has reviewed the Tender Agreement; and

WHEREAS, the Village Board has determined that the Tender Agreement is reasonable, appropriate, and best meets the interests of the Village.

NOW, THEREFORE, BE IT RESOLVED, that the Village agrees to accept the Tender Agreement; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to the execute the Tender Agreement.

The motion was seconded by Trustee Karabatos. On roll call:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	aye
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Resolution 04292025-08 was duly adopted.

Mayor Forman placed on the table **a Request to Approve Attendance for Village Clerk Liz Gaynor at the 2025 NYCOM Annual Meeting & Training School.**

Whereupon, Trustee Karabatos proposed the following Resolution and moved its adoption:

RESOLUTION 04292025-09
APPROVAL OF ATTENDANCE FOR
VILLAGE CLERK LIZ GAYNOR AT THE
2025 NYCOM ANNUAL MEETING & TRAINING SCHOOL
WEDNESDAY, MAY 28, 2025 THRU FRIDAY, MAY 30, 2025
THE SAGAMORE, BOLTON LANDING, NEW YORK

WHEREAS, it is necessary for the Village Clerk to acquire up to date information and maintain certifications; and

WHEREAS, NYCOM's Annual Training School provides the most comprehensive program of government policy in New York State for municipalities and supplies attendees with critical information; and

WHEREAS, the Board has reviewed the request and finds that the conference is essential.

NOW THEREFORE BE IT RESOLVED that the Clerk Liz Gaynor, be allowed to attend the 2025 NYCOM Annual Meeting & Training School from May 28, 2025 through May 30, 2025, at The Sagamore, in Bolton Landing, NY at a cost not to exceed $1,200.00.

The motion was seconded by Deputy Mayor Moslow. On roll call:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	aye
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Resolution 04292025-09 was duly adopted.

Mayor Forman announced that the **next Board of Trustees' meeting will be held Tuesday, May 20, 2025.**

There being no further business to come before the Board, on motion of Trustee Karabatos, and seconded by Deputy Mayor Moslow the meeting was adjourned at 9:30 p.m.

Liz Gaynor

Liz Gaynor, MMC, RMC, CMFO
Village Clerk

April 29, 2025