

REGULAR MEETING
WATER AUTHORITY OF NORTH SHORE

November 29, 2022

Meeting Held at Gold Coast Library Annex, 40 Railroad Avenue,
Glen Head, New York

Present: George Pombar, Member
James Versocki, Esq. Member
Richard Arena, Member
John Vasilakis, Member
Sandeep Kapoor, M.D., MS-HPPL, Member
James Greenberg, Esq., Member

The meeting was also attended by Counsels T. Hopkins and J. Milazzo.

J. Lopes, K. Mahern, C. Bell, J. Capozzi and S. Warshaw were also in attendance.

Packets containing detailed information for all Agenda items were distributed to each Member and Counsel to the Authority.

At approximately 7:00 p.m. Mr. Pombar, serving as Chair of the meeting, called the meeting to order and indicated that the meeting would begin with a public hearing on videoconferencing for Authority board and committee meetings. No one from the public had any comments or questions for the public hearing. On motion made by Mr. Versocki, duly seconded by Mr. Greenberg, and unanimously carried, a motion to close the public hearing was approved. On motion made by Mr. Pombar, duly seconded by Mr. Versocki, and unanimously carried, it was

(32-11-2022) RESOLVED, To authorize the following resolution for the use of videoconferencing for Authority board and committee meetings:

WHEREAS, by passing Chapter 56 of the Laws of 2022 ("Chapter 56"), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law,

permitting the Authority to authorize its Members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2) requires the Authority to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of Members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend;” and

WHEREAS, Section 103-a(2)(c) requires that Members be physically present at any such meeting “unless such Member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the Member’s physical attendance at such meeting;” and

WHEREAS, in accordance with Section 103-a(2)(d), any Authority Member attending a meeting by videoconference must, except during executive session, be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon;” and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Authority’s webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference if a Member attends such meeting by videoconference, now therefore be it

RESOLVED, That the Authority authorizes its Members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (I) as long as a quorum of the Members attend in-person at one or more locations open to the public; (ii) as long as the Member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and be it further

RESOLVED, That the Authority shall create written procedures further governing its use of videoconferencing by its Members in compliance with Chapter 56 of the Laws of 2022.

Mr. Pombar then presented the minutes of the regular meeting of October 25, 2022 for approval. On motion made by Mr. Versocki, duly seconded by Mr. Greenberg and unanimously carried, the minutes of the regular meeting held on October 25, 2022 were approved.

Mr. Pombar then presented an item regarding appointment of officers and employees, and no action was taken on such item.

Mr. Pombar presented items regarding Authority website and email addresses.

On motion made by Mr. Vasilakis, duly seconded by Mr. Greenberg and unanimously carried, it was

(33-11-2022) RESOLVED, To increase the amount authorized for the Authority's website and email service provider, Go Daddy, to not more than \$3,000 per year.

Mr. Pombar then addressed items under financial institution and Authority bylaws, Authority insurance, and public service commission timeline. No action was taken on these items.

Mr. Pombar then addressed items under Liberty non-disclosure agreement. On motion made by Mr. Versocki, duly seconded by Mr. Pombar and unanimously carried, it was

(34-11-2022) RESOLVED, To authorize the execution of the negotiated non-disclosure agreement between the Authority and Liberty Utilities Corporation.

The Members scheduled their next regular meeting for Tuesday, January 10, 2023 at 7:00 p.m. and set a possible following meeting for Tuesday, January 31, 2023 at 7:00 p.m.

Mr. Pombar then asked if there was any new business or public comment, and he mentioned that there were some new development projects and a Village of Sea Cliff master plan being developed that the Authority should be cognizant of.

Mr. Vasilakis asked if anyone knew whether or not anyone knew if Liberty had plans to repaint the water tank located in its Sea Cliff service territory. This was followed by a discussion regarding cell service in the area and whether additional cell antennas could be located on the water tank.

S. Warshaw noted that there may be a new development project slated for a golf club within the service territory and that the availability of public water could affect development

density.

J. Capozzi asked whether anyone knew anything about the status of the new library groundbreaking.

J. Lopes commented about possible impacts new development projects could have on the Authority's future operations.

Following public comments, on motion made by Mr. Versocki, duly seconded by Dr. Kapoor and unanimously carried, it was decided to go into Executive Session to discuss the potential acquisition of property, appointment of officers, and litigation. The Members subsequently returned to public session.

On motion made by Mr. Greenberg, duly seconded by Mr. Pombar and unanimously carried, it was resolved to adjourn the meeting.

, Secretary Pro Tem