



**December 14, 2023
10:00 AM–12:00 PM
Community Center & Zoom
ADOPTED SPECIAL MEETING MINUTES**

Commissioners Present: D. Burnham (left at 10:30 AM), B. Evans (left at 11:35 AM), S. Malinowski, M. Doyen, & K. Stevens (via Zoom)

Staff Present: B. Stern & E. Maggs

The meeting began at 10:01 AM.

1. Additions to the Agenda

Agenda item 5.b. was added to discuss the possibility of compensating the Community Center for use of the meeting room.

2. Coastal Path Resolution

D. Burnham made the following motion, which was duly seconded by S. Malinowski:

WHEREAS, the FIWMD is the owner in fee simple of a certain parcel of real property situated at Fishers Island, Town of Southold, County of Suffolk and State of New York, having a Suffolk County Tax Map number of 1000-012.00-01.00-001.001; and

WHEREAS, a portion of the Parcel contains a historic coastal gun. emplacement, bunker and related structures and open space with a significant natural habitat in which fish, wildlife or plant communities or similar ecosystems normally live; and

WHEREAS, the Board of Commissioners of the FIWMD has determined that such portion of the Parcel is not necessary for any District operations; and

WHEREAS, the Board of Commissioners of the FIWMD desires to grant to The Henry L. Ferguson Museum an exclusive right to maintain, improve, restore, preserve, protect and manage that portion of the Parcel containing such structures and open space with natural habitat; and

WHEREAS, the Board of Commissioners of the FIWMD has further determined that the public benefit to be derived from the granting of a license pursuant hereto is ample consideration for the grant.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the FIWMD that Chairperson David C. Burnham be and is hereby authorized to execute the License Agreement with the Henry L, Ferguson Museum, subject to the approval of the Town Board of the Town of Southold.

Discussion ensued before a vote.

B. Evans made several statements for the record:

- He thought that assertions about historical and environmental significance were irrelevant opinions that he felt were detrimental to the interests of the District, and therefore should be excluded.
- Regarding “public benefit,” he did not believe this Commission had the authority and this portion should thus be stricken. He said the Commission is tasked with executing the interests of the District, and that broader public interests are the purview of the Town, so the FIWMD should not make that determination.

B. Evans said he had put these concerns in writing and he wanted to comment on the responses:

- He spoke with the Chairman of the Conservancy’s Board, but he did not comment further on the results of that interaction.
 - Another Commissioner mentioned that the Conservancy’s Executive Director was also likely apprised of this situation.
- B. Evans responded to what he felt was another Commissioner questioning why B. Evans felt he could speak unilaterally for this Commission. He stated that the Commission had agreed to issue a license, but the dispute was whether what was presented was a license or a lease.
- He still felt this was not an “at will” agreement. He felt as though the Museum was demanding the right to the land and not the “at will” character.
- He believed that the District was independent of Town authority and the Town does not control FIWMD assets, so he did not find this process legitimate and thought it undermined the autonomy of the FIWMD and should therefore be stricken.
- By giving away something that is considered of value, B. Evans believed that the FIWMD would be regulated by NY State on the disposal of assets. He did not think the District had agreed whether it was giving away something of value, but he believed that it was, which he felt had been ignored.

There was agreement that all Commissioners were entitled to their opinions on these various issues. It was mentioned that the responsibility of the District is more than just moving materials on and off the Island, but doing what is best for Fishers Island. B. Evans dissented that if that is the goal, then Commissioners should run for Town government instead. Other Commissioners expressed that they felt this was for the benefit of the Island and that M. Finnegan understood the rules well.

On a vote of 4–1, the motion on the coastal path resolution passed. B. Evans voted in opposition. All Commissioners were present for this vote.

3. Financials

a. Bank Reconciliations

No comments.

b. Payables

No comments

c. Transactions of the Month

No comments.

d. Payroll Report

No comments.

e. P/L Reports

No comments.

f. Transfer Funds

S. Malinowski made the following motion, which was duly seconded by M. Doyen. On a vote of 5–0, the FIWMD approved transferring \$80,000 from the savings account to the checking account. All Commissioners were present for this vote.

4. Minutes

S. Malinowski made the following motion, which was duly seconded by M. Doyen. On a vote of 4–0, the FIWMD adopted the 11/09/2023 and 11/30/2023 meeting minutes as presented. B. Evans abstained. All Commissioners were present for this vote.

5. Reports

a. Station Hours & Staffing

Discussion ensued about the potential to adjust the Transfer and Compost Stations' hours during the winter months, especially given that there seemed to be fewer users at the Stations during the last hour of the day. Commissioners wondered if an 8:00 AM–4:00 PM schedule would be better to allow employees to catch the later morning and evening Popeyes and match the Ferry schedule. There was a question of whether adjusting the hours in this way would limit homeowners, for example, from dropping off garbage after 4:00 PM, which was something the Commissioners agreed would need to be considered. There was also mention of placing a dumpster outside to help during these closed hours, but no agreement was reached yet in that regard.

There was also a conversation about staffing and some requests from employees to alter their schedules. Discussion ensued about benefits available to part-time employees.

D. Burnham left the meeting.

Discussion continued about possible winter hours, including 8:15/8:20 AM–4:15/4:20 PM, which would allow for the same station schedule on weekdays and weekends. There was also conversation about providing a key to the stations to a hauling company so their driver can access the station outside these hours if needed; concern was mentioned about safety if this option is pursued.

S. Malinowski made the following motion, which was duly seconded by M. Doyen. On a vote of 4–0, the FIWMD Commission allowed the Staffing & Station Hours Subcommittee (B. Stern, S. Malinowski,

K. Stevens, & E. Maggs) to determine trial winter station hours for January–March 2024. D. Burnham was not present for this vote.

b. Donation to Community Center

Discussion ensued on whether the FIWMD could make a donation to the Community Center for use of the meeting room. It was agreed that the FIWMD cannot make such a donation. Rather, it was suggested that the Commission seek a corporate membership to the Community Center, though it was unclear whether such an option exists; B. Stern agreed to inquire about a corporate membership and about what structure the Community Center uses for the Fire Department to have gym access, for example. It was also suggested that the Commission could start publishing a “thank you” in the Fog Horn, including reasons why the Community Center is such a wonderful resource.

c. 2024 Budget Letter from NYS

The Commission discussed an issue with the 2024 budget totals provided to the State of NY, which notified the FIWMD of the need for a reserve when piercing the budget gap. The Commission reviewed the letter together. A Subcommittee (M. Doyen, B. Evans, & B. Stern) was appointed to work to understand the letter and next steps, and report back to the Commission at the next meeting.

d. Employee Evaluations & Commissioner

Three employee evaluations still remained to complete. There were no comments on the Commissioner evaluations.

e. Manager Recruitment

The FIWMD needed to be proactive on this effort. The list provided by 360 Recruiting Group’s consultant was generic, and not industry specific. When the consultant was asked whether they did this research, they replied that they had not, and they were posting the description to their normal locations (e.g., LinkedIn and Zip Recruiter). The consultant advised that there would be an added charge to post the job outside those typical locations. Rather than engaging 360 Recruiting Group for this additional effort, it was agreed that FIWMD staff and Commissioners would have more ideas to contribute to the effort than the independent consultant. Thus, the Commission appointed a Subcommittee (K. Stevens, M. Doyen, and B. Stern) to work on further advertising the job description. The job description was also shared with Casella in case they have any recommendations on interested job seekers or where to post the advertisement for the greatest impact.

f. Open Meeting Law

This was tabled until the next meeting as the Subcommittee was awaiting some answers from the Deputy Town Attorney.

g. Website

K. Kibler, Minute Taker, is actively engaged in posting back-dated minutes to the old website and getting the 2023 minutes onto the new website. K. Kibler anticipated that most, if not all, should be completed by the end of January at latest.

There was further discussion on needing to provide guidance to the new website designer on how to structure and organize the new website to best depict the District's activities. A Subcommittee (K. Stevens, B. Stern, & K. Kibler) will likely meet mid-January 2024 to discuss how to move forward with the new website.

6. Upcoming Agendas

In January 2024, there would be three Commission meetings: 01/04/2024 is taking the place of the December 2023 monthly meeting (there will be votes), 01/11/2024 reorganization meeting, and 01/25/2024 is the January monthly meeting.

The Commission agreed that it was helpful to reserve time at the end of each meeting to briefly brainstorm and draft the next meeting's agenda together.

7. Executive Session

M. Doyen motioned to enter Executive Session to discuss personnel evaluations. B. Evans seconded the motion, which carried unanimously. D. Burnham was not present for this vote. The Executive Session began at 11:06 AM. E. Maggs and B. Stern left the meeting room during the Executive Session.

A motion by M. Doyen was duly seconded by K. Stevens to exit Executive Session and the motion carried unanimously. D. Burnham was not present for this vote. The Executive Session ended at 11:35 AM.

B. Evans left the meeting.

During the remainder of the meeting, K. Stevens was asked to communicate with M. Finnegan to take next steps on the coastal path resolution and solar field lease.

8. Adjourn

The meeting adjourned at 12:00 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker
December 19, 2023

All Commissioners were provided with the opportunity to suggest clarifying edits for accuracy.

Respectfully revised by Katie Kibler on January 3, 2024