

UNAPPROVED MINUTES

MINUTES OF THE PUBLIC HEARINGS AND BOARD OF TRUSTEES MEETING HELD ON JANUARY 23, 2018 AT 1180 AVENUE OF THE AMERICAS, ROOM 8A, NEW YORK, NEW YORK AND VIA VIDEO/AUDIO LINK TO 103 BROADWAY, SALTAIRE, NEW YORK, WITH REMOTE OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor Zaccaro called the Board of Trustees meeting to order at 5:00 p.m. at 1180 Avenue of the Americas and the following were in attendance:

John A. Zaccaro Jr, Mayor
Hillary Richard, Deputy Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Joseph W. Prokop, Village Attorney
Donna Lyudmer, Village Treasurer
Mario Posillico, Administrator & Clerk
And 0 other attendees
And 0 observed through internet audio/video connection.

ADJOURN INTO EXECUTIVE SESSION

Trustee O'Brien made a motion at 5:00 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee Wolf and on call it was approved according to the following vote:

Motion: Trustee O'Brien
Seconded: Trustee Wolf
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee O'Brien made a motion to re-adjourn into public session at 6:00 p.m. The motion was seconded by Trustee Oppenheimer and on call it was approved according to the following vote:

Motion: Trustee O'Brien
Seconded: Trustee Oppenheimer
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

Mayor Zaccaro called the Board of Trustees meeting back into to order at 1180 Avenue of the Americas at 6:05 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor
Hillary Richard, Deputy Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Scott Rosenblum, Counselor to the Board
Joseph W. Prokop, Village Attorney
Donna Lyudmer, Village Treasurer
Mario Posillico, Administrator & Clerk
And approximately 20 other attendees
And approximately 12 observed through internet audio/video connection at various times.

PUBLIC HEARING: LOCAL LAW #1 OF 2018 – CHAPTER 45– GARBAGE REGULATIONS

Mayor Zaccaro provided an overview of the proposed local law that would require that all garbage enclosures be outfitted with a flag-device to indicate whether garbage is enclosed and ready for collection. Comments were made and questions were taken from the members of the Board and those in attendance, and after all having a chance to be heard, Trustee O'Brien made a motion to adjourn the public hearing at 6:06 p.m. The motion was seconded by Trustee Wolf and on call the motion was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

PUBLIC HEARING: LOCAL LAW #2 OF 2018 – CHAPTER 48– TAX CAP WAIVER

Mayor Zaccaro stated that the purpose of the proposed local law is to allow the Village to opt out of the New York State-mandated maximum tax levy increase for local governments. New York State adopted legislation that limited the annual increase in the tax levy that a local government can assess. In the case of Saltaire, that will likely be set just above 1% for the next fiscal year starting June 1, 2018. The Mayor stated that although the tentative budget is still being developed and it is unknown if a tax increase will be required, there were assessment improvements greater than the tax cap, and therefore the adoption of this local law provides the flexibility for the Board to meet the budget requirements and any future unforeseen circumstances. Comments were made and questions were taken from the members of the Board and those in attendance, and after all having a chance to be heard, Trustee Richard made a motion to adjourn the public hearing at 6:11 p.m. The motion was seconded by Trustee Oppenheimer and on call the motion was carried according to the following vote:

Motion: Trustee Richard

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

ADOPTION OF LOCAL LAW #1 OF 2018 – CHAPTER 45: GARBAGE COLLECTION

RESOLUTION ADOPTING LEAD AGENCY STATUS, TYPING A PROJECT AS AN UNLISTED ACTION AND ADOPTION OF A NEGATIVE DECLARATION FOR PURPOSES OF SEQRA WITH REGARD TO THE ADOPTION OF LOCAL LAW FOR GARBAGE REGULATIONS.

Trustee O'Brien made a motion to approve the following resolution:

WHEREAS the Village of Saltaire is considering the adoption of a local law for garbage regulations, and

WHEREAS the Board of Trustees has reviewed the local law for garbage regulations and accompanying materials with respect to the required SEQRA review pertaining to the local law for garbage regulations, and therefore be it,

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the local law for garbage regulations, and further be it

RESOLVED that the Board of Trustees hereby determines that the approval of the local law for garbage regulations is an Unlisted Action for purposes of SEQRA, and further be it

RESOLVED that the Board of Trustees of the Village of Saltaire hereby determines that the approval of the local law for garbage regulations;

Will not create a material conflict with an adopted land use plan or zoning regulations; and
Will not result in a change in the use or intensity of the use of land; and
Will not impair the character or quality of the existing community; and
Will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area; and

Will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways; and

Will not cause an increase in the use of energy, or fails to incorporate reasonably available energy a conservation or renewable energy alternatives; and

Will not impact existing public or private water supplies; and

Will not impact existing public or private wastewater treatment facilities; and

Will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources; and

Will not result in an adverse change to natural resources such as wetlands, water bodies, groundwater, air quality, flora and fauna; and

Will not result in an increase in the potential for erosion, flooding or drainage problems;
and

Will not create a hazard to environmental resources or human health; and that it is therefore

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

The motion was seconded by Trustee Richard, and was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

Trustee O'Brien then made a motion to adopt the proposed revisions to various sections of §45 of the Village Code, in the form presented at the earlier public hearing, to be adopted as Local Law #1 of 2018. The motion was seconded by Trustee Oppenheimer and the motion was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

ADOPTION OF LOCAL LAW #2 OF 2018 – CHAPTER 48: TAX CAP WAIVER

Trustee Wolf made a motion to adopt the proposed revisions to various sections of §48 of the Village Code, in the form presented at the earlier public hearing, to be adopted as Local Law #2 of 2018. The motion was seconded by Trustee Richard and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

FIMI & FIMP UPDATE

Mayor Zaccaro stated that he is happy to report that the Village has been advised that the Village's request for the inclusion of the restoration of the Clam Pond Cove Spit has been reviewed by the Army Corps of Engineers and the various regulatory agencies involved, and they have included it in the overall FIMP plan. He stated that the project will provide significant environmental benefits as well as storm protection from bay storms, and that the Village will now work with the Army Corps on the final design of the project, as well as scheduling for the project, which the Village will push to happen as soon as practical.

OFFER OF DONATION TO THE VILLAGE OF A COFFEY-STYLE HOUSE

Mayor Zaccaro reported that the owners of the property located at 104 Pacific Walk have advised the Village that they are planning to construct a new home on their property and are contemplating making a formal donation offer to the Village for the existing house on the property. He stated that the formal offer should be made before the next meeting, at which time the Board will consider the donation and any conditions placed thereon. Mayor Zaccaro stated that given the historical significance of the structure as being one of the oldest buildings in the Village as well as the one-time home of Mike Coffey, preliminary discussions indicate that the Board is inclined to seriously consider the offer and move the structure to a nearby vacant property.

CAPITAL PROJECT OVERVIEW

Mayor Zaccaro provided a brief overview and status report of the following capital projects and purchases:

- The Fire Company has accepted delivery of its new pumper, which was funded partially by bond funds and partially by a State Legislative Grant sponsored by Senator Phil Boyle.
- The Fire Company has ordered its new ambulance and it is in the process of being outfitted, with anticipated delivery in the spring of 2018. The new ambulance is being funded exclusively by Fire Company funds, much of which came from private donations from residents, and the Mayor thanked those who donated for their continued support of the Fire Company.
- The Board is planning the restoration and reposting of the Arts and Craft building with a \$250,000 State Legislative Grant sponsored by Senator Phil Boyle.
- The Village's project to replace all of the street lighting along Bay Prom with lower, more decorative poles fed by underground electric wiring is complete. However, there is a section of Bay Prom from Pacific Walk to Navy Walk where the overhead wires, poles and transformers are not yet removed because they are part of the electrical grid that serves house feeds in the area. The Village has requested grid modifications from PSE&G that will allow their removal, and is awaiting schedule and cost from PSE&G to complete that work.
- The Board is anticipating the proposed floor plan of 14 Bay Promenade from village resident and architect Nick Petschek very shortly, which will provide the basis for final design parameter decisions, followed by the bidding process.
- The Village Administrator has advertised for bids for the reconstruction of Lighthouse Promenade as a concrete walk, as well as the inclusion of the replacement of the water main alongside and under Lighthouse, for a planned construction start in the autumn of 2018. He stated that the bids are due February 16, 2018, after which final decisions will be made on material selection and water main size.
- The final floor plans and elevations for the planned renovation of Village Hall were posted at the meeting and online, and Mayor Zaccaro and Trustee Oppenheimer led discussion regarding the plans and the reasons and logistics behind the final design. Discussion ensued amongst those in attendance and online, and after all having a chance to be heard, Mayor Zaccaro stated that Butler Engineering will begin the development of final construction documents ready for bidding as soon as is practical.

FUND BALANCE POLICY

Trustee Wolf made a motion to adopt the following policy:

VILLAGE OF SALTAIRE, NEW YORK FUND BALANCE POLICY

WHEREAS, generally a fund balance consists of moneys that provide a cushion or buffer that may be needed from time to time for a governmental entity to operate without interruption or reduction in services; and specifically for the Village of Saltaire they provide a degree of financial stability and guarantee the availability of the necessary resources to weather fluctuations in revenues and expenditures that can arise due to the Village's coastal environment, and

WHEREAS, in its evaluations of credit ratings, a formal fund balance policy is cited by rating agencies as a best-management practice and municipalities that adhere to a fund balance policy are viewed favorably and as being pro-active which in turn results in higher credit ratings and lower borrowing costs; and

WHEREAS, the Village may, due to the increased risk that is inherent in its coastal environment, face unexpected disruptions in revenue and pressures on expenditures within its budget, and therefore on its reserves;

THEREFORE, BE IT RESOLVED, that in recognition of the need for sound fiscal policy and in order to maintain a high credit rating, and to provide an adequate level of public security and operational integrity in its unique coastal environment the Village Board of Trustees has decided to create and manage a fund balance. The Board of Trustees shall make all reasonable efforts to review and manage said fund balance and reserves on a regular basis, and maintain an unassigned fund balance in its General Fund at the end of each fiscal year of approximately 30% of its total operating budget; and that this larger-than-average percentage is prudent because of several factors: the comparatively small size of the Village's budget; the fact that about one-third of the Village's annual revenue comes from other than real estate tax receipts and is therefore somewhat less secure; the fact that about two-thirds of the Village's annual revenue comes from real estate tax receipts that may be significantly diminished due to natural disaster arising from the Village's coastal location; this level of fund balance addresses the Village's need to be in a position to finance reconstruction of unforeseen failures in its infrastructure and to address damage due to storms and flooding; and to this end the Village believes that the sum of approximately \$1,000,000 is a reasonable amount of unassigned fund balance to maintain for unanticipated events, and such unassigned fund balances will be exclusive of any assigned reserve balances maintained by the Village, and

THEREFORE, BE IT FURTHER RESOLVED, any unassigned fund balance in the General Fund above 30% may be appropriated for any of the following purposes at the discretion of the Board of Trustees pursuant to resolution:

- To reduce the subsequent year's property taxes.
- For one-time capital expenditures that may arise
- For emergencies caused by natural occurrences such as hurricanes or blizzards
- To fund FEMA-reimbursable projects that require outlays of capital in advance of reimbursement
- Any other purpose which the Board deems necessary for the preservation of the Village and/or the health and safety of its residents.

After discussion and all having a chance to be heard, the motion was seconded by Trustee Richard and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

BEACH CHAIRS AND CART USE

- Trustee Oppenheimer reported that he has provided the Board with several options for different beach chairs, and was authorized in conjunction with Administrator Posillico to select the best chair from the medium price range options, with recommendations to be made and included in the 2018/19 budget. He further stated that the plan will include approximately 250 chairs to be distributed between the 3 lifeguarded-beach locations based on use.
- Trustee O'Brien stated that he distributed a draft policy to the Board for proposed allowances and uses of the Courtesy Cart. He stated that the policy will be discussed in more detail at the next scheduled meeting, and asked residents to send to him their views and perspectives on how the Courtesy Cart should be governed.

EXTENSION OF TIME FOR SUB-DIVISION APPLICATION

Administrator Posillico and Attorney Prokop reported that the legal representative of the Village People LLC has requested an additional ninety-day period to submit all required documentation and approvals as conditioned by the Board of Trustee approval of their application. Administrator Posillico stated that the delay in delivery was in large part due to matters out of the applicants control regarding other agency regulatory approvals, and Attorney Prokop stated that the granting of one or more time extensions is common practice due to the time necessary to complete all filings. After discussion, and all having chance to be heard, Trustee Richard made a motion to grant the ninety-day extension as requested by the Village People LLC, and to consider the application to be current for the remainder of the extension period. The motion was seconded by Trustee Wolf, and the motion was carried according to the following vote:

Motion: Trustee Richard

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Recused: Mayor Zaccaro

Abstain: None

Against: None

AUTHORIZATION TO PURCHASE DISCOUNT FERRY TICKETS

Trustee Wolf made a motion to authorize the purchase of 600 discount ferry ticket books recommended by the Village Administrator as sufficient to meet public demand based on current inventory and usage levels, in accordance with the terms of the contract with Fire Island Ferries, for re-sale and distribution to the residents of the Village in 2018. Trustee Oppenheimer seconded the motion, and on call it was carried pursuant to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

AUTHORIZATION FOR INDEPENDENCE DAY PARTY

Administrator Posillico stated that since July 4th falls on a Wednesday in 2018, there is not an obvious best day for the Independence Day beach party, but recommended June 30th as the optimum day. After discussion and all having a chance to be heard, Trustee Richard made a motion to hold the Independence Day beach party on June 30th. Trustee Wolf seconded the motion, and on call it was carried pursuant to the following vote:

Motion: Trustee Richard

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

DEVELOPMENT OF REQUEST FOR PROPOSALS FOR FERRY AND PARKING SERVICES

Administrator Posillico reported that he has distributed to the Board draft Request for Proposals (RFPs) for the provision of passenger ferry services, freight ferry services, and parking services. He stated that the RFPs are required because the end of the contract is December 31, 2018 for all three services, and that they optimally should be advertised for response in the early spring of 2018. Discussion ensued about proposal terms and conditions, and Mayor Zaccaro stated that the final RFPs will be available for full public discussion and approval at the next available meeting.

APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of December 6, 2017 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Wolf made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee Richard, and on call it was carried according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

ABSTRACT AUDIT

Mayor Zaccaro stated that the following Abstracts, having been distributed to all in attendance and posted on the Village website, were presented for approval by the Village Administrator and the Village Treasurer:

Trust & Agency Checking No. 7A in the amount of	\$2,000.00
General Fund Checking No. 7B in the amount of	\$44,365.08
General Fund Checking No. 8A in the amount of	\$89,333.46
Capital Fund Checking No. 8A in the amount of	\$22,370.03

After discussion and opportunity for questions, Trustee O'Brien made a motion that the above-listed abstracts be approved as presented and that the Mayor be authorized to execute the warrants. The motion was seconded by Trustee Richard, and on call it carried according to the following vote:

Motion: Trustee O'Brien
Seconded: Trustee Richard
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

PARTIAL PAYMENT OF DELINQUENT TAXES

Mayor Zaccaro stated that a property owner has requested that they be able to make periodic partial payments of real estate taxes that are delinquent for the 2016/17 and 2017/18 fiscal years. After discussion, and motions made and motions withdrawn, the Mayor tabled the discussion pending consultation with the Village Attorney in Executive Session regarding potential legal implication and precedents.

ADJOURN INTO EXECUTIVE SESSION

Trustee Oppenheimer made a motion that the Board adjourn into Executive Session to discuss tax collection procedures, litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee Richard and on call it was approved at 8:02 p.m. according to the following vote

Motion: Trustee Oppenheimer
Seconded: Trustee Richard
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Oppenheimer made a motion to re-adjourn into public session at 9:47 p.m. The motion was seconded by Trustee Richard and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer
Seconded: Trustee Richard
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

The public meeting was called back into session by Mayor Zaccaro at 9:47 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor
Hillary Richard, Deputy Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Scott Rosenblum, Counselor to the Board
Joseph W. Prokop, Village Attorney

Donna Lyudmer, Village Treasurer
Mario Posillico, Administrator & Clerk
And approximately 0 other attendees
And approximately 0 observed through internet audio/video connection.

PARTIAL PAYMENT OF DELINQUENT TAXES

Discussion continued about the request for a twelve-month payment period for periodic partial payment of taxes by a property owner delinquent on 2016/17 and 2017/18 Village property taxes. After discussion and all having a chance to be heard, Trustee Richard made the following motion:

WHEREAS, the property owners of Village property designated by Suffolk County Tax Map Number 503-2.0-3.0-41.00 are delinquent on their Village of Saltaire taxes for both the 2016/17 and 2017/18 fiscal years, and have requested that they be able to make partial payments over a twelve month period in order to become current on their taxes, and

WHEREAS, the Board has been advised that by agreeing to accept periodic partial payments the Village does not relinquish or diminish any of its legal rights at any time regarding collection options for any portion of the taxes that remain delinquent,

THEREFORE BE IT RESOLVED, that the Village Treasurer be authorized to accept periodic partial payments toward the total sum of delinquent taxes, interest and penalties for the 2016/17 and 2017/18 fiscal years for property identified by Suffolk County Tax Map Number 503-2.0-3.0-41.00, and that any partial payments be first applied to the outstanding balance of taxes, interest and penalties, and that the statutory interest rate continue to be applied and accrued on the remaining balance after receipt of any partial payment until such time that all outstanding balances are paid in full, and further

BE IT RESOLVED, that the Village shall condition the acceptance of a partial payment on the Village not relinquishing any of its legal rights and powers for liens and any other collection options under any special or general act to enforce collection of the unpaid balance of such tax or tax lien together with interest, penalties and other lawful charges, regardless of the timing, amount and frequency of any partial payments that may be received.

The motion was seconded by Trustee Oppenheimer, and the motion was carried according to the following vote:

Motion: Trustee Richard
Seconded: Trustee Oppenheimer
In Favor: Trustee Wolf, Trustee Richard, Trustee Oppenheimer
Against: Trustee O'Brien
Abstain: None

NEXT BOARD MEETINGS & CLOSE OF MEETING

After all having had a chance to be heard, and there being no further business before the Board, Trustee O'Brien made a motion at 9:49 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- 5:00 p.m. on February 28, 2018, 1180 Avenue of the Americas, New York, NY
- 5:00 p.m. on March 12, 2018, 32 Old Slip, New York, NY

[Clerk's Note: Both dates revised and reset to those above-listed subsequent to the Board meeting due to scheduling conflicts.]

The motion was seconded by Trustee Richard and on call it was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None