

# UNAPPROVED MINUTES

MINUTES OF THE PUBLIC HEARING AND THE BOARD OF TRUSTEES MEETING HELD ON APRIL 10, 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 Richard 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 Oppenheimer and on call it was approved 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

Counselor to the Board Scott Rosenblum arrived into Executive Session at approximately 5:10 p.m.

## RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion to re-adjourn into public session at 5:58 p.m. The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

Motion: Trustee Wolf  
Seconded: Trustee O'Brien  
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 6:07 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 35 other attendees  
And approximately 22 observed through internet audio/video connection at various times.

#### PUBLIC HEARING OF THE 2018/19 TENTATIVE BUDGET

Copies of the 2018/19 tentative budget were distributed to all in attendance and had been previously posted on the Village website. Mayor Zaccaro provided an overview of the projected results of the 2017/18 fiscal year and then the general highlights of the 2018/19 budget as presented. He stated that the 2017/18 fiscal year will result in reserve levels as of May 31, 2018 of approximately \$3,600,000. He then provided an overview of the 2018/19 tentative budget, which as presented carried a 0% tax rate increase and was projected to result in a budget deficit of approximately \$233,000, as was anticipated in this last year of the 2009 Beach Bond. After further detail by Mayor Zaccaro of budgeted revenues and appropriations, he asked if any Trustee felt it necessary to impose a tax rate increase to mitigate the deficit. There was no motion made in that regard. After further discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee Wolf made a motion at 6:20 PM to close the Public Hearing on the 2018/19 tentative budget. The motion was seconded by Trustee O'Brien, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

#### ADOPTION OF 2018/19 BUDGET

Trustee Oppenheimer made the following motion:

WHEREAS, the tentative budget for the fiscal year 2018-2019 has been duly presented to the Board by the Village Administrator, and a duly advertised public hearing has been held thereon, and

WHEREAS, the final assessment role for the Village of Saltaire for the fiscal year 2018-2019 has been duly filed with the Village Clerk,

NOW THEREFORE BE IT RESOLVED, pursuant to Village Law §5-508(4), that the said presented and modified tentative budget reflecting a tax rate of 5.46 per thousand of assessed value, be and hereby is adopted as the budget of the Village of Saltaire, New York, for the fiscal year 2018-2019, and

BE IT FURTHER RESOLVED, pursuant to §1420 of the Real Property Tax Law, that the Board of Trustees levy Real Estate Tax in the amount of \$2,263,360 against all properties listed in the 2018-2019 assessment roll of the Village of Saltaire, and

BE IT FURTHER RESOLVED that the Mayor be authorized to execute the Warrant for Collection of Taxes pursuant to §1246 of the Real Property Tax Law, and authorize the Village Treasurer to pay the annual salaries or pro-rated part thereof, on a semi-monthly basis, for the full-time employees of the Village of Saltaire as reflected in the budget, and to pay the seasonal and hourly employees on a semi-monthly basis to be hired as needed to fill the needs anticipated and reflected in the budget.

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

#### CAPITAL PROJECT OVERVIEW

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

- Butler Engineering is working with the Board to finalize the floor and site plans of 14 Bay Promenade that best fit the goal of a reasonably-sized traditional-styled structure that meets the stated functions of the building, as well as regulatory requirements, and can be brought to final construction documents ready for bidding as soon as is practical. Renderings were posted at the meeting and discussion ensued about the floor plans and elevations.
- The final floor plans and elevations for the planned renovation of Village Hall were posted at the meeting and online, and Mayor Zaccaro stated that Butler Engineering is finalizing the process of developing final construction documents ready for bidding, which will hopefully result in certified bid results by the early summer.
- The Village Administrator had previously received bids for the reconstruction of Lighthouse Promenade as a concrete walk, as well as for 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 Village Administrator also opened bids the morning of this Board meeting for timber construction of Lighthouse Prom, and the results were being analyzed. He stated that once all of the data on the two alternate options have been vetted and reviewed, the Board will be able to decide which material for Lighthouse Prom best balances cost, durability, aesthetics and flood mitigation.

#### AUTHORIZATION TO EXECUTE FEE INCREASE WITH US POSTAL SERVICE

Mayor Zaccaro stated that the Village Administrator and Village Treasurer met with regional US Postal Service (USPS) representatives to convey the impact that internet shopping has had on the Post Office operated by the Village of Saltaire, and had requested an increase in its contractual fee of \$20,000 to reflect the Village's cost in providing the service. He further stated that after negotiation on that request, the parties settled on an annual fee of \$15,000, which the Board must approve if it wishes to proceed. After discussion and all having a chance to be heard, Trustee O'Brien made a motion to authorize the Village Administrator to execute an annual contract fee with the USPS of \$15,000 without relinquishing any termination rights in the contract. 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

#### DEVELOPMENT OF COURTESY CART GUIDELINES

Trustee O'Brien highlighted the major discussion points of his draft guidelines to the Board for proposed uses of the Courtesy Cart. He outlined the areas where the guidelines will allow greater access for less-mobile residents, and stated that he will continue to work with Public Safety to evaluate the guidelines, and adjust as circumstances and evaluations dictate over the course of the summer season. Mayor Zaccaro commended Trustee O'Brien for so effectively taking the lead on this important quality-of-life issue.

#### 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 had advised the Village that they are considering construction a new home on their property and in anticipation of that have made a verbal donation offer to the Village for the existing structures on the property. He further stated that given the historical significance of the structure as 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 accepting the offer and to move the structure to a nearby Village-owned vacant property at 104A Pacific Walk in order to make it cost-feasible. Given that inclination, the Village Attorney and Village Administrator had drafted a Donation Acceptance agreement that offered a framework from which both the owner and the Village could investigate the community, environmental, and cost consequences of accepting the donation and relocating it as presented, while at the same time providing opt-out provisions during critical points of that process if any of those consequences became untenable for either the current owner or the Village. After discussion and all having a chance to be heard, the following action occurred:

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 EXECUTION OF AGREEMENT TO ACCEPT A REAL PROPERTY DONATION.

Trustee Wolf made the following motion:

WHEREAS the Village of Saltaire is considering the authorization to execute an agreement to accept a real property donation, and

WHEREAS the Board of Trustees has reviewed the possible authorization to execute an agreement to accept a real property donation with respect to the required SEQRA review pertaining to the proposed subdivision, and therefore be it,

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the possible authorization to an agreement to accept a real property donation, and further be it

RESOLVED that the Board of Trustees hereby determines that the authorization to execute an agreement to accept a real property donation 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 possible authorization to execute an agreement to accept a real property donation:

- 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 O'Brien, and was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

Trustee Wolf then made a motion to authorize Mayor Zaccaro in consultation with the Village Attorney to execute an agreement to accept the donation offered by the owners of 104 Pacific Walk which provides opt-out provisions during critical points of that process if any of the consequences of executing or accepting the donation becomes untenable for either the current owner or the Village, and to authorize the Mayor to expend up to \$35,000 in order to hire professional consultants to commence the regulatory approval process and to develop structural plans for accepting the house and structures which will enable the procurement of cost-certain bids for the necessary relocation costs related to the acceptance of the property.

The motion was seconded by Trustee Oppenheimer, and the motion was carried according 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

#### APPROVAL OF BEACH AND SURF WALK SUBDIVISION

Village Administrator Posillico stated that he and Village Attorney Prokop has worked with Mr. Lawrence Shire to finalize Mr. Shire's proposed Subdivision Plat and concomitant conditions, which was presented to those in attendance and online, and further stated that he felt the application was complete and ready for consideration of approval. After discussion, and all having a chance to be heard, Trustee Richard moved adoption of the following motion:

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 APPLICATION OF LAWRENCE AND LIA SHIRE TO SUBDIVIDE PROPERTY PURSUANT TO THEIR APPLICATION.

WHEREAS the Village of Saltaire is considering the application of Lawrence and Lia Shire to subdivide property between Surf and Beach Walk south of Lighthouse Promenade, and

WHEREAS the Board of Trustees has reviewed the application of Lawrence and Lia Shire to subdivide property between Surf and Beach Walk south of Lighthouse Promenade and accompanying materials with respect to the required SEQRA review pertaining to the proposed subdivision, therefore be it:

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the application of Lawrence and Lia Shire to subdivide property between Surf and Beach Walk south of Lighthouse Promenade, and further be it

RESOLVED that the Board of Trustees hereby determines that the approval of the application of Lawrence and Lia Shire to subdivide property between Surf and Beach Walk south of Lighthouse Promenade 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 application of Lawrence and Lia Shire to subdivide property between Surf and Beach Walk south of Lighthouse Promenade;

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 O'Brien, and was carried according to the following:

Motion: Trustee Richard

Seconded: Trustee O'Brien

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

Abstain: Trustee Oppenheimer

Against: None

After further discussion on the application of Lawrence & Lia Shire, Trustee Wolf made a motion to approve the application of the subdivision pursuant to the following background, terms and conditions:

**VILLAGE OF SALTAIRE  
BOARD OF TRUSTEES**

Application of Lawrence & Lia Shire

For Subdivision Approval

Lots 1676-1683 Incl. & 1701-1715 in Block 52 on the Official Map of the Village of Saltaire

## **FINDINGS, DETERMINATION AND DECISION**

The matter of the application of Lawrence & Lia Shire (“Applicant”), for subdivision

### **Findings**

The Board of Trustees is considering this application acting as the Planning Board of the Village of Saltaire because the Village of Saltaire has not created or appointed a Planning Board.

The Village of Saltaire does not have a subdivision ordinance in the Saltaire Village Code and therefore this application is considered by the Board of Trustees under Sections 7-726, 7-728, and 7-730 of the New York State Village Law, and the other applicable provisions of New York State Law.

The Board of Trustees of the Village of Saltaire provided the required notification and referral to the Suffolk County Department of Planning and that agency responded to the Board of Trustees that the Suffolk County Department of Planning had determined that the subdivision application is a matter of local determination.

The required notifications were made to other property owners, and the required notice of the public hearing was properly published, and therefore the Board of Trustees has the jurisdiction to proceed with the application.

The Board of Trustees properly adopted lead agency status for purposes of SEQRA and determined that the application is an Unlisted Action for purposes of SEQRA.

The approval of the application will not have a significant negative impact on the environment and a Negative Declaration was properly adopted by the Board of Trustees.

The subdivision and Site Plat as presented in the April 6, 2018 site plan require the approval of the Suffolk County Department of Health.

The subdivision and site plan if approved are consistent with the existing conditions in the Village of Saltaire.

The subdivision and site plan application if approved will not have a significant impact on the surrounding properties or neighborhood.

The subdivision and site plan application if approved will not create additional traffic or any unsafe condition or additional activity or demands on services that would change the character of the neighborhood in which the subject property is located.

### **Determinations**

The application for approval of the preliminary plat is hereby approved, subject to the following conditions:

1. The Applicant agrees that the proposed parcel identified as Parcel #2 on the aforementioned Plat will now and forever be limited to a maximum lot occupancy equivalent to a 5-lot parcel.
2. The approval is subject to the submission of an acceptable Suffolk County Department of Health approval consistent with the Proposed Site Plan dated April 6, 2018.
3. The Applicant shall prepare and record, subject to the approval of language by the Village Attorney, covenants and restrictions containing the provisions of these conditions set forth herein.
4. The Applicant shall prepare and submit for approval within ninety (90) days of the date hereof, a final plat plan of the proposed subdivision and site plan.

Dated: April 13, 2018

Board of Trustees  
 Village of Saltaire  
 103 Broadway  
 Saltaire, New York 11706

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

Motion: Trustee Wolf

Seconded: Trustee Richard

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

Abstain: Trustee Oppenheimer

Against: None

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of February 28, 2018 and March 12, 2018 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee O'Brien 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 O'Brien

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:

General Fund Checking No. 10A in the amount of	\$27,066.76
Capital Fund Checking No. 10A in the amount of	\$8,129.00
General Fund Checking No. 11A in the amount of	\$29,912.05
Capital Fund Checking No. 11A in the amount of	\$1,554.00

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 Oppenheimer, and on call it 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

#### ADJOURN INTO EXECUTIVE SESSION

Trustee Oppenheimer made a motion that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee Richard and on call it was approved at 9:08 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

Trustees O'Brien and Richard had to leave the meeting during the Executive Session.

Trustee Oppenheimer made a motion to re-adjourn into public session at 10:20 p.m. The motion was seconded by Trustee Wolf and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee Oppenheimer, Mayor Zaccaro

Abstain: None

Against: None

The public meeting was called back into session by Mayor Zaccaro at 10:20 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor

Frank Wolf, Trustee

Nat Oppenheimer, Trustee

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.

#### 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 Wolf made a motion at 10:21 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 April 23, 2018, 1180 Avenue of the Americas, New York, NY  
[Clerk's Note: Only if determined by the Board to be necessary to further discuss the Lighthouse Prom Project]
- 8:00 a.m. on May 28, 2018, 103 or 105 Broadway, Saltaire, New York

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

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee Oppenheimer, Mayor Zaccaro

Abstain: None

Against: None