

# UNAPPROVED MINUTES

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON DECEMBER 6, 2017 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  
Scott Rosenblum, Counselor to the Board  
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 Wolf 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 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

Village Attorney Prokop arrived at the Executive Session at approximately 5:21 p.m.

## RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Oppenheimer 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 Oppenheimer  
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 6:05 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 15 other attendees  
And approximately 11 observed through internet audio/video connection at various times.

#### LIGHTHOUSE PROM UPDATE

Mayor Zaccaro asked Village Administrator Posillico to report on the funding-approval progress for the reconstruction of Lighthouse Promenade, specifically the Village's request to convert Lighthouse Promenade to a timber-based structure with a pile foundation as an improved flood mitigation design. Administrator Posillico reported that although the request is still pending formal response from FEMA, their initial informal review has indicated that a timber-based option would not be eligible for reimbursement as a flood mitigation measure for a number of technical reasons, but that it would be considered as either a Least Cost Alternative, or an Improved Project with the Village bearing the cost of any differential increased cost for the improved project. He also stated that the anticipated time required for FEMA to consider the Village's still-pending request for Flood Mitigation if brought through to formal review and conclusion would likely preclude the Village from implementing the project in the 2018/19 off-season. He recommended that, given the guidance provided thus far, the Village modify its request to consider the timber option as either a Least Cost Alternative or an Improved Project to expedite the review process. After discussion and all having a chance to be heard, Trustee Richard made a motion to authorize the Village Administrator to modify the Village's current request to FEMA for a Scope of Work change for Lighthouse Promenade for a timber option as either a Least Cost Alternative option or an Improved Project option in lieu of the still-pending request for a Flood Mitigation Option. The motion was seconded by Trustee Wolf and the motion was carried according to the following:

Motion: Trustee Richard

Seconded: Trustee Wolf

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

Abstain: None

Against: None

#### BUILDING STOCK IMPROVEMENT PLANNING

Mayor Zaccaro reported that Butler Engineering has been tasked with working on design drawings for Village Hall based on a floor plan that includes expanded alcoves for both stories that are smaller than the fully expanded versions considered in massing studies presented during the public discussion process. The floor plan also contemplates an elevator at the north end of the stairwell, and therefore investigation is underway for reduced-profile elevators that will fit under the roofline

in that section of the building without requiring a tower. He further reported that work is underway on a floorplan for 14 Bay Promenade of approximately 1,500 square feet to include the agreed-upon program of Public Safety, Medical Office, Post Office and a moderate multipurpose space that could house the courtroom and other small meetings.

#### FUND BALANCE POLICY

Trustee Wolf stated that Mayor Zaccaro asked him to lead a discussion as a prelude to adoption of a formal Fund Balance policy for the Village of Saltaire. Trustee Wolf stated that as of Fiscal Year Ending 5/31/17, the Village had a combined Fund Balance of approximately \$3,500,000, which is roughly 100% of the total operating budget of the Village. He stated that although there is no maximum value or percentage set forth in New York State Law, the NYS Comptroller's office has a recommended rule-of-thumb for undesignated balances of 10% to 20% of operating budget. Local governments can vary from that rule-of-thumb but it is much better to do so pursuant to a policy to that effect, which the Comptroller's office will generally accept on review and audit. Trustee Wolf stated that he personally felt that given the relatively small size of the Village's budget as compared to larger municipalities, considering the pending capital projects that need to be funded prior to FEMA reimbursement, and the Village's proximity to the coastline which increases the rate of depreciation on infrastructure as well as the likelihood of storm impacts, the level of the unassigned fund balance should be more in the 30% to 40% range, or approximately \$1,250,000. He further stated that funds above that threshold should be assigned for future capital projects as necessary until such time as the FEMA projects and other smaller planned non-reimbursable projects come to completion. Discussion ensued amongst the Board and those in attendance about the proper level of reserves and fund balances, and after all having a chance to be heard, Trustee Wolf made a motion to authorize Village Attorney Prokop to draft a proposed Fund Balance policy in consultation with himself, the Village Auditor and Village Financial Advisor, that is compliant with all relevant Government Accounting Standards Board principals and NYS Comptroller's guidance, to be ready for consideration at the next meeting. The motion was seconded by Trustee O'Brien and the motion 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

#### FEMA-FUNDED ALTERNATE PROJECTS

Administrator Posillico stated that, given the projected budgets of the three potential building projects being considered for funding under FEMA's Alternate Project program, the likelihood is extremely small that any funding will be left for the four smaller projects originally listed with FEMA. He further stated that these four smaller projects are currently held up in environmental review and are therefore slowing down the entire approval process for Alternate Projects. He stated that given the circumstances as described, he recommends submitting a revised Alternate Project schedule to FEMA reflecting the three building options plus the Bay Prom Water Main, and the removal of the four smaller projects. After discussion and all having a chance to be heard, Trustee Richard made a motion to authorize Administrator Posillico to submit a revised Alternate Project list to FEMA which includes the two or three building projects after consultation with FEMA for proper sequencing of the three buildings if the Village decides ultimately decides to go in that

direction, and the Bay Prom water main, and to request the necessary time extension to complete all projects, which may include two or three buildings depending on the bid costs received. The motion was seconded by Trustee Oppenheimer and the motion was carried according to the following:

Motion: Trustee Richard

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

#### DESIGNATION OF CAPITAL IMPROVEMENT GRANT FUNDS

Mayor Zaccaro reported that the Village of Saltaire, through the efforts of State Senator Phil Boyle, has secured a total of \$350,000 in grants at various times from New York State for the purposes of public works and/ or capital improvements, \$100,000 of which has been allocated to the purchase of the new Pumper. He stated that the remaining grants must be obligated by a contract with the State of New York, the process for which commences with the selection by the Village of the specific project to be funded, along with a commitment to fund the balance of the project with Village funds. After discussion of possible capital projects that could be funded with the grant, Trustee Oppenheimer made a motion to commit the totality of the remaining \$250,000 grant funds toward the cost of the renovation of 109A Neptune Walk (Recreation/Arts/Crafts Building) and to authorize the Village Administrator to commence the process to contract execution with the State of New York which will include a commitment that the Village will fund an additional amount of approximately \$50,000 as a local cost-share of the renovation. The motion was seconded by Trustee O'Brien, and the motion was carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

#### AUTHORIZATION FOR PUBLIC HEARING ON LOCAL LAW TO WAIVE OUT OF NEW YORK STATE MAXIMUM TAX CAP

Mayor Zaccaro stated that the Board will shortly undertake the budget review and adoption process for the 2018/19 fiscal year, and it was undetermined at this point if the budget will require a tax increase and if so to what extent. The Board has the option to waive the State mandated tax cap limit, which is likely to be approximately 1%. The waiver can only be accomplished by adoption of a local law each year. The adoption of such a local law would not require that the Board adopt a tax increase above the State minimum increase, but rather would provide the flexibility to do so if necessary to balance the budget. After discussion, Trustee Wolf made a motion to consider the amendment of Chapter 48 of the Village Code at a public hearing scheduled for the same date as the next scheduled Board of Trustees meeting. 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

#### AUTHORIZATION TO PURCHASE TRANSPORT VEHICLE FOR FIRE COMPANY

Trustee Wolf stated that the Saltaire Volunteer Fire Company has notified the Village that it is in need of a Transport Vehicle in order to most effectively meet the training and other transport needs of the Fire Company, and has submitted plans and specifications for the proposed vehicle. After discussion and questions, and all having a chance to be heard, Trustee Wolf made the following motion:

WHEREAS, the Board of Trustees agrees that the addition of a Transport Vehicle of a crew-cab pick-up truck variety for the use of and as requested by the Saltaire Volunteer Fire Company, is beneficial to the operations of the Saltaire Volunteer Fire Company, and

THEREFORE, BE IT RESOLVED that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to procure a Transport Vehicle pursuant to the specifications provided by the Fire Company and pursuant to the Village's purchasing policy for an amount not to exceed \$60,000, and further,

BE IT RESOLVED that the funding for the vehicle shall to be entirely paid with funds contributed by the Saltaire Volunteer Fire Company.

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

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of November 7, 2017 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Richard made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee O'Brien, and on call it was carried according to the following action:

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

Draft copies of the minutes of the meeting of November 20, 2017 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 Wolf, and on call it was carried according to the following action:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

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. 6B in the amount of	\$16,881.66
Capital Fund Checking No. 66 in the amount of	\$37,462.20
General Fund Checking No. 7A in the amount of	\$57,872.60
Capital Checking No. 7A in the amount of	\$41,655.32

After discussion and opportunity for questions, Trustee Wolf 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 Wolf

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

#### ADJOURN INTO EXECUTIVE SESSION

Trustee O'Brien made a motion at 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 7:46 p.m. 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

## RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Richard made a motion to re-adjourn into public session at 8:34 p.m. The motion was seconded by Trustee Wolf and on call it was approved according 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

The public meeting was called back into session by Mayor Zaccaro at 8:34 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.

## 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 8:35 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 January 23, 2018, 1180 Avenue of the Americas, New York, NY
- 5:00 p.m. on February 27, 2018, 1180 Avenue of the Americas, New York, NY

The motion was seconded by Trustee O'Brien and on call it 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