

MINUTES OF THE BOARD OF TRUSTEES MEETING OF MARCH 26, 2020, HELD WITHOUT A PUBLIC MEETING SPACE DUE TO THE COVID-19 PANDEMIC AND PURSUANT TO THE GUIDANCE OF GOVERNOR CUOMO'S EXECUTIVE ORDER TO ALLOW PUBLIC HEARINGS AND MEETINGS TO BE CONDUCTED EXCLUSVIELY VIA VIDEO AND/OR TELECONFERENCE, WHICH WAS ACHIEVED FOR THIS MEETING WITH REMOTE ATTENDANCE, PARTICIPATION AND OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor Zaccaro called the Public Hearing and Board of Trustees meeting to order at 5:00 p.m., and the following were in attendance via video or phone connection:

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  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
Meagan Leppicello, Deputy Village Clerk Treasurer  
And 36 attendees observed through internet connection

#### PUBLIC HEARING OF THE 2020/21 TENTATIVE BUDGET

The 2020/21 tentative budget was posted and available for viewing or download on the Village website. Village Administrator Posillico provided an overview of the projected results of the 2019/20 fiscal year, and stated that reserves are projected to stand at approximately \$3,100,000 at the conclusion of the fiscal year on May 31, 2020. He then provided an overview of the 2020/21 tentative budget, which as presented carried a 0% tax rate increase and was projected to result in a budget deficit of approximately \$22,000 to be funded from reserves. Village Administrator Posillico and Mayor Zaccaro further detailed some areas of the budgeted revenues and appropriations, and after further discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee Richard made a motion at 5:20 PM to close the Public Hearing on the 2020/21 tentative budget. The motion was seconded by Trustee O'Brien, and the motion was carried according to the following vote:

Motion: Trustee Richard

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

The Trustees Meeting was called back into order by Mayor Zaccaro.

#### CONSIDERATION AND ADOPTION OF 2020/21 BUDGET

Trustee Wolf made the following motion:

WHEREAS, the tentative budget for the fiscal year 2020-2021 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 2020-2021 has been duly filed with the Village Clerk,

NOW THEREFORE BE IT RESOLVED, pursuant to the Village Law §5-508(4), that the said presented and modified tentative budget reflecting a tax rate of 5.61 per thousand of assessed value, be and hereby is adopted as the budget of the Village of Saltaire, New York, for the fiscal year 2020-2021, 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 \$2,379,254 against all properties listed in the 2020-2021 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 to be hired as needed on a semi-monthly basis to fill the needs as anticipated by and reflected in the budget.

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

#### 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 \$61,208.49

Capital Fund Checking No. 10A in the amount of \$262,899.39

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 O'Brien, and on call it 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

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of February 26, 2020 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Oppenheimer

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 Oppenheimer

Seconded: Trustee Richard

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

Abstain: None

Against: None

#### PAID FAMILY LEAVE AND MATERNITY LEAVE POLICY

Trustee Richard stated that the Village has approved in the recently adopted budget an insurance policy that provides a basic level of financial assistance to employees who take leave under the rights of the Family Medical Leave Act. She also stated that the Board has identified a gap in its employment policies relating to maternity leave, and a draft policy had been previously distributed to members of the Board. After discussion, and all having a chance to be heard, Trustee Richard made a motion to adopt the following employment policy:

## Village of Saltaire

### Family Medical Leave and Maternity Leave Policy

The Village of Saltaire fully recognizes full-time eligible employees' rights and responsibilities accorded by the Family and Medical Leave Act (FMLA), applicable state and local family leave laws, and the Americans with Disabilities Act. The Village may, at its sole discretion regarding when and how, substitute paid leave for all or part of the eligible full-time employees' rights under the FMLA and for rights for unpaid maternity leave in accordance with the Village of Saltaire's paid-leave substitution provisions of this policy.

In addition, the Village of Saltaire is firmly committed to protecting the rights of expectant mothers and complying with Title VII of the 1964 Civil Rights Act as amended by the Pregnancy Discrimination Act of 1978. The Village of Saltaire's policy is to treat women affected by pregnancy, childbirth or related medical conditions in the same manner as other employees unable to work because of their physical condition in all employment aspects, including recruitment, hiring, training, promotion and benefits, plus with additional maternity leave benefits as provided herein.

Pregnant employees may continue to work until they are certified as unable to work by their physician. At that point, the employee is entitled up to four (4) consecutive calendar months' leave from the Village due to pregnancy and maternity. The Village will use the following allowances and credits to be applied in this priority order to the full four calendar months of allowable pregnancy/maternity leave, or return to work, whichever is sooner:

- Any unused Paid Time Off accrued for that employee, including Personal Time, Vacation Time, and Sick Time at a full rate of pay.
- If the Village of Saltaire provides a Paid-Leave insurance policy, that policy shall cover the employee from the time of the exhaustion of the Paid Time-Off period for the remainder of the period provided for by the Paid-leave insurance policy.

- From the time of the exhaustion of the benefits of a Paid-Leave insurance policy if one is in place, or the end of the unused Paid Time Off if a Paid-Leave insurance policy is not in place, the employee shall be on Unpaid Leave until return to work or to the conclusion of the full four months' leave period, whichever shall come first. The employee is entitled to receive benefits according to the Village of Saltaire's short-term disability insurance plan during this period, if any are provided.

The employee is entitled to return to the same or equivalent job with no loss of service-time or other rights or privileges upon return to work pursuant to the time limits set forth in this policy.

The employee will be considered to have voluntarily terminated employment with the Village of Saltaire if the employee does not return to work on or before the four months' leave period described herein.

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

Motion: Trustee Richard

Seconded: Trustee Wolf

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:

- Lighthouse Promenade: Mayor Zaccaro and Village Administrator Posillico gave an overview of the status of the Lighthouse Prom project. They stated that the contractor has completed the physical installation of the water main to the Kismet connection, although the last section of main from Surf to Kismet still needs to pass its pressure and bacteriological testing. They also stated that the boardwalk piles have been installed up to West Walk, and depending upon the production rate for the remaining understructure and decking, and contingent upon any unforeseen circumstances, the entire project should be completed sometime in May or June.

#### COVID-19 UPDATE

Mayor Zaccaro stated that the Board of Trustees and the Village Administration have been working diligently to assure that municipal operations continue to efficiently and safely provide necessary services for the health and protection of the public at large, and he thanked the Village staff for their tireless work and dedication toward this effort in very trying times. He also thanked the Medical Advisory Committee for their assistance in developing employee protocols and procedures, and the leadership and members of the Fire Company for stepping up once again when needed most.

He stated that a priority of the Board is to achieve in practice the guidelines and mandates of social distancing and density reduction, both in work activities and residential occupancy so that that the skeletal winter staff and volunteers and their resources and abilities are not overextended, and to be part of, and to be part of the national effort to slow down the rate of infection of the Coronavirus. He stated that the currently projected apex of the infection curve was approximately the middle of April, that the Village and its residents need to do their part to lower the curve, and that he was working cooperatively with County and State leadership to achieve that goal.

He thanked those Saltaire residents who heeded his call not to shelter in place in Saltaire rather than at their winter residences; and he thanked those residing in Saltaire for practicing safe social distancing. He stated that keeping the Saltaire population low at this juncture helps alleviate the burden on Village staff, the Fire Company volunteers, essential service contractors, and the very limited number of ICU hospital beds in Suffolk County.

Discussion ensued about passing a Board resolution restricting new contract work within the Village, but the issue was tabled upon recommendation of the Village Attorney to discuss legal issues in Executive Session.

**RESOLUTION AUTHORIZING THE MAYOR TO EXPEND FUNDS OUTSIDE OF THE OPERATIONAL BUDGET AND ESTABLISH PROTOCOLS TO MANAGE THE IMPACTS OF THE COVID-19 PANDEMIC IN THE VILLAGE OF SALTAIRE**

Trustee Wolf moved the adoption of the following resolution:

WHEREAS New York State Governor Andrew Cuomo on March 7, 2020 issued Executive Order 202 declaring a State of Emergency in New York State due to the COVID-19 virus pandemic; and

WHEREAS Mayor John A. Zaccaro, Jr, on March 15, 2020 issued a Declaration of Emergency in the Village of Saltaire pursuant to New York State Executive Law Article 20, which Declaration of Emergency is still in effect; and

WHEREAS the Village of Saltaire will likely need to expend funds to timely and effectively manage the COVID-19 virus pandemic, and further to take necessary action to develop and implement policies to protect the employees, residents and visitors of the Village due to the COVID-19 virus epidemic, and further to act to continue to provide ongoing essential services which may become compromised by leaves of absence, required quarantines or illnesses of existing employees due to the COVID-19 virus pandemic; it is therefore

RESOLVED that the Village Administrator upon approval of Mayor John A. Zaccaro, Jr. may hire and retain additional staff and purchase necessary supplies and equipment outside of the constraints of the operating budget in order to develop and implement policies to protect the employees, residents and visitors of the Village due to the COVID-19 virus epidemic, and further be it

RESOLVED that the Village Administrator upon approval of Mayor John A. Zaccaro, Jr. be authorized to continue to provide ongoing essential services that may become compromised by leaves of absence, quarantine or illness of existing employees due to the COVID-19 virus pandemic, and to develop and implement policies to deal with the potential of a reduced workforce.

The motion was seconded by Trustee Richard, and on call it was approved 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

#### ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion that the Board adjourn into Executive Session to discuss information relating to current and future investigation and or prosecution of offenses in the Village, litigation strategy in pending or future litigation, personnel matters as described in Public Officers Law Section 105(f), and COVID-19 policies. The motion was seconded by Trustee O'Brien and on call it was approved at 6:50 p.m. according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Richard made a motion to re-adjourn into public session at 8:10 p.m. The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

Motion: Trustee Richard

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

The public meeting was called back into session by Mayor Zaccaro at 8:10 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  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
Meagan Leppicello, Deputy Village Clerk Treasurer  
And 0 attendees observed through internet connection

#### RESOLUTION DECLARING A MORATORIUM ON NON-EMERGENCY NEW CONSTRUCTION IN THE VILLAGE OF SALTAIRE

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

WHEREAS New York State Governor Andrew Cuomo on March 7, 2020 issued Executive Order 202 declaring a State of Emergency in New York State due to the COVID-19 virus pandemic;  
and

WHEREAS pursuant to Executive Order 202 Governor Cuomo on March 18, 2020 issued Executive Order 202.6, and subsequently Executive Order 202.8, directing that all businesses except those that were deemed by the New York State Empire Development Corporation to be essential should close and operate by telecommuting; and

WHEREAS Mayor John A. Zaccaro, Jr, on March 15, 2020 issued a Declaration of Emergency in the Village of Saltaire pursuant to New York State Executive Law Article 20, which Declaration of Emergency is still in effect; and

WHEREAS outside/exterior construction in the Village of Saltaire is required by the Saltaire Village Code to cease by May 22, 2020; and

WHEREAS the Board of Trustees of the Village of Saltaire has determined that construction activity in the Village is in general potentially dangerous to the health of the contractors involved and the residents and staff of the Village, and the general public due to the existing COVID-19 virus public health emergency; and

WHEREAS any new construction commenced after the date of this Resolution would be required to be completed by May 22, 2020, and any new construction would therefore add to the number of workers, congestion, and other impacts that would increase the danger of the emergency to the contractors, resident and staff of the Village, and the general public if commenced at this time; it is therefore

RESOLVED that effective March 26, 2020 there shall be a Moratorium on all new construction in the Village of Saltaire, and no new construction projects shall commence in the Village of Saltaire, the only exception being work that is directly requested in writing by the property owner, and provided that such work is determined, in the sole discretion of the Village Administrator of the Village of Saltaire, to be of an emergency nature and that the work is therefore required to protect life or property, and that such determination shall be subject to the review of the Saltaire Village Attorney.”

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 Richard, Trustee O'Brien, Trustee Oppenheimer

Abstain: None

Against: None

#### RESOLUTION SETTING LIMITATIONS ON DRIVING IN THE VILLAGE SALTAIRE

Trustee Oppenheimer made a motion to adopt the following resolution:

WHEREAS New York State Governor Andrew Cuomo on March 7, 2020 issued Executive Order 202 declaring a State of Emergency in New York State due to the COVID-19 virus pandemic; and

WHEREAS pursuant to Executive Order 202 Governor Cuomo on March 18, 2020 issued Executive Order 202.6, and subsequently Executive Order 202.8, directing mandatory and recommended limitations on business and economic activity in the State of New York; and

WHEREAS Mayor John A. Zaccaro, Jr, on March 15, 2020 issued a Declaration of Emergency in the Village of Saltaire pursuant to New York State Executive Law Article 20, which Declaration of Emergency is still in effect; and

WHEREAS the Board of Trustees of the Village of Saltaire has determined that the activities generated by construction in the Village and specifically the crowding of vehicles used to transport workers and or supplies to the Village of Saltaire has been determined to be potentially dangerous to the health of the contractors involved and the residents and staff of the Village, and the general public, due to the existing COVID-19 virus public health emergency; and

WHEREAS the driving of a golf cart or motor vehicle in the Village of Saltaire whether for business or personal use is subject to a permit issued by the Village of Saltaire which permit is required in order for a motor vehicle or golf cart to drive in the Village of Saltaire; it is therefore

RESOLVED that effective March 26, 2020 there shall be as a condition of the permit issued or otherwise, a limitation on the number of riders including drivers and passengers on all golf carts operating in the Village of Saltaire to one (1) person per golf cart and a limit on the number of persons occupying a motor vehicle operating in the Village of Saltaire to the number of persons, including driver and passengers, permitted by the New York State Vehicle and Traffic Law to ride in that vehicle. A violation of this restriction shall be a violation of the terms of the permit issued and may result in the revocation of the permit or a violation and fine of Section 50-9(B) of the Saltaire Village Code which requires safe operation of vehicles in the Village of Saltaire.

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 Richard, Trustee O'Brien, Trustee Oppenheimer

Abstain: None

Against: None

#### CLOSE OF MEETING AND SCHEDULE OF NEXT MEETING(S)

After all having had a chance to be heard, and there being no further business before the Board, Trustee Wolf made a motion at 8:20 p.m. to close the meeting and to hold the next Board of Trustees meeting according to the following schedule:

- 5:00 p.m. on April 30, 2020, at 1180 Avenue of the Americas, 8<sup>th</sup> Floor, New York if a public meeting place is warranted, or entirely remotely if a public meeting place is not warranted due to the COVID-19 pandemic.

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 Richard, Trustee O'Brien, Trustee Oppenheimer

Abstain: None

Against: None