

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON JULY 31, 2021 HELD AT 103 BROADWAY, SALTAIRE, NEW YORK WITH REMOTE ATTENDANCE, PARTICIPATION AND OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor Zaccaro called the Board of Trustees meeting to order at 8:01 a.m., and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Nat Oppenheimer, Trustee  
Alex Chefetz, Trustee  
Scott Rosenblum, Counselor to the Board  
Joseph Prokop, Village Attorney  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
Meagan Leppicello, Deputy Village Clerk Treasurer  
And 0 attended in person  
And 0 attendees observed through internet connection

ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion at 8:01 a.m. that the Board adjourn into Executive Session to discuss information relating to litigation strategy in pending or future litigation. The motion was seconded by Trustee Chefetz and on call it was approved according to the following vote:

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

Trustee Chefetz left the Executive Session at 8:38 a.m.

Trustee Oppenheimer left the Executive Session at 8:52 a.m. to recuse himself from the matter being discussed at that time.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee O'Brien made a motion at 9:03 a.m. to close the Executive Session and to re-adjourn into public session at 9:08 a.m. 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 Oppenheimer  
Abstain: None  
Against: None

Mayor Zaccaro called the meeting to order at 9:08 a.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Nat Oppenheimer, Trustee  
Scott Rosenblum, Counselor to the Board  
Joseph Prokop, Village Attorney  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
Meagan Leppicello, Deputy Village Clerk Treasurer  
And up to approximately 25 attendees observed through internet connection and 11 in person

#### COVID UPDATE

Mayor Zaccaro provided the current statistics of the pandemic in New York State and Suffolk County, which unfortunately were trending in the wrong direction due to the contagiousness of the Delta variant affecting both vaccinated and unvaccinated people. He stated that the Village in consultation with the Medical Advisory Committee will continue to monitor the situation and current CDC guidance, and based on how the situation unfolds may revisit requirements or recommendations for mask-wearing in all public facilities.

#### DISCUSSION OF ELECTRIC BIKES IN SALTAIRE

Mayor Zaccaro stated that many residents have expressed concern about the proliferation of electric bikes within the Village and the safety risks that they present. Discussion ensued about what is required for the Village to adopt legislation to effectively regulate the use of electric bikes within the Village, as well as other enforcement practices that could be employed. The Village Attorney outlined some of the prerequisites that must first be resolved in order to consider adopting a local law regulating electric bikes, which would preclude a local law from being adopted before the end of the season. Mayor Zaccaro stated that he and the Village Attorney will look into strategies to be able to quickly adopt legislation, or, failing that, the use of emergency powers to control the use of Electric Bikes.

Trustee Chefetz returned to the meeting at 9:33 a.m.

#### CONSIDERATION OF CREATING A CONSTABULARY

Trustee O'Brien reported that he had met with the Village Attorney, Village Administration and Public Safety staff to gather information regarding the possibility of creating a Constabulary in the Village of Saltaire, and had previously submitted a report to the Board and had discussed the topic at prior meetings during the year. He stated that those discussions resulted in very little community feedback either in favor or opposed to the concept. He once again outlined the pros and cons of creating a constabulary which would impart Peace Officer status to those officers of the Public Safety staff designated by the Board. After discussion and all having a chance to be heard, Trustee Chefetz made a motion to conduct a public hearing at the next regularly scheduled Board meeting to consider adoption of a local law to create a Constabulary for the Village of Saltaire.

The motion was seconded by Trustee O'Brien and the motion was carried according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

In Favor: Trustee O'Brien, Trustee Chefetz, Mayor Zaccaro

Against: Trustee Oppenheimer, Trustee Wolf

#### RATIFICATION OF RELEASE OF PUBLIC EASEMENT

Mayor Zaccaro stated that one of the conditions of the land exchange and stipulation agreement with the owner of 33 Bay Promenade was that the easement owned by the Village, that currently forms a small part of the access to 34 Bay Promenade, would revert back to the owner whenever the owner obtained a building permit for the property that demonstrated need for the land upon which the easement lies for their Department of Health (DOH) sanitary approval. Village Administrator and Building Inspector Posillico stated that the DOH permit has been granted and that the subject property upon which the easement lies is necessary for installation of the sanitary system pursuant to the approved design. Village Attorney Prokop reported that by virtue of the stipulation agreement and the submission of the DOH permit, the easement has automatically reverted back to the owner and the Village's rights have been extinguished. After discussion, and all having a chance to be heard, Trustee O'Brien made a motion to ratify the extinguishment of the subject easement that was created by the stipulation agreement between the Village of Saltaire and the owner of 33 Bay Promenade, and authorize Village Attorney Prokop to take any necessary actions to formalize the extinguishment with the relevant recording agencies.

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 O'Brien, Trustee Oppenheimer, Trustee Wolf, Trustee Chefetz

Abstain: None

Against: None

#### CAPITAL PROJECT UPDATE

Mayor Zaccaro reported on the status of the following capital projects:

- Village Administrator Posillico reported on the results of the RFP that he conducted to hire a third-party consultant to develop a code-compliant floor plan and exterior rendering of "Plan B" as well as a code-compliant floor plan for the existing building at 14 Bay Prom. He stated that all three proposals received were well in excess of the budget limit of \$7,500 set by the Board of Trustees, with the lowest proposal in the \$30,000 range. Trustee Oppenheimer stated that he would look at the provisions of the RFP to see if it can be pared down to meet the budget. After further discussion and all having a chance to be heard, no motion for action was made.
- Playground: The SCA has indicated a willingness to fund a portion of new playground equipment to replace the current 30-plus-year-old equipment that now exists. Mayor Zaccaro stated that the Village in conjunction with the SCA will develop specifications and a budget for the project with the goal of having it completed by either the summer of 2022 or 2023.

- Ferry Operation: Mayor Zaccaro reported that he, Trustee Oppenheimer and Administrator Posillico met with an Ad Hoc group made up of Village residents Andy McAllister and Marty Shaw to investigate the Village's options for more frequent and exclusive ferry service to Saltaire. They have initially identified a management arrangement structure as a preferred method to achieve those goals, along with potential grant funding to assist with the capital acquisition necessary to support that proposed management arrangement.
- FIMP: Mayor Zaccaro reported that the five south-shore Towns in Suffolk County have signed the necessary Project Partnership Agreements (PPA) to become the local sponsors of the FIMP project, and that the Village had executed the Intermunicipal Agreement (IMA) with the Town of Islip as the Town required as a prerequisite for its participation. Mayor Zaccaro stated that the Village is working with the Army Corps, the State, and the FIA to move forward as expeditiously as possible both the ocean beach stabilization project and the bay project in Clam Pond Cove.

Village Deputy Village Clerk/Treasurer Leppicello left the meeting at 11:30 a.m.

#### FIRE PREVENTION MEASURES

Mayor Zaccaro stated that he met with Saltaire Fire Chief Raeben regarding the Inlet Walk fire to identify challenges and opportunities to mitigate the risk of future fires as well as to facilitate the response of the SVFC to fire and other emergencies. Discussion ensued regarding those measures, including adding a requirement of residential fire sprinkler systems for new or substantially-improved residences, location of propane tanks, and the possible widening of private walkways that serve homes on Clam Pond Cove.

Village Treasurer Lyudmer left the meeting at 12:00 p.m.

#### AUTHORIZATION FOR PUBLIC HEARING ON LOCAL LAW TO REGULATE ELEVATORS

Mayor Zaccaro reported that the Village Attorney and Administrator Posillico in conjunction with Trustee O'Brien have worked on a draft local law to address both zoning and code compliance issues regarding platform lifts and elevators, which was distributed to the Board and posted on the Village website. After discussion and all having a chance to be heard, Trustee Oppenheimer made a motion to consider such an amendment to Chapter 55 of the Village Code regulating platform lifts and elevators at a public hearing scheduled for the same date as the next scheduled Board of Trustees meeting.

The motion was seconded by Trustee O'Brien and the motion was carried according to the following:

Motion: Trustee Oppenheimer

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

#### AUTHORIZATION FOR PUBLIC HEARING ON A SUBDIVISION APPLICATION

Village Administrator Posillico reported that an application was submitted to the Village by Ivan Saks of 303 Sea Walk to subdivide a 12-lot parcel consisting of one structure into two six-lot parcels, one with the existing structure and one newly created vacant parcel, which was distributed to the Board and posted on the Village website. After discussion and all having a chance to be heard, Trustee O'Brien made a motion to preliminarily list the subdivision application of Ivan Saks as an Unlisted Action for the purposes of the State Environmental Review Act (SEQRA), and to consider the full application and undertake a full SEQRA review at a public hearing scheduled for the same date as the next scheduled Board of Trustees meeting.

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

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

#### APPROVAL OF CONTRACT TO RELOCATE ELECTRIC FACILITIES ON BAY PROMENADE

Village Administrator Posillico reported that the Village Administration received a charge letter from PSEG Long Island to relocate overhead electric facilities to an underground location along Bay Promenade from Pacific Walk to Navy Walk in the amount of \$115,219.17. He further stated that PSEG provided a sketch of the proposed work to be accomplished by this work order, which has been presented to the homeowner who has offered to donate private funds toward this project. Mayor Zaccaro stated that previous Village Boards had in previous budgets included a public contribution of \$25,000 for this project, which has been delayed considerably by COVID and other factors. After discussion, and all having a chance to be heard, Trustee Chefetz made the following motion:

RESOLVED that the relocation of the overhead electrical wires from Pacific Walk to Navy Walk along Bay Promenade to an underground service is an aesthetic and safety benefit to all residents of Saltaire, and further be it

RESOLVED that the Village Administrator be authorized to execute the necessary agreement documents with PSEG Log Island to relocate the overhead electrical wires from Pacific Walk to Navy Walk along Bay Promenade to an underground service for a fee not to exceed \$115,219.77 to be scheduled in the 2021/22 off-season, and further be it

RESOLVED that the Village Administrator is authorized to accept a donation of up to \$92,000 from a homeowner along Bay Prom to be used exclusively to help offset the cost of the relocation of the overhead electrical wires from Pacific Walk to Navy Walk along Bay Promenade to an underground service, and further be it

RESOLVED that the Village allocate \$25,000 from its general reserves to fund the portion of the cost to relocate the overhead electrical wires from Pacific Walk to Navy Walk along Bay Promenade to an underground service not covered by private donations.

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

Motion: Trustee Chefetz

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

#### SURPLUS EQUIPMENT

Administrator Posillico reported that the Chief Lifeguard has advised the Village that he has identified certain equipment as being surplus to his department's needs. He also stated that since the Village has no alternate uses for the equipment, or room to house it, it is therefore surplus to the Village's needs.

Trustee Chefetz made a motion to adopt the following resolution:

WHEREAS, the Village of Saltaire owns and is in possession of the following equipment:

- Kenwood Radios and Supporting Equipment

WHEREAS, the aforementioned equipment is surplus to the Village's municipal needs and the Village is desirous of selling property that is surplus to its needs;

NOW, THEREFORE, BE IT RESOLVED that the Village hereby declares the aforementioned equipment no longer of use to the Village for municipal purposes and declared as surplus to the Village's municipal needs, and it is further;

RESOLVED that the Village Administrator is authorized to sell the surplus and may utilize any reasonable method to realize the fair-market value for the property, or to donate or otherwise dispose of any portion that cannot be sold in whole or in part.

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

Motion: Trustee Chefetz

Seconded: Trustee Wolf

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

Abstain: None

Against: None

#### APPROVAL OF NEW MEMBERS OF THE SALTAIRE VOLUNTEER FIRE COMPANY

Trustee Oppenheimer reported the Saltaire Volunteer Fire Company has notified the Village that it has accepted the following persons as of the respective dates into membership of the Fire Company.

David Basche	7/10/2020
Connor Lambert	7/10/2020
Riley Lambert	7/10/2020
Alysia Reiner	7/10/2020

Trustee Chefetz made a motion to approve the above slate of new members into the Saltaire Volunteer Fire Company. The motion was seconded by Trustee Oppenheimer, and the motion was carried according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

#### CONSIDERATION OF CHANGING THE DATE OF THE VILLAGE GENERAL ELECTION

Mayor Zaccaro stated that members of the Board have been discussing the possibility of moving the Village general election date, which is currently the Friday before the Memorial Day holiday, with the goal of having more citizens in-residence for Election Day. Village Attorney Prokop outlined the legal requirements to change the date of the Village Election. After discussion and all having a chance to be heard, Trustee Wolf made a motion to table the issue until the next meeting to provide more time to further investigate the implications. 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 Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

#### APPROVAL OF MINUTES

Draft copies of the minutes of the Board of Trustees meeting of June 27, 2021 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 O'Brien and on call it was carried according to the following action:

Motion: Trustee Oppenheimer

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

#### AUDIT AND APPROVAL OF ABSTRACTS

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

General Fund Checking No. 2A in the amount of	\$76,245.77
Capital Fund Checking No. 3A in the amount of	\$270.00
General Fund Checking No. 3A in the amount of	\$65,531.46

After discussion and opportunity for questions, Trustee Chefetz 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 Wolf, and on call it carried according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

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

Abstain: None

Against: None

#### ADJOURN INTO EXECUTIVE SESSION

Trustee Chefetz made a motion that the Board adjourn into Executive Session to discuss one or more of the following: 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 the purchase or sale of real property. The motion was seconded by Trustee Oppenheimer and on call it was approved at 1:01 p.m. according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

Trustees Oppenheimer and Chefetz rescued themselves regarding a topic being discussed in Executive Session and left the meeting at 1:07 p.m.

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion to re-adjourn into public session at 1:17 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, Mayor Zaccaro

Abstain: None

Against: None

The public meeting was called back into session by Mayor Zaccaro at 1:17 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor

Frank Wolf, Trustee

Hugh O'Brien, Trustee

Scott Rosenblum, Counselor to the Board

Joseph W. Prokop, Village Attorney

Mario Posillico, Administrator & Clerk

And 0 attendee observed through internet connection

And 0 attended in person



## 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 1:18 p.m. to close the meeting and to hold the next Board of Trustees meeting according to the following schedule:

- August 28, 2021 at 8:00 a.m., at 103 Broadway, Saltaire, NY with remote connection, which will include Public Hearings.

The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

Motion: Trustee Wolf

Second: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Mayor Zaccaro

Abstain: None

Against: None