

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON OCTOBER 5, 2021 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 5:02 p.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
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 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 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 Oppenheimer, Trustee Chefetz
Against: None
Abstain: None

Village Attorney Prokop joined the Executive Session at 5:02 p.m.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion at 5:59 p.m. to close the Executive Session and to re-adjourn into public session at 6:05 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 Oppenheimer, Trustee Chefetz
Against: None
Abstain: None

Mayor Zaccaro called the meeting to order at 6:05 p.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
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Meagan Leppicello, Deputy Village Clerk Treasurer
And up to approximately 35 attendees observed through internet connection

COVID UPDATE

Mayor Zaccaro provided the current statistics of the pandemic in New York State and Suffolk County, and the impact of the Delta variant on 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 for the off-season if circumstances warrant.

FERRY OPERATION STATUS

Mayor Zaccaro stated that pursuant to Board resolution, the Village Administrator has made application to the Federal Transportation Administration under its Ferry Boat Grant Program for the purchase of a new ferry boat as part of a desired operational model to provide exclusive ferry service to the Village of Saltaire during the summer season. He stated that if approved, the funding of 80% of a new ferry boat by the grant program will provide significant cost abatement to an exclusive seasonal ferry service operated under a management contract by a certified third-party operator sufficient enough to possibly make it an economically viable model. He stated that a lot depends on the outcome of the grant application, but that is the first step into assessing the feasibility of providing exclusive ferry service in the future to the Village during the summer season.

CONSIDERATION OF HOLDING A PUBLIC HEARING TO MODIFY CHAPTER 18 BUILDING ADMINISTRATION TO REGULATE RESIDENTIAL SPRINKLERS

Mayor Zaccaro stated that discussions with the Fire Company after the Inlet Walk fire identified 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. He stated one of the initiatives that came out of those discussions was the possibility of requiring residential sprinkler systems in all new or substantially renovated homes in the Village. Discussion amongst the Board and the public ensued on the proposed legislation made available to all attendees that would require sprinkler systems in those situations. After discussion and all having a chance to be heard, Trustee O'Brien made a motion to conduct a public hearing at the next regularly scheduled Board meeting to consider adoption of a local law to modify Chapter 18 to regulate electric sprinkler systems within the Village of Saltaire.

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 Chefetz

Against: Trustee Wolf

Abstain: None

Mayor Zaccaro excused himself from the Board meeting at 6:25 p.m. to remotely attend a Suffolk County Legislature meeting to provide testimonial support for a resolution being presented at a public hearing to authorize Villages and Towns in the County to regulate electric bikes by local legislation. Mayor Zaccaro asked Deputy Mayor O'Brien to preside over the meeting during his absence, and asked that he conduct the Public Hearings on the three local laws up for consideration by the Village.

PUBLIC HEARING: LOCAL LAW MODIFICATION – CHAPTER 55 ZONING – REGULATION OF PLATFORM LIFTS AND ELEVATORS

Trustee Wolf made a motion to open the Public Hearing to consider a modification of Chapter 55 to regulate elevators and platform lifts. The motion was seconded by Trustee Chefetz and on call the motion was carried 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

Village Administrator Posillico outlined the zoning and building objectives behind the proposed provisions included in the draft local law to regulate platform lifts and elevators. Comments and questions were received from the members of the Board and those in attendance, after which Village Administrator Posillico stated that Village Attorney Prokop advised that there is a Suffolk County requirement that before the Village can adopt a change to its Zoning Code, the proposed law must be approved by the County, and that such approval is still pending. After all having a chance to be heard, Trustee Chefetz made a motion to adjourn the public hearing at approximately 6:31 p.m. The motion was seconded by Trustee Oppenheimer and on call 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

PUBLIC HEARING: LOCAL LAW MODIFICATION – CHAPTER 10 – BICYCLES – REGULATION OF ELECTRIC BIKES

Trustee Wolf made a motion to open the Public Hearing to consider a modification of Chapter 10 to regulate electric bikes. The motion was seconded by Trustee Oppenheimer and on call the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

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

Abstain: None
Against: None

Deputy Mayor O'Brien reported that New York State adopted legislation regarding electric bikes that requires that Towns and Villages in Suffolk County must be authorized by County resolution to be able to adopt their own local legislation to regulate electric bikes. He further stated that Village Attorney Prokop advised that there is a version of the proposed electric bike law that could be adopted prior to the County action that would be compliant with the New York law. Deputy Mayor O'Brien stated that he felt that since there was no urgency to adopt the legislation until next summer season it would be prudent to wait for the County authorization. Comments and questions were received from the members of the Board and those in attendance. After all having a chance to be heard, Trustee Chefetz made a motion to adjourn the public hearing at approximately 6:41 p.m. The motion was seconded by Trustee Oppenheimer and on call 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

PUBLIC HEARING: LOCAL LAW MODIFICATION-CHAPTER 10- BICYCLES – REGULATION OF BICYCLES

Trustee Chefetz made a motion to open the Public Hearing to consider a local law modification of Chapter 10 to regulate all bicycles. The motion was seconded by Trustee Oppenheimer and on call 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

Deputy Mayor O'Brien reported on the draft revisions to the entire chapter covering all aspects of bicycle use in the Village (other than electric than the electric bike provision covered by the separate local law). Comments and questions were received from the members of the Board and those in attendance, which Deputy Mayor O'Brien stated would enhance the overall effectiveness of the Code section and would be included in future drafts of the revised Chapter.

Mayor Zaccaro returned to the meeting at 6:45 p.m. and thanked Deputy Mayor O'Brien for presiding over the public hearings in his absence.

Discussion continued, and after all having a chance to be heard, Trustee O'Brien made a motion to adjourn the public hearing at approximately 6:50 p.m. The motion was seconded by Trustee Oppenheimer and on call the motion was carried according to the following vote:

Motion: Trustee O'Brien
Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

DISCUSSION OF LOCAL LAW MODIFICATION– NEW CHAPTER 42– CREATION OF A CONSTABULARY

Mayor Zaccaro stated that the purpose of the proposed local law presented at a Public Hearing on August 28, 2021 would be to create a Constabulary in the Village of Saltaire allowing for one or more of its Public Safety staff to become and act as New York State Peace Officers while on duty. This new status would thereby endow them with increased enforcement powers. He stated that the Board and the Village Attorney continue to work on modifications to the draft law, and the Board would be in much better position to present and consider the draft legislation at the next meeting. After all having a chance to be heard, Trustee Oppenheimer made a motion to table the discussion until the next meeting. The motion was seconded by Trustee Wolf and on call the motion was carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Wolf

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

Abstain: None

Against: None

FIRE PREVENTION MEASURES

Discussion recommenced from earlier in the meeting regarding potential fire prevention measures including location of propane tanks, hiring of a Fire Marshal and the possible widening of private walkways that serve homes on Clam Pond Cove. Trustee Oppenheimer offered to facilitate planning sessions between the Village Board, staff and Fire Company officials to come up with unified recommendations to address the issues identified for improved fire prevention and emergency response. Mayor Zaccaro agreed that was the correct approach going forward.

CONSIDERING APPROVAL OF POSSIBLE ABANDONMENT AND SALE OF A PORTION OF BEACON WALK

Village Administrator Posillico reported that the Village had received two offers for the potential sale of an approximately 214-foot section of the Beacon Walk right-of-way south of Bay Promenade to any interested party pursuant to the Board resolution adopted at the August 28, 2021 Board meeting and subject to conditions the Board deemed necessary and proper, including but not limited to that the Village retain and the acquiring party grant a permanent easement over and under the subject property which easement shall run with the land, along with other conditions included in the solicitation. He stated that one proposal was not a responsive proposal because the proposal did not meet any of the documentation and attestation requirements of the solicitation package. He further stated that the other proposal was a responsive proposal meeting all requirements, and that the proposal was for \$200,000 with conditions of sale mandated and otherwise considered typical of an offer to purchase property. He stated both proposals were distributed to the Board members.

Village Attorney Prokop arrived at the public session at approximately 7:15 p.m.

After discussion and all having a chance to be heard, Trustees Wolf stated that he was prepared to make a motion to accept the sole responsive offer.

Trustee Chefetz recused himself from the matter due to a personal relationship that he has with the responsive proposer and Trustee Oppenheimer recused himself from the matter due to a professional relationship that an immediate family member has with the responsive proposer.

RESOLUTION ADOPTING LEAD AGENCY STATUS, TYPING A PROJECT, ADOPTION OF A NEGATIVE DECLARATION FOR PURPOSES OF ACCEPTING AN OFFER TO PURCHASE VILLAGE LAND.

Trustee O'Brien made the following motion:

WHEREAS the Board of Trustee of the Village of Saltaire may consider acceptance of a proposal to purchase a portion of the Beacon Walk right-of-way, and

WHEREAS the Board of Trustees has reviewed the short form EAF and accompanying materials for the required SEQRA review with respect to the possible acceptance of a proposal to purchase a portion of the Beacon Walk right-of-way, it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the possible acceptance of a proposal to purchase a portion of the Beacon Walk right-of-way, and further be it

RESOLVED that the Board of Trustees hereby determines that the possible acceptance of a proposal to purchase a portion of the Beacon Walk right-of-way 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 acceptance of a proposal to purchase a portion of the Beacon Walk right-of-way:

- 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 fail to incorporate reasonably available energy 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 Wolf, and the motion was carried according to the following:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

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

Against: None

Abstain: None

Recused: Trustee Chefetz, Trustee Oppenheimer

Trustee Wolf then made the following motion:

WHEREAS the Village of Saltaire is the owner of a public walk and right-of-way known as Beacon Walk, which has its northern terminus at the southerly side of Bay Promenade in the Village of Saltaire and Beacon Walk from that northern terminus runs in a southerly direction, adjacent to the easterly side of the property known as 27 Bay Promenade, for the entire length of the eastern boundary of the 27 Bay Promenade property, which area of Beacon Walk is hereinafter referred to as the "Adjacent Walk Area"; and

WHEREAS by resolution adopted August 28, 2021 the Board of Trustees of the Village of Saltaire determined:

1. That the portion of the northerly end of Beacon Walk described herein as the Adjacent Walk Area, having approximate dimensions of 213.45' by 15', is not necessarily required to be held in fee-simple interest to retain future rights for governmental, municipal or public purposes.

2. That the Village of Saltaire is hereby authorized to accept bids and negotiate the sale of the Adjacent Walk Area to any interested party for a price that is determined and confirmed by the by the Board of Trustees in a diligent manner to be not less than the fair market value of the Adjacent Walk Area and subject to such conditions as the Board of Trustees may deem necessary and proper, including but not limited to that the Village shall retain and the acquiring party shall grant a permanent easement over and under the Adjacent Walk Area which easement shall run with the land, and which offer is otherwise determined by the Board of Trustees to be in the best interests of the Village of Saltaire to accept; and

3. That upon the determination of an agreed sale price that is not less than the determined fair market value and the obtaining of the consent to the transaction of any other person or owner that is determined by the Board of Trustees to be necessary or required, the Board of Trustees by further resolution may declare the fee-simple title ownership of the Adjacent Walk Area to be abandoned by the Village of Saltaire, with the condition that a permanent easement in favor of the Village as described above be retained, and authorize the Village to enter a contract of sale with the interested and qualified party whose bid has been accepted by the Board of Trustees and to take such actions as are necessary to complete that transaction; and

WHEREAS the Board of Trustees submitted to public bid the Adjacent Walk Area subject to a permanent easement in favor of the Village of Saltaire; and

WHEREAS the Village of Saltaire received a bid from SNHCO, LLC in the amount of \$200,000.00, subject to the condition that the Village of Saltaire shall retain a permanent easement

in favor of the Village plus other design and permitting conditions, which amount the Board of Trustees determines is at least the fair market value of the Adjacent Walk Area; and

WHEREAS the Adjacent Walk Area has not been opened, used for public access or maintained by the Village of Saltaire for at least six years prior to the adoption of this resolution and the Board of Trustees has determined that there is no governmental, municipal or public purpose to continuing to hold the fee-simple title of the Adjacent Walk Area; and

WHEREAS the Board of Trustees is the proper body to act as lead agency for purposes of SEQRA in this matter; it is therefore

RESOLVED that the Board of Trustees hereby:

1. Adopts lead agency status for purposes of SEQRA regarding the abandonment and sale of the Adjacent Walk Area subject to an easement, determines that the abandonment and sale of the Adjacent Walk Area is an unlisted action for purposes of SEQRA that will not have a significant negative impact on the environment and that therefore a negative declaration is adopted for purposes of SEQRA; and

2. Abandons the fee title to the Adjacent Walk Area subject to the Village retaining an easement on and under the Adjacent Walk Area conditioned on the closing of the sale of that property interest subject to an easement as designated herein; and

3. Awards the bid to and accepts the offer of SNHCO, LLC in the amount of \$200,000.00 to purchase the fee title to the Adjacent Walk Area subject to a permanent easement for the Village of Saltaire on and under the Adjacent Walk Area plus other design and permitting conditions, and authorizes and directs the Mayor, Clerk and Village Attorney to execute and complete any steps that are necessary for the sale and transfer of fee title to SNHCO, LLC subject to the specified easement in favor of the Village.

The motion was seconded by Trustee O'Brien, and the motion carried pursuant to the following vote.

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Against: None

Abstain: None

Recused: Trustee Chefetz, Trustee Oppenheimer

DISCUSSION OF AUTHORIZING A PROPERTY TRANSFER TAX

Mayor Zaccaro stated that he would prefer that the discussion of a possible transfer tax be held over until next meeting so it can be discussed in context with a possible Village-wide reassessment. After all having a chance to be heard, Trustee Oppenheimer made a motion to table the discussion until the next meeting. The motion was seconded by Trustee Chefetz and on call the motion was carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Chefetz

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

Abstain: None

Against: None

AUTHORIZATION TO RETAIN A GRANT CONSULTANT

Village Administrator Posillico stated that the Federal Emergency Management Agency (FEMA) has announced funding availability under its Building Resilient Infrastructure and Communities (BRIC) and Hazard Mitigation Grant Program (HMGP) programs. He stated that both programs are possible funding sources for projects listed in the Village's Hazard Mitigation Plan. He stated that the application process has many layers and recommended assistance from a grant consultant to maximize the project opportunities and chances for success. He stated that he solicited a proposal from Vissering Consultants, an experienced consultant in these grant programs areas, at a rate of \$125 an hour for services to assist with project development and timely submission of Letters of Intent. After discussion and all having a chance to be heard, Trustee Chefetz made a motion to authorize the Village Administrator to retain the service of Vissering Consultants at their submitted hourly rates, for a total fee not to exceed \$5,000.00 for submission of Notices of Intent under either the BRIC or HMGP grant programs. The motion was seconded by Trustee Wolf and on call the motion was 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

APPROVAL OF MINUTES

Draft copies of the minutes of the Board of Trustees meeting of August 28, 2021 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 Oppenheimer and on call it was carried according to the following action:

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

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. 5A in the amount of \$97,815.87

After discussion and opportunity for questions, Trustee Wolf made a motion that the above-listed abstract(s) be approved as presented and that the Mayor be authorized to execute the warrant(s). 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 Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

CLOSE OF MEETING

After all having had a chance to be heard and there being no further business before the Board, Trustee Chefetz made a motion at 7:46 p.m. to close the meeting and to hold the next Board of Trustees meeting according to the following schedule:

- To be determined subsequent to the close of the meeting based on Trustee availability.
[Clerk's Note: Meeting subsequently scheduled for November 9, 2021 to be conducted remotely.]

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

Motion: Trustee Chefetz

Second: Trustee O'Brien

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

Abstain: None

Against: None